

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/0553	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Demolition of existing garage and erection of a self-build detached house.		
Site:	The Croft, Holtye Road, East Grinstead, West Sussex, RH19 3QF, , ,		
Validation Date	21 Jan 2025	Overall Expiry Date:	19 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	20 May 2025
Target Date:	18 Mar 2025	Recommending Officer Signature:	<i>Andrew Watt</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	20 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/0553

**The Croft, Holtye Road, East Grinstead, West Sussex, RH19 3QF, ,
Demolition of existing garage and erection of a self-build detached house.
Mr Jeremy Miles**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The proposed amendments do not address the concerns previously raised in respect of the impact of the proposal on the setting and special interest of Fairlight Farm. The proposal is therefore in my opinion contrary to District Plan Policy DP34. In terms of the NPPF the proposal will result in less than substantial harm at the low-mid range of that scale (a slight reduction in harm compared to the original proposal based on the amended facing material), such that paragraph 215 will apply.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Street Naming and Numbering Officer

Informative requested.

WSCC Highways

No objection, subject to conditions.

West Sussex Fire & Rescue Service

1 hydrant requested.

Southern Water

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

TOWN / PARISH COUNCIL OBSERVATIONS

The Council would like to reiterate the previous comments made on application DM/24/0553, on the 4 April 2024. The Committee would note that highways had raised no objections even though Mid Sussex members had RAG reported this as Amber "due to concerns with the visibility at the existing access onto Holtye Road."

INTRODUCTION

Full planning permission is sought for the demolition of the existing detached garage and erection of a self-build detached house in its place.

RELEVANT PLANNING HISTORY

In August 1984, planning permission was granted for a double garage and alterations (GR/148/84).

In February 2001, planning permission was refused for the demolition of existing double garage and proposed new double garage, proposed new two storey and single storey extensions to house and proposed future stables (01/00062/FUL).

In October 2001, planning permission was granted for the demolition of existing double garage and proposed new double garage, proposed new two storey and single storey extensions to house and proposed future stables (01/01664/FUL).

SITE AND SURROUNDINGS

The site is a 2-storey detached dwelling with detached double garage set within a good sized plot and amongst a cluster of farm buildings and dwellings. This group of buildings is located via a surfaced farm track some 0.6km south of Holtye Road. This track is designated as a public right of way (EAG/5EG/1).

The site is located within the countryside and within the High Weald Area of Outstanding Natural Beauty. It is located within the 7km buffer zone of the Ashdown Forest. It is also designated as a Great Crested Newt Impact Risk Zone (Green). A Grade II listed building is located to the south-west (Fairlight Farm).

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing detached garage and erection of a self-build detached house in its place.

The new dwelling will be sited immediately north of the existing house approximately 2.5m away. The southern part of the new dwelling will be sited some 2m further forward from the nearest point of The Croft and 5m further back. The northern part will project some 4.5m further forward and 6.5m further back. Maximum dimensions will be approximately 13.5m in width and 17.6m in depth and 8.1m in height.

The elevations will be of a contemporary form and design, with 2 asymmetric roofs of differing heights separated by a valley. The gable ends will be sited to the front and rear, with the front elevation consisting of a workshop window, entrance door/sidelight and window on the ground floor and large window and feature staircase window on the first floor. The northern flank will have 2 ground floor windows (one floor-to-ceiling) and 3 first floor windows. The southern flank will have a door and window on the ground floor and 5 rooflights above and integrated solar thermal PV panel, with an additional rooflight within the central valley together with a full-depth integrated solar thermal PV panel. The rear elevation will be almost fully glazed, set within deep walls and eaves, with glazed balconies at first floor level. Materials will be Forterra Hampton Rural Blend stock facing bricks and black aluminium windows and doors beneath a natural slate tiled roof.

2 car parking spaces will be provided in front of the proposed dwelling. A new L-shaped boundary will be installed to separate the new dwelling from the existing, and the existing parking repositioned immediately to the front of The Croft.

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.

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

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP15: New Homes in the Countryside
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP22: Rights of Way and other Recreational Routes
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP34: Listed Buildings and Other Heritage Assets
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage
Policy DP42: Water Infrastructure and the Water Environment

Site Allocations DPD

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

There are no relevant policies.

East Grinstead Neighbourhood Plan (Nov 2016)

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies:

Policy EG1: Protection of the High Weald AONB
Policy EG2: Areas of Development Constraint
Policy EG3: Promoting Good Design
Policy EG4: Designated and Non Designated Heritage Assets
Policy EG5: Housing
Policy EG11: Mitigating Highway Impact
Policy EG12: Car Parking
Policy EG16: Ashdown Forest SAC and SPA

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

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

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPC2: Preventing Coalescence
DPC3: New Homes in the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPB2: Listed Buildings and Other Heritage Assets
DPT1: Placemaking and Connectivity
DPT2: Rights of Way and Other Recreational Routes
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the BUA
DPH6: Self and Custom Build Housing
DPH11: Dwelling Space Standards
DPH12: Accessibility
DPI7: Water and Wastewater Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG11: Respond to the existing townscape, heritage assets and historic landscape
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight
Principle DG48: Design to minimise the impact of noise, air and light pollution

Waste Storage and Collection Guidance for New Developments (May 2015)

National Planning Policy Framework (NPPF) (Dec 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.

In addition, paragraphs 56 and 57 (planning conditions), 63 (housing need), 73 (promoting development of a good mix of housing sites), 84 (new homes in the countryside), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 105 (public rights of way), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 131 and 135 (design), 136 (trees), 139 (design guidance), 161 (transition to net zero by 2050), 163 (planning for climate change), 166, 167 and 168 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 189 (National Parks and National Landscapes), 193 (biodiversity and ancient woodland), 194, 195 (habitats sites), 198 (noise and light pollution) and 202-221 (heritage assets) are also considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government considers 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: Nationally Described Space Standard (Mar 2015)

High Weald AONB Management Plan 2024-2029 (2024)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

High Weald Housing Design Guide (Nov 2019)

High Weald Guidance on the selection and use of colour in development (Sep 2017)

High Weald National Landscape Planning Technical Advice Note: Dark Skies in the High Weald (Jul 2024)

This provides guidance on lighting proposals affecting the protected landscape and as a supporting document to the High Weald AONB Management Plan, it is a material consideration in planning matters.

West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)

ASSESSMENT

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

- Principle
- Design and Impact on the character and appearance of the area
- Impact on the setting of the Listed Building;
- Impact on the AONB;
- Impact on Residential Amenity
- Highways
- Flood Risk and Drainage
- Sustainability
- Impact on trees
- Biodiversity Net Gain
- Ashdown Forest
- Housing Standards
- Accessibility
- Other Matters
- Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of East Grinstead as defined by the District Plan. As such the site is located within the defined Countryside.

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

Policy DP6 of the District Plan states in part that:

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

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

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

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

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

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

There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to maintain the quality of the rural and landscape character, as demonstrated in the design sub-section, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless:*
 - i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats;

designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75% of) the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

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

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

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

Policy EG2 of the East Grinstead Neighbourhood Plan is similar in intent. It states (in part):

'Planning permission will normally be granted for the sympathetic conversion of redundant rural buildings, limited small-scale new development and extensions to existing buildings within the Countryside Areas of Development Constraint provided they comply with the following criteria:

- (1) In the case of replacement dwellings, the proposal is no more obtrusive than the dwelling it replaces and is of an appropriate design for its location and setting;*
- (2) In the case of extensions, the proposal is subservient in scale and form to the original dwelling along with the coherent use of materials;*
- (3) In the case of converted buildings, the new use has minimal impact on the openness of the countryside, in terms of the new curtilage, and parking; in the case of outdoor sport, recreation and community uses of land, the proposals support the objective of keeping land open;*
- (4) The proposal comprises essential small-scale proposals for agricultural or sport and recreation such as pavilions and changing rooms; or*
- (5) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.'*

This policy can be given substantial weight. While the site is located within an Area of Development Restraint as identified within the Neighbourhood Plan, the wording of Policy EG2 applies a presumption in favour of certain types of development in the areas of development constraint, namely: the sympathetic conversion of redundant rural buildings, limited small-scale new development (agriculture and sports/recreation) and extensions to existing buildings. The policy does not apply to proposals not falling within those specified types of development. At best, it might be said that Policy EG2 provides no support for the proposal; but equally, it does not weigh against the proposal.

Policy EG5 of the Neighbourhood Plan states:

'The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.

Other proposals for new housing development will only be supported if:

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*
- f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM);*
and
- g) The proposal meets its own infrastructure needs.*

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.'

This policy can be given limited weight for applications outside the defined built-up area boundary, such as this. Policy EG5 is not compliant with Policy DP6 of the District Plan in respect of development proposed outside the built up area boundary, as it supports in principle, subject to a number of criteria, development anywhere within the Neighbourhood Plan area. The policy criteria themselves are acceptable, but it is the overall principle of allowing development anywhere which conflicts with Policy DP6. This policy also conflicts with Policy DP12 of the District Plan.

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

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

Design and visual impact on the character of the area

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

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or*

- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The application is not necessary for the purposes of agriculture but is supported by Policy DP26 of the Mid Sussex District Plan, which states (in part):

Policy DP26 of the Mid Sussex District Plan 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 EG3 of the Neighbourhood Plan is similar and states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design.

The scale of the proposed dwelling will be substantial. The footprint and height will be larger than the host dwelling (8.1m in height compared to 6.7m for The Croft) with a noticeably greater depth and similar width. The uncompromisingly modern appearance, particularly the roof form, its use of slate materials, and extensive areas of glazing, will accentuate this impact. The modest spacing between the properties will result in the property appearing cramped on its plot to the front, out of keeping with the rural character of the area, where properties are set within more generous plots and at greater distances from each other. With the removal of the double garage to the host dwelling, the proposal will result in vehicles parked externally to the front of both properties.

It is therefore considered that the proposal would be harmful to the rural character and appearance of the area, contrary to Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF.

Impact on the setting of the Listed Building

Fairlight Farm, to the south-west, is designated as a heritage asset, a Grade II listed building.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP34 of the Mid Sussex District Plan states (in part):

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Policy EG4 of the Neighbourhood Plan states:

'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'

Design Principle 11 of the Mid Sussex Design Guide SPD seeks to ensure that heritage assets are enhanced and preserved where appropriate.

Paragraphs 207, 208, 210, 212 and 215 of the NPPF are relevant, as follows:

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment

record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Council's Conservation Officer has made two sets of comments, as follows:

Original comments

'The application site, The Croft, is a modern detached house located in a rural position outside East Grinstead. The current proposal relates to a detached garage to the north of the house, and is for its demolition and replacement with a new dwelling.

The Croft is located a short distance to the north east of Fairlight Farm, which is a Grade II listed late 16th century former farmhouse, and is within its setting. The farmstead associated with the farmhouse appears, from historical map regression, to have been located to the north of the house, arranged in a linear form along the track leading to the house from Holtye Road to the north. Map regression suggests that some of the former farm buildings dating from the 19th or early 20th century may survive. Fairlight Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment.

A public right of way runs north to south from Holtye Road following the line of the entrance track, before splitting to two pathways running on southwards to either side of the farmhouse.

Although the application is not accompanied by a detailed heritage statement, I would consider it likely, based on the limited information in front of us, that Fairlight Farmhouse would be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a Sussex farmhouse of its period, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. It is also likely to have group value with the surviving historical farm buildings to the north.

As such the surviving rural setting of the listed building makes a strong positive contribution to its special interest and how this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values. Although there are a small number of dwellings within the area of the former farmstead to the north of Fairlight Farm- some conversions and some new buildings in place of the previously existing farm buildings, as well as dwellings associated with Upper Fairlight Farm,

which seems to have replaced Fairlight Farm as the functioning farmholding during the 20th century- the setting remains predominantly rural.

The application site is in close proximity to the listed building, and is a prominent part of the approach to it along the adjacent entrance track and PROW. Although direct intervisibility between the site and the listed building is limited by the planted screening around the farmhouse, the relatively open and verdant nature of the northern part of the site makes a limited positive contribution to the character of the setting of Fairlight Farm, and in particular the character of the approach to it from the north.

As above, the current proposal is for demolition of the existing garage to the north of The Croft and construction of a new dwelling.

Firstly I would note that the proposed site plan shows an attenuation tank, soak away and treatment plant to serve the new dwelling, to the east of the Croft. We do not appear to have any details of these features, which makes it impossible to assess their potential impact on the character of this part of the listed building's setting. I would suggest that detailed information including as appropriate plans, elevations and sections, to show these aspects of the proposal should be provided.

The existing garage building is not of any particular age or interest and makes at best a neutral contribution to the setting of the listed building. Its demolition is not considered contentious in principle.

The principle of a new dwelling on the site is however in my opinion contentious. Although, as above, the setting of Fairlight Farm contains, within the area of the former farmstead, a small number of dwellings, the area retains a predominantly rural character which contributes positively to the manner in which the special interest of the listed building is appreciated. The proposed new dwelling, which is substantial in scale (both height and footprint), would be positioned close to The Croft and to Fairlight Bungalow opposite, resulting in an intensification of development close to the front entrance to Fairlight Farm, and creating an almost suburban character, which would be intensified by the unsympathetic design of the new house. Notwithstanding the comments in the submitted Planning Statement, the house does not appear to respond in any noticeable way to the context, in form, detailed design or facing and roofing materials. Areas of particular concern would include:

- The scale of the building- its footprint within the limited plot, and its height in relation to the Croft;*
- The proportions and scale of the fenestration;*
- The inclusion of an integral garage, which is a suburban feature; and*
- The use of materials including grey brick and slate which do not reflect the vernacular palette.*

For these reasons the proposal is considered to be harmful to the setting and special interest of Fairlight Farm. This will be contrary to District Plan Policy DP34. In terms of the NPPF the proposal will result in less than substantial harm at the mid range of that scale, such that paragraph 208 will apply.'

Revised comments

'The application has been revised to show the integral garage to the house converted to a workshop, with new parking introduced to the frontage of The Croft, the facing brick to the house amended, and a heritage statement submitted.

In respect of the amendments to the proposal, the removal of the integral garage is a positive step, but this benefit is reduced as the doors have been replaced by a further window of the same proportions and scale of the others shown, which as previously mentioned are not sympathetic to the context. The choice of facing brick has also been revised, and is now more appropriate; however the slate roof is retained. The footprint, scale, form and detailed design of the proposed new house otherwise remain as previously shown, and remain contentious for the reasons previously given.

The proposed new car parking to the frontage of the Croft will have a further negative impact on the setting of the farmhouse through the introduction of a parking area directly opposite the entrance to the listed building's grounds, further detracting from the surviving rural character of the approach to it.

Therefore the proposed amendments do not address the concerns previously raised in respect of the impact of the proposal on the setting and special interest of Fairlight Farm. I have read and considered the submitted Heritage Statement, however this does not alter my conclusions in this respect. I note the point made regarding the planted screening by conifers to the frontage of the listed building's grounds, however this formed part of my original assessment of the impact of the works (see below). Such screening may also of course prove ephemeral, and cannot be relied upon to prevent intervisibility of the site and the listed building in the longer term. The proposal is therefore in my opinion contrary to District Plan Policy DP34. In terms of the NPPF the proposal will result in less than substantial harm at the low-mid range of that scale (a slight reduction in harm compared to the original proposal based on the amended facing material), such that paragraph 215 will apply.'

These views are supported.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

It is therefore necessary to consider whether according to Para 215 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would provide for 1 new dwelling in the area. This will make a minor but positive contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build for this self-build dwelling and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these public benefits would be limited. It is therefore considered the adverse impacts to the setting of the listed building would significantly and demonstrably outweigh the benefits of the scheme (even when given considerable importance and weight in accordance with S66(1) of the 1990 Act).

Taken together with the issues identified in the preceding section, it is also considered that the proposal would fail to comply with Policy DP34 of the Mid Sussex District Plan, Policy EG4 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF, specifically paragraph 215.

Impact on the High Weald AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act 2000 (CRoW Act) which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act 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*'. The Levelling-up and Regeneration Act (2023) amended Section 85 of the CRoW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs*'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the Mid Sussex District Plan 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:

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*

- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- 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.'

Policy EG1 of the East Grinstead Neighbourhood Plan states:

'Within the High Weald Area of Outstanding Natural Beauty planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF.

Planning permission for other forms of development will be granted where the proposals are for the:

- (i) Conversion of redundant buildings;*
- (ii) Replacement, on a like for like basis, of existing buildings; or*
- (iii) Extension of an existing dwelling house, relate to agricultural development or some other minor recreational use;*

Provided that for each of the above (i, ii and iii) all of the following criteria are met:

The highest standards of Design are achieved;
The natural and scenic beauty of the landscape is conserved or enhanced;
The proposals do not result in an obtrusive feature in the landscape.

The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.'

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated areas.'

The site is located within a group of buildings, and within an existing residential garden, so would be viewed in context with existing built forms. It would not be a development that would be isolated in the landscape. However, the detailed design (as set out above) would not be sympathetic to the visual quality of the Area of Outstanding Natural Beauty (notably the extent of glazing and the materials of the roof) and therefore the above policies and guidance would not be met.

Impact on neighbouring amenity

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

'All applicants will be required to demonstrate that development:

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

Although the East Grinstead Neighbourhood Plan requires development not to harm adjoining amenity, the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: 'policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.' As the Mid Sussex District Plan is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

The main properties affected by the proposal would be the host dwelling at The Croft, and Fairlight Bungalow, opposite the site to the west.

The proposed dwelling would be situated approximately 2.5m from the side elevation of The Croft. Although it would have 4 rooflights in the nearest roof slope, there are no upper floor windows in the side elevation of The Croft facing the site, so with the proposed boundary wall separating the two, there would be no direct overlooking possible between the properties.

The proposed development would be sited a minimum distance of approximately 12.5m from the front elevation of Fairlight Bungalow at its nearest point. There is a window directly facing the site, which would be approximately 13.8m from the nearest proposed window. However, as this would be a front-to-front relationship, and the window is currently overlooked (slightly obliquely) by existing windows at The Croft, it is not considered that this would be an overbearing relationship that would result in any significant loss of privacy to these occupants.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways matters

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

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Policy EG11 of the Neighbourhood Plan states:

'Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:

*Be supported by an appropriate assessment of the impact of the proposal on the highway network. Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements
Include access arrangements that are appropriately designed and include adequate visibility splays.'*

Policy EG12 of the Neighbourhood Plan states:

'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.

In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.'

The Highway Authority has made two comments in reviewing the scheme, as follows:

Original comments:

Summary

The Local Highways Authority (LHA) has been consulted on the above planning application for the demolition of the existing garage at The Croft, Holtye Road, East Grinstead and erection of a self-build detached house. The proposal has been flagged by a local member on the Mid Sussex RAGs report as an amber, to consider visibility at the existing junction onto the publicly maintained highway, Holtye Road. To fully consider this matter, the LHA conducted a site visit on 16 April 2024.

Access

Vehicular access to the publicly maintained network takes place at the existing adjoining junction with Holtye Road. An inspection of data supplied to WSCC by Sussex Police over the period of the past five years reveals that there have been two recorded accidents/injuries recorded within close proximity of the junction, however these were not attributed to an existing issue with the access or use of such. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The private access lane is also recorded as Public Right of Way (PRoW) footpath no. 3dEG.

Site Visit

During the site visit it was observed by the LHA that visibility from the private access track onto Holtye Road was restricted in the leading direction to the East. Vehicle speeds along Holtye Road appeared as being within the posted 30mph speed limit in both directions. Although visibility does not meet the required Manual for Streets standards to the east, the LHA considers that the proposal would not generate a severe material increase in vehicular movements over that potentially already generated by residents of The Croft and other residential units served via this access.

The WSCC Highways Boundary team has been consulted regarding the location of the highway boundary on this eastern verge/bank. It has been identified that the highway boundary in this location is an average of 1.2 metres back from the edge of the carriageway. The maintenance of this verge may assist in achievable visibility. I have made our Area Highways Engineer aware of the matter.

The Local Highways Authority follow the National Planning Policy Framework (NPPF) with regard to making decisions on all new planning proposals. Paragraph 115 of the NPPF states that;

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In terms of severity, the proposal is not anticipated to generate a severe material increase in vehicular movements onto the Publicly Maintained Highway. The access has functioned for some time with no registered collisions or personal injury claims to flag an existing concern. Therefore, an objection could not be substantiated based upon the available evidence. Furthermore, should any objection to this proposal be later appealed there may not be sufficient evidence to support such a stance, the proposal therefore would be difficult to resist at appeal.

Parking

The WSCC Parking Demand Calculator (PDC) has outlined that a dwelling of this size in this location would generate the requirement for 3 parking spaces. The application form states that 2 parking spaces are being provided to serve the proposal. There appears space fronting the property for 2 vehicles to park and turn to egress the site in a forward gear. Additional parking could be accommodated through the use of tandem parking should additional be generated. The LHA advises that this parking provision is conditioned alongside any permission of this proposal. The garage provided does not meet WSCC specifications for a double garage, therefore would be considered a single parking provision, secure and covered cycle parking could be accommodated within this space.

Sustainability

The site is located in an area that is remote from local facilities, it is considered that there would be a dependency on the use of a car for a number of journeys. It is possible that cycle parking can be accommodated within the associated garage to offer an alternative to the use of a car. Although the site and surrounding areas do not benefit from an established local cycle network, the low speeds in the area enables cycling to be a viable alternative for shorter journeys. Holtye Road is served with linked and lit pedestrian footways leading to East Grinstead. Bus services operate further west along Holtye Road which offer services to Lingfield Station and Oxted School.

Conclusion

The LHA are required to consider the merits of the application as submitted. Comments made in this report relate to the development proposed, as set out above. Any further applications on the site would be considered on their own merits at the time of submission.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the proposal.

Revised comment:

The revised plans show an update to the design and materials for the proposal. The number of bedrooms, means of access and parking and turning layout have not been affected by these changes. The applicant has outlined there will be an access track formed alongside the property to access the paddock to the rear of the property, this will be constructed from geocell sub base.

The comments made by the Local Highways Authority on 23/04/2024 still apply for this most recent version of the proposal, including all previously advised conditions and informative.

Thus the Highway Authority has raised no objection to the application in terms of the usage and safety of the existing access, intensification of use, parking provision and on-site turning. However, it is acknowledged that 'the site is located in an area that is remote from local facilities, [so] it is considered that there would be a dependency on the use of a car for a number of journeys.'

The site is located approximately 620m from Holtye Road, via an access track, which is also a public right of way. It is unlit by street lighting. On Holtye Road there is street lighting and a footpath on the southern side; however, this part of East Grinstead is sparsely served by local services - other than a hospital (with coffee shop and café) on Holtye Road a further 1.1km away and a shop and takeaways on Holtye Avenue approximately 1km from the track entrance. Therefore the nearest services are approximately 1.6km from the application site. Future occupants would therefore be reliant on the use of private cars for the majority of trips to access day-to-day services.

It is therefore considered that the site is not a suitable one for this proposed use, and would accordingly fail to comply with Policy DP21 in the Mid Sussex District Plan, Policy EG12 of the East Grinstead Neighbourhood Plan and NPPF guidance.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

The Council's Drainage consultant has made comments, as follows:

Flood Risk Information

The Planning Practice Guidance for Flood Risk and Coastal Change requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the National Planning Policy Framework. This means that surface water flood risk extents should be considered comparable to

flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

Annual exceedance	Flood Zone	Surface Water Flood Risk
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

Application specific comment

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.
Sewers on Site.

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

Surface Water Drainage Information

Surface water drainage will ultimately need to be designed to meet the latest national and local planning and drainage policies and guidance. The drainage system will need to consider climate change, the allowances for which should be based on the climate change guidance from the Environment Agency at the time of detailed design.

Detailed drainage design should consider the impact a flooded outfall could have on the proposed drainage system.

The recommendation for a drainage condition to be utilised for an application does not preclude the need for updated calculations or alterations to a drainage strategy. Recommendation for a drainage condition shows that the Flood Risk and Drainage Team are of the opinion that the development has shown that, in principle, drainage could successfully be provided on the site.

Application specific comment

The BGS infiltration potential map shows the site to be in an area with moderate infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site subject to appropriate design. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will attenuate surface water within a below ground tank before discharging it into a soakaway. This approach is likely to be acceptable, subject to appropriate design and infiltration rates.

Information into our general requirements for detailed surface water drainage design is included within our 'General Drainage Information Guide'.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

Foul Water Drainage

It is proposed that the development will utilise a package treatment plant with treated effluent discharged to an adjacent watercourse. This is considered acceptable in principle and subject to detailed design.

Information into our general requirements for detailed foul water drainage design is included within our 'General Drainage Information Guide'.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design. We would also advise the applicant to review the Environment Agency's General Binding Rules for package treatment works which has recently been updated.

Condition Recommendations

C18D - Single dwelling/unit

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

Having regard to the above, there is no reason not to accept the drainage officers comments and as such, the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

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

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

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

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

The proposal sets out the following sustainability measures:

- Air source heat pump
- Mechanical Ventilation Heat Recovery system

The submitted Sustainability Statement is therefore considered acceptable in meeting the terms of the above policies and guidance, subject to a suitably worded condition. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

Having regard for all the above, and given the context of the application, it is considered that the application complies with Policies DP26 and DP39 of the Mid Sussex District Plan, the Design Guide SPD and paragraphs 161, 162, 164 and 166 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states (in part):

'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:

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

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 floor plan notes that the 'existing mature hedge reduced in size' and proposes a 'new track formed to access rear paddock constructed from Geocell sub base'. Given the height, depth and maturity of the coniferous hedge on this northern boundary and the nature of the new track, details of how the hedge will ultimately be impacted both during construction and following completion will need to be provided. This, and details of the loss of the existing section of frontage vegetation, could be secured by conditions of any planning permission, to comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold (i.e. self-build), meaning that this development is exempt from providing biodiversity net gain.

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

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

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

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received 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 10-year 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.

Whilst the applicants have agreed that they would be prepared to make a financial contribution towards the SAMM and SANG Strategies, on the basis that officers are not intending to support the application on other grounds, the mitigation cannot be secured. On this basis a reason for refusal based on harm to the Ashdown Forest is required. In the event of an appeal, the local planning authority will withdraw this reason for refusal once an appropriate legal agreement has been secured.

Natural England has been consulted on the appropriate assessment of this proposed development and has made the following comments:

'DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Ashdown Forest Special Area of Conservation (SAC). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.'

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. 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.

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

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

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

The proposed dwelling would comfortably exceed the standard of 124 sq m for a 4-bed, 8-person dwelling. Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Green). Therefore, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

West Sussex Fire and Rescue Service has requested 1 fire hydrant be provided. This can be secured by condition of any planning permission, in accordance with Policy DP42 of the Mid Sussex 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 East Grinstead Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP27, DP28, DP37, DP38, DP41 and DP42.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under Policies DP4, DP6, DP12 and DP15 of the District Plan and Neighbourhood Plan Policy EG2.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.'*

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

On the positive side, the provision of 1 new dwelling on the site will make a minor but positive contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build for this self-build dwelling and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.

On the negative side, the site is unsustainably located to local and community services, so residents will be reliant on the car and alternative modes of transport are unlikely to be a viable option. The report has also identified that the proposed development would be harmful to the rural character of the area, the High Weald AONB and the setting of a listed building, which are not outweighed by public benefits. There would be harm caused to the Ashdown Forest SPA and SAC, as no mitigation has been secured.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking and drainage.

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

Overall the planning balance is considered to fall significantly in favour of refusing planning permission, being contrary to Policies DP4, DP6, DP12, DP15, DP16, DP17, DP21, DP26 and DP34 of the Mid Sussex District Plan, Policies EG1, EG2, EG3, EG4, EG5, EG12 and EG16 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework.

Decision: Refusal

Case Officer: Andrew Watt

