

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3108	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Proposed 5 pitch site for settled gypsy accommodation including vehicular access, each containing mobile home, utility building and parking spaces.		
Site:	Moonshine Meadows, Land At Grid Reference 528715 121501, Cuckfield Road, Ansty, West Sussex, , ,		
Validation Date	7 Apr 2026	Overall Expiry Date:	29 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	2 Jun 2026
Target Date:	2 Jun 2026	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	14
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Signed and Agreed By:	Stephen Ashdown	Date:	2 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3108

Moonshine Meadows, Land At Grid Reference 528715 121501, Cuckfield Road, Ansty, West Sussex, ,

Proposed 5 pitch site for settled gypsy accommodation including vehicular access, each containing mobile home, utility building and parking spaces.

Mr Keith Deighton

SUMMARY OF REPRESENTATIONS

19 letters of objection:

- Unsuitable site for proposed use
- Not allocated for a gypsy settlement
- Out of keeping with character of rural area
- Design of utility buildings unclear
- No access to local amenities or public transport
- Poor visibility and dangerous road to pedestrians, cyclists and sometimes cars and sheep/cattle
- Increased traffic
- No mains drainage and no location for septic tanks
- Flood risk
- Noise and light pollution
- In vicinity of pond supporting sensitive species and habitats
- Ecological damage, including to trees

SUMMARY OF CONSULTEES

MSDC Consultant Ecologist

No objection, subject to conditions.

MSDC Drainage Engineer

Limited information has been submitted on the proposed management of surface and foul water at the site. Therefore, the information submitted does not meet the minimum requirements for this stage of planning.

MSDC Planning Policy

Advice.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection, subject to condition.

WSCC Highways

No objection.

NatureSpace Partnership - West Sussex Newt Officer

Should you be minded to approve planning for the above application there are mandatory conditions and informatives within the Certificate (on page 2) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.

Southern Water

Advice.

TOWN / PARISH COUNCIL OBSERVATIONS

The Parish Council would like this application to be called into Committee rather than decided at officer level. The committee recommends that MSDC should refuse the application, it is contrary to the following:

- o Hurst C1 Conserving and enhancing character
- o Hurst H5 Design and Layout
- o DP15 New homes in the Countryside
- o DP41 Flood risk and drainage
- o DP26 Character and Design
- o DP12 Protection and Enhancement of the countryside
- o DP21 Transport
- o DP29 Noise, Air and Light Pollution
- o DP33 Gypsies, Travellers and Travelling Show people
- o DP37 Trees Woodland and Hedgerow
- o DP38 Biodiversity
- o DG38 Architectural approach
- o DG37 Sustainable Buildings

We also add the following:

- o There is no mains drainage in the area and no provision for a septic tanks.
- o Unsustainable Site: no access to public transport or local shops and healthcare.
- o Plans submitted are inaccurate and includes land owned by someone else.
- o Over development of the site, with 5 static plots, 5 utility buildings plus 2 parking spaces per plot including hardstanding that could accommodate additional static caravans
- o No proven need for this type of accommodation in this area and is out of character with surrounding properties.
- o This location is not appropriate for this type of accommodation.
- o The road quality is poor, there are no footpaths, streetlights or cyclepaths available for alternative and sustainable modes of transport.
- o The field and area is prone to flooding, therefore 5 static plots with hardstanding will increase the runoff into surrounding properties.
- o Impact on the Site of Special Scientific Interest (SSSI) opposite (Pond Lye): potential indirect effects from increased recreational pressure, traffic, noise, air quality, drainage, and changes to water quality, with insufficient evidence that the development would avoid harm or provide appropriate mitigation.
- o The previous application for three dwellings under ref DM/22/3864 was refused.

INTRODUCTION

Full planning permission is sought for a proposed 5 pitch site for settled gypsy accommodation including vehicular access, each containing mobile home, utility building and parking spaces.

RELEVANT PLANNING HISTORY

In April 2021, retrospective planning permission was granted for to create a crossover from the public highway to access a privately owned meadow. Construction of French drainage system, and further construction of a wooden crossover over the ditch to allow access/passage of light agricultural vehicles (DM/20/1277).

In April 2024, planning permission was refused for the construction of 3 x chalet bungalow style detached dwellings with detached / attached oak framed carports and associated parking (DM/22/3864). The reasons for refusal stated:

1. The site lies within the countryside where the principle of new dwellings is contrary to the development plan. No special justification exists for these dwellings. The Council can demonstrate a 5 year supply of deliverable housing, and as such the balance to be applied in this case is a non-tilted one. The proposal is therefore considered contrary to Policies DP12 and DP15 of the Mid Sussex District Plan and Policies HurstC1 and HurstH1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan. In addition, the proposal is contrary to Policy DP6 of the Mid Sussex District Plan as the proposal is not contiguous with the existing built-up area boundaries of any settlements. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policies DP6, DP12 and DP15 of the Mid Sussex District Plan, Policies HurstC1 and HurstH1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and the provisions of the NPPF.

2. The proposal would represent new dwellings in the countryside, where occupants would be reliant on the use of a private car to gain access to local services. The site is not a sustainable location for new dwellings and the proposal fails to accord with Policy DP21 in the Mid Sussex District Plan and NPPF guidance.

3. No ecological information has been provided for the site. Given the proximity of several ponds which could support of breeding population of great crested newts, there is not enough information to mitigate or rule out any potential impacts to great crested newts and/or their habitat from the proposed development. Therefore the proposal would be contrary to Policy DP38 of the Mid Sussex District Plan and Chapter 15 of the NPPF.

An appeal against non-determination was lodged for a planning application for a proposed 5-pitch site for settled gypsy accommodation including vehicular access, each containing mobile home, utility building and parking spaces (DM/24/2175). The appeal was dismissed in June 2025 (AP/25/0022). The Inspector concluded that: *'Taken as a whole, the adverse impacts of the proposal, in respect of harms to protected species, health and longevity of trees, and the suitability of the proposed location, significantly and demonstrably outweigh the benefits of the proposal.'*

SITE AND SURROUNDINGS

The site is an open field used as paddock approximately 0.35ha in size lying to the west of Cuckfield Road between Ansty and Hurstpierpoint. Previously accessed via the residential property to the south at Pond Lye, a new opening has been created within the hedgerow which borders the land to the east to Cuckfield Road. The land remains in use as paddock and there is an L-shaped building to the far north-west. To the north is Leigh Cottage; to the south is Pond Lye Barn. A ditch which runs alongside the eastern edge of the land. There is a paddock to the west. Opposite is a fishing pond (Pond Lye), designated as a Local Wildlife Site.

The site lies in a wider rural area characterised by large residential dwellings set in substantial plots with open fields between. A large number of accesses open onto the Cuckfield Road with the street scene remaining predominately rural with hedges and high trees.

The site is located within the countryside and is also designated as a Great Crested Zone Impact Risk Zone (Red). A very small part of the site at the far south-east corner is at risk of surface water flooding (climate change) and more than half the frontage to the north-east is within the 20m inland watercourse buffer.

APPLICATION DETAILS

Full planning permission is sought for a proposed 5-pitch site for settled gypsy accommodation including vehicular access, each containing mobile home, utility building and parking spaces. It is virtually the same as the previously refused scheme.

In detail, the existing access (located centrally to the site frontage) will be utilised. This will be extended westwards, terminating in a turning head. The 5 pitches will be arranged around this: 2 to the front, the mobile homes sited perpendicular to the road; and 3 to the rear, parallel with the road. 10 parking spaces will be provided off the access road and utility buildings within each plot.

The mobile homes will provide 2 bedrooms, a bathroom, kitchen, living room and cupboard and will measure 12.1m in width by 6.1m in depth with dual pitched roofs and facing materials of timber and dark metal roofing sheets plus brick upstand beneath; the utility buildings 5m by 5m with dual pitched roofs, and the parking spaces 2.4m in width by 4.8m in length.

The accompanying Planning, Design and Access Statement advises that each pitch will have a permeable hardstanding area to provide space for parking (including an area for a touring caravan) and turning area. The mobile homes will be sited over a permeable base bricked up under the perimeter to assist in insulating the mobile home. Each mobile home will retain its axles and wheels but these will be concealed by the brick surround. The low pitched roof will be of dark colouring. The hardstanding and access shall be constructed in a permeable 20mm pea shingle road planings material over a hardcore base.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

- *The provisions of the development plan, so far as material to the application,*
- *Any local finance considerations, so far as material to the application, and*
- *Any other material considerations.'*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common 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 DP12: Protection and Enhancement of Countryside
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP29: Noise, Air and Light Pollution
Policy DP33: Gypsies, Travellers and Travelling Showpeople
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
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.

Hurstpierpoint and Sayers Common Neighbourhood Plan (Mar 2015)

Mid Sussex District Council formally 'made' the Hurstpierpoint and Sayers Common Neighbourhood Plan part of the Local Development Plan for the Parish of Hurstpierpoint and Sayers Common as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Hurstpierpoint and Sayers Common.

Relevant policies:

Policy HurstC1: Conserving and Enhancing Character

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

Other Material Considerations

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

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

Relevant policies:

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
DPN6: Pollution
DPN8: Light Impacts and Dark Skies
DPN10: Land Stability and Contaminated Land
DPC1: Protection and Enhancement of the Countryside
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH5: Gypsies, Travellers and Travelling Showpeople
DPH7: Housing Mix

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 DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG22: Integrate refuse and recycling into the design of new development
Principle DG23: Integrate sub-stations, utilities and pump stations into the design
Principle DG24: Plan for cyclists
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 DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG48: Design to minimise the impact of noise, air and light pollution

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 (delivering a sufficient supply of homes for different groups in the community), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 109 (promoting sustainable transport), 115, 116 and 117 (highways matters), 131 and 135 (design), 136 (trees), 161 (transition to net zero by 2050), 163 (planning for climate change), 166 (sustainability), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland), 196 and 197 (land instability and contamination) and 198 (noise and light pollution) are also considered to be relevant to this application.

ASSESSMENT

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

- o Principle
- o Design and impact on the character and appearance of the area
- o Impact on residential amenity
- o Highways
- o Flood risk and drainage
- o Land contamination
- o Impact on trees
- o Ecology
- o Biodiversity Net Gain
- o Ashdown Forest
- o Other matters
- o Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls outside any built-up area, 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 DP33 of the District Plan states:

'The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031.'

The Assessment identifies the need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031 and does not identify any need to provide sites for Travelling Showpeople who no longer travel.

To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for:

o the allocation of pitches within the strategic allocation to the north and north-west of Burgess Hill or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP9: Strategic Allocation to the north and north-west of Burgess Hill refers);

o the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP10: Strategic Allocation to the east of Pease Pottage refers);

o the allocation of pitches within the strategic allocation to the north of Clayton Mills, Hassocks; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP11: Strategic Allocation to the north of Clayton Mills, Hassocks refers); and

o the provision of such pitches on strategic sites (Policy DP30: Housing Mix refers). The Council is progressing a Traveller Sites Allocations Development Plan Document to allocate further sites over the Plan period as required.

The provision of permanent accommodation to meet the changing needs of current and future Gypsy and Traveller and Travelling Showperson households will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester. Levels of unauthorised encampments in Mid Sussex by Gypsies and Travellers and Travelling Showpeople will be monitored over the plan period to identify any additional requirement for such provision.

Existing Traveller sites will be safeguarded for Gypsy and Traveller use at:

- o Fairplace Hill Caravan Site, Burgess Hill*
- o Bedelands Caravan Site, Burgess Hill*
- o Horsgate Caravan Site, Cuckfield*
- o Walstead Caravan Site, near Lindfield*
- o Highfields, near Warninglid*
- o Pitts Head (Woodside Park), near Warninglid*
- o Marigold Farm Caravan Site, near Ansty*

Planning permission will not be granted for an alternative use on a safeguarded site unless an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location) whilst there remains a need for such sites as evidenced by the Gypsy and Traveller Accommodation Assessment or the best available evidence.

Any new or extensions to existing Gypsy and Traveller or Travelling Showpeople sites granted permanent planning permission shall also be safeguarded for such use.

New Gypsy, Traveller and Travelling Showpeople sites, and extensions to existing sites, including transit sites, will be permitted provided:

- o The site or extension satisfies a clearly defined need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;*
- o The site is reasonably accessible to schools, shops, health and other local services and community facilities;*
- o The development is appropriately located and designed to/ or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;*
- o The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;*
- o In rural and semi-rural areas sites should not dominate the nearest settled community;*
- o Any site within the 7km zone of influence around Ashdown Forest will require an appropriate assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required (Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) refers); and*
- o In the case of proposals within the High Weald AONB, Policy DP16: High Weald Area of Outstanding Natural Beauty will apply.*

The determination of planning applications for new sites or extensions to sites providing accommodation for settled Gypsy and Traveller and Travelling Showpeople use will be considered under the relevant District Plan policies.'

Assessment of the proposal against the criteria listed above is as follows:

Need

The Council's Planning Policy team has made the following comments:

'Development Plan

The Development Plan comprises of the adopted 2018 Mid Sussex District Plan 2014-2031, currently under review, and the Site Allocations Development Plan Document (Site Allocations DPD) adopted June 2022. The site falls within the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) area which was 'made' on 19 March 2015.

Below are the Development Plan policies considered key to the consideration of the application proposal.

2018 Mid Sussex District Plan (2014 - 2031)

Principle of Development

The site is outside of the built-up area boundary as shown on the Policies Maps, Policies DP6: Settlement Hierarchy, DP12: Protection and Enhancement of Countryside and DP15: New Homes in the Countryside of the 2018 District Plan (the Plan) are therefore relevant.

Policy DP33: Gypsies, Traveller and Travelling Showpeople sets out the relevant criteria for the provision of new sites and extensions to existing sites, as well as identifying the safeguarding of existing sites. Both National Planning Policy for Traveller Sites (PPTS) and Policy DP33 recognise that sites can be located in rural and semi-rural locations providing certain policy criteria are met.

Gypsy and Traveller Accommodation Need and Provision

The accommodation needs for Gypsies, Travellers and Travelling Showpeople in the district is assessed through the Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) Update (2024). The GTAA has been prepared in line with national policy and provides a robust assessment of current and likely future need. It is considered the most up-to-date evidence of need.

DP33: Gypsies, Travellers and Travelling Showpeople

The acceptability of the proposed development should be considered against the criteria set out in Policy DP33 and PPTS, broadly grouped below.

Need - The 2024 GTAA identifies a need for 21 net permanent pitches (five for households that meet the definition, 12 for households that do not meet the definition and four for undetermined households). The GTAA suggests a minimum of three pitches to be delivered within the first five-year period (2024-2028). The Council's existing commitments are currently expected to be delivered post year 5. Therefore, the Council is currently unable to demonstrate a five-year supply of pitches.

Location and scale - The site is outside the High Weald National Landscape (HWNL) and the Ashdown Forest 7km zone of influence. The site is outside the built-up area boundary. Consideration should be given to whether the scale of the development would dominate the nearest settled community. The site is adjacent to residential properties to the north and south; these are considered compatible neighbouring uses. The proposed development should ensure that potential impacts are minimised on the adjacent properties and countryside.

Accessibility - The site is approximately 1.9km from Ansty, a category 3 settlement (small village) with limited services. Burgess Hill, approximately 4.7km southeast of the site, has a good range of services and facilities including retail, education, health, employment opportunities and public transport links to London and Brighton. Accessibility to these services is likely to be car dependent. A limited bus service (number 89) operates through Ansty between Horsham and Haywards Heath. A second bus service (number 100), approximately 1.2km south of the site, operates between Horsham and Burgess Hill. Neither bus stops can be accessed via a formal pavement from the site.

Onsite provisions - The site is approximately 3,370sqm. The proposed site plan and Planning Statement suggest each of the five pitches would accommodate a two bedroom mobile home, two parking spaces (including area for a touring caravan), turning area, amenity area and utility block. It is noted that the access is to be built in accordance with approved plans associated with a new crossover for light agricultural vehicles to access the fields. The decision maker should be satisfied that the necessary infrastructure can be accommodated to serve the proposed development.

Hurstpierpoint and Sayers Common Neighbourhood Plan ('made' March 2015)

The Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) area which was 'made' on 19 March 2015. Since then, the 2018 District Plan has been adopted. If there is conflict between non-strategic policies in the District Plan and ASNP, the District Plan takes precedence.

Countryside HurstC1: Conserving and enhancing character - this policy allows for development in the countryside where certain criteria are met.'

The Applicant proposes a "five-pitch site for settled gypsy accommodation" and indicates this is for an "outstanding general need". While the general need is not quantified or evidenced, and the Council can continue to rely on its 2024 GTAA, the Planning Inspector confirmed that: 'There is a significant shortfall in the supply of deliverable pitches against the five-year requirement. I have identified no alternative sources of supply beyond those sites with existing planning status. Within this context, the proposal would provide five pitches which would be deemed deliverable within five years, as per the PPTS' definition6. This would be equivalent to 50% of the total five-year requirement, and therefore the proposal would make a substantial contribution toward the supply of pitches.'

Accessibility

As set out in the Highways section below, the site is not considered to be reasonably accessible to schools, shops, health and other local services and community facilities.

Living accommodation

It is considered that the development can provide good quality living accommodation for residents without detrimental impact on the health and well-being of the residents.

Compatible land uses

It is considered that the site is compatible with neighbouring residential land uses and the Local Wildlife Site opposite.

Impact on nearest settled community

It is not considered that 5 pitches would dominate the local community.

Therefore the proposal does not comply with Policy DP33. 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 development of the site for this use. 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 DP12 and DP33.

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.'*

Paragraph 28 of the PPTS (Dec 2024) states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the NPPF apply.

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.

Policy DP33 of the District Plan (Gypsies, Travellers and Travelling Showpeople) is relevant to this application and can be given full weight in the determination of this scheme as it is consistent with paragraph 63 of the NPPF.

Policy DP12 of the District Plan (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 HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan can be given full weight.

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

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

Design and impact on the character and appearance 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.'*

Policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan is similar in intent:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*

In the South Downs National Park, policy HurstC2 will take precedent.'

The application is not necessary for the purposes of agriculture but is supported by Policy DP26 of the Mid Sussex District Plan, which 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.'*

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

The site layout shows a usage of the existing access, located centrally to the front of the site, and extended inwards and terminating to a wide turning head with parking spaces either side. Three pitches will be laid out to the west of this and two perpendicular to the road frontage. The site is well screened to the front by mature vegetation, so the development would be visible only at the point of access. The pitches are relatively spacious, providing the necessary infrastructure, and allowing good separation between the homes, with landscaping proposed to the boundaries. It is therefore considered that the development would be in compliance with the above policies and guidance.

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)'*

Policy DP29 states (in part):

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Light pollution:

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes.'*

Design Principle DG48 of the Mid Sussex Design Guide states:

'Noise disturbance and air/light pollution can be reduced through careful design including the following measures:

- *Orientating or organising buildings so that the principal habitable rooms and sitting-out areas face away from the source of the pollution;*
- *Incorporating design features such as recessed balconies and acoustic lobbies;*
- *Constructing barriers such as garages or walls between the source of the pollution and dwellings;*
- *Using landscape features (including trees and earth mounding) to absorb noise/air pollution and deflect light; and*
- *Avoiding parking where it will create noise and headlight nuisance from vehicle movements.'*

The main properties affected by the proposal would be Leigh Cottage to the north and Pond Lye Barn to the south. There is a fence and evergreen hedging along the boundary to Leigh Cottage, plus some trees, whilst there is a 1.8m high close boarded fence along the boundary to Pond Lye Barn.

Given that the proposal will entail the provision of mobile homes, which will be single-storey, it is not considered that it will result in any loss of privacy to the occupants of the neighbouring properties or be overbearing. The communal nature of the development, including the access, could give rise to lighting, which could be detrimental to the rural character of this area (plus wildlife), so a condition could be imposed on any planning permission to secure these details.

Accordingly, the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

Highways

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.'

The Highway Authority has raised no objection to the application in terms of the usage and safety of the existing access, parking provision and on-site turning. While both the National Planning Policy for Traveller Sites (PPTS) (Dec 2024) and Policy DP33 of the District Plan acknowledge that such sites may be located in rural or semi-rural areas, and - in the case of the latter - requires them to be 'reasonably accessible to schools, shops, health and other local services and community facilities', para 26 of the PPTS states:

'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.'

The site is remote from existing settlements at Hurstpierpoint, Burgess Hill and Ansty and therefore future occupants would be reliant on the use of private cars for the majority of trips to access day-to-day services. They would not be able to easily access the petrol station shop in Ansty by foot, given a lack of footpaths and street lighting on this busy road, which is subject to the national speed limit.

The Inspector agreed with this point in para 12 of his decision, stating: *'Even accepting that Gypsy and Traveller sites may need to be located in rural areas, future occupants would be dependent on use of private motor vehicles to meet their day-to-day needs. In the absence of travel choice, the site would not be reasonably accessible to the range of services identified by Policy DP33, and therefore the proposal would conflict with the policy.'*

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 and NPPF and PPTS 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 stated that *'limited information has been submitted on the proposed management of surface and foul water at the site. Therefore, the information submitted does not meet the minimum requirements for this stage of planning.'*

Given that drainage and flood risk did not form a reason for refusal previously, or was considered negatively by the Planning Inspector, the Drainage consultant was asked to justify the reasoning for requesting this information - comments were as follows:

'Having reviewed the current submission, the key difference between application DM/25/3108 and the earlier applications/appeal is that the applicant has not submitted any technical flood risk or drainage information in support of the current application, whereas supporting drainage information had previously been provided.

In addition, application DM/25/3108 was received on 03 December 2025 and was not validated until 07 April 2026. As such, the application falls within the scope of the updated MSDC Flood Risk and Drainage Information Checklist (Application Stage), adopted in November 2025, together with the associated updated local guidance documents:

<https://www.midsussex.gov.uk/planning-building/flood-risk-and-drainage-for-planning/>

The current MSDC guidance requires applicants to provide sufficient information at application stage to demonstrate that flood risk and drainage can be appropriately managed in principle. This includes information relating to surface water and foul water drainage, site constraints, drainage hierarchy considerations, and flood risk where relevant.

Therefore, the level of information previously submitted under earlier applications would not automatically be considered sufficient for the current application, particularly where no updated drainage or flood risk information has been submitted alongside the proposal.

Alongside this, the Environment Agency released updated National Flood Risk Assessment (NaFRA2) mapping and updated Risk of Flooding from Surface Water (RoFSW) mapping in early 2025, including revised methodologies and climate change datasets. These updates represent a material change in the flood risk evidence base used in planning decisions.

In addition, the Defra National Standards for Sustainable Drainage Systems (SuDS) were updated in June 2025 and now form part of MSDC's adopted technical expectations for drainage design submissions.

As set out within the MSDC Flood Risk and Drainage Information Checklist, the level of detail provided should be proportionate to the scale and complexity of the proposed development.

We hope the above helps clarify the reasoning behind our request for further information.'

In summary, the applicant was asked to supply this information and merely provided a Flood Risk Assessment supplied for the previous application, which was not prepared by a Drainage Engineer and was not updated to reflect the current Environment Agency mapping. The agent did not respond to further requests for information within the target time period and did not agree an extension of time to determine this application, and so this the proposal would not comply with Policy DP41 of the Mid Sussex District Plan.

Land contamination

Paragraphs 196 and 197 of the NPPF state:

'196. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

197. *Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*

The NPPF Glossary defines Site investigation information as:

'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites - Code of Practice).'

The Council's Contaminated Land Officer made comments for the previous application and had not found any evidence or information that suggested the land may be contaminated, though cautioned that there may still be potential risks or hazards associated with the land that is not apparent. Nonetheless, there is no need to impose any conditions on any planning permission and there would be no conflict with the above guidance.

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 council's Tree Officer has raised no objection to the proposal and hence, subject to a landscaping condition to adhere to the Arboricultural Impact Assessment and Tree Protection Plan, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Ecology

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

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

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

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

The Council's Ecological consultant has reviewed the Preliminary Ecological Assessment and Ecological Enhancement and Management and Tree Protection Plan and raises no objection to the scheme. There is no need for further Bat surveys to be carried out. Protection of mobile protected species, including Hedgehog, can be secured by condition. Therefore it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). Accordingly the District Licensing Officer (Great Crested Newts) - West Sussex has advised that: *'Should you be minded to approve planning for the above application there are mandatory conditions and informatives within the Certificate (on page 2) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.'*

The applicant has not applied for the District License at the time of the appeal hearing, and consequently the Inspector could not be satisfied that any condition could be imposed that such a license would be issued.

However, the applicant has now rectified this matter by way of submitting the license (dated 6 November 2025) and if the Council was otherwise minded to approve this proposal, then conditions could be imposed on any permission. Even though the Council is not supporting the application on other grounds, there is no conflict with the above legislation, policy and guidance.

Biodiversity Net Gain

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

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

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

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

In addition, the Council's Ecological consultant has reviewed and supports the submitted Biodiversity Net Gain Assessment, BNG Condition Assessment Sheets and the Statutory Biodiversity Metric. As a result, it is recommended that further conditions are imposed on any planning permission to secure the Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP) and Biodiversity Enhancement Layout. This would ensure compliance with the biodiversity legislation, policy and guidance highlighted above.

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 screening report 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.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Comments were previously made by West Sussex Fire and Rescue Service in relation to water and vehicle access. It is considered that this can be secured by condition of any planning permission if the Council was otherwise minded to support the application.

In relation to refuse storage, again, this could otherwise be secured by condition of any planning permission.

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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP17, DP26, DP29, DP37, DP38 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 DP12 and DP33 of the District Plan. There is also conflict with Policy DP41 of the District Plan.

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

As the Council is currently unable to demonstrate a five year supply of gypsy sites (as at 1 April 2025), 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 benefits of the scheme would be to provide 5 settled gypsy pitches, and the increased population likely to spend in the community. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity should be given positive weight in the planning balance. However, the weight to be attached to 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 to meet their daily needs and alternative modes of transport are unlikely to be a viable option due to there being no footpaths or street lighting along this 60mph road. Additionally, no information has been submitted to demonstrate that the proposal would not result in flood risk to future and existing residents.

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

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

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

Overall the planning balance is considered to fall significantly in favour of refusing planning permission, being contrary to Policies DP21, DP33 and DP41 of the Mid Sussex District Plan.

Decision: Refusal

Case Officer: Andrew Watt