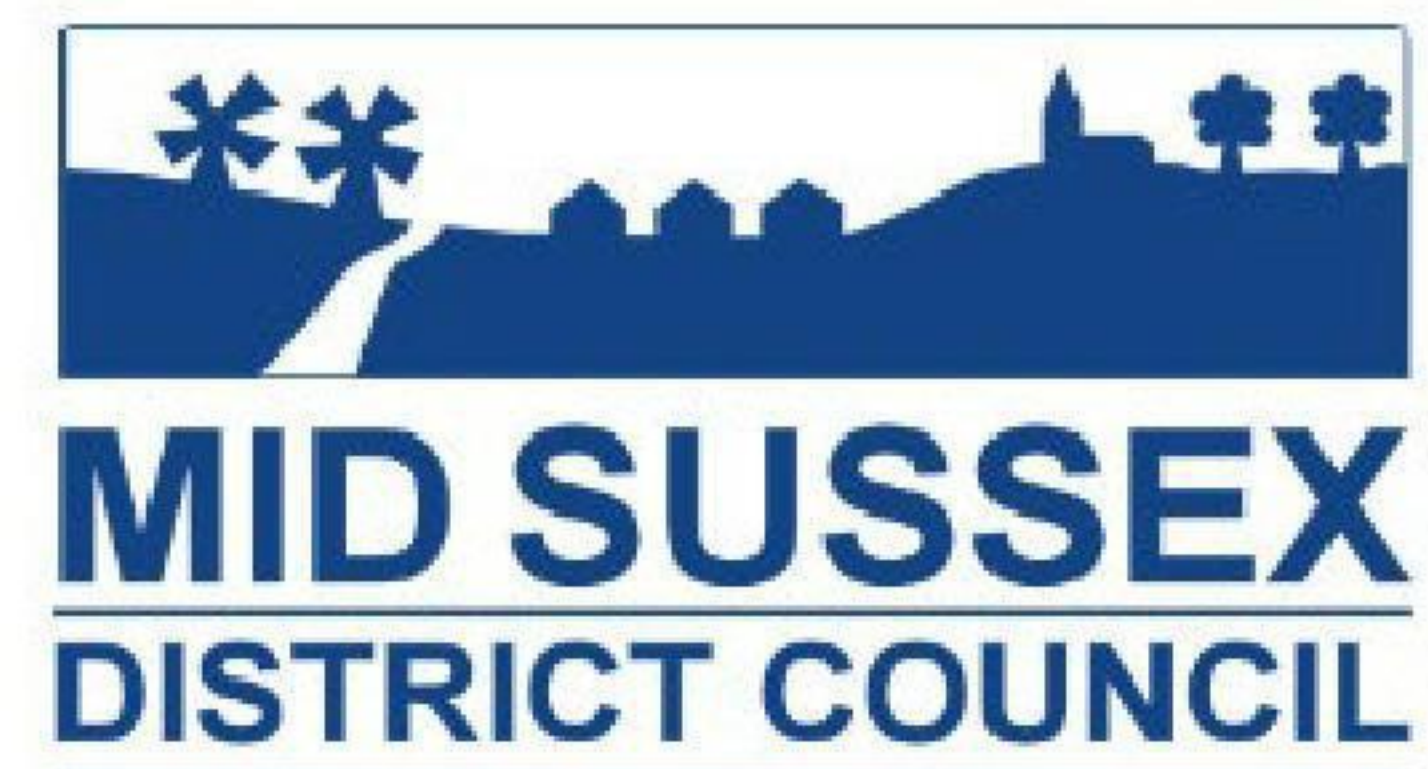


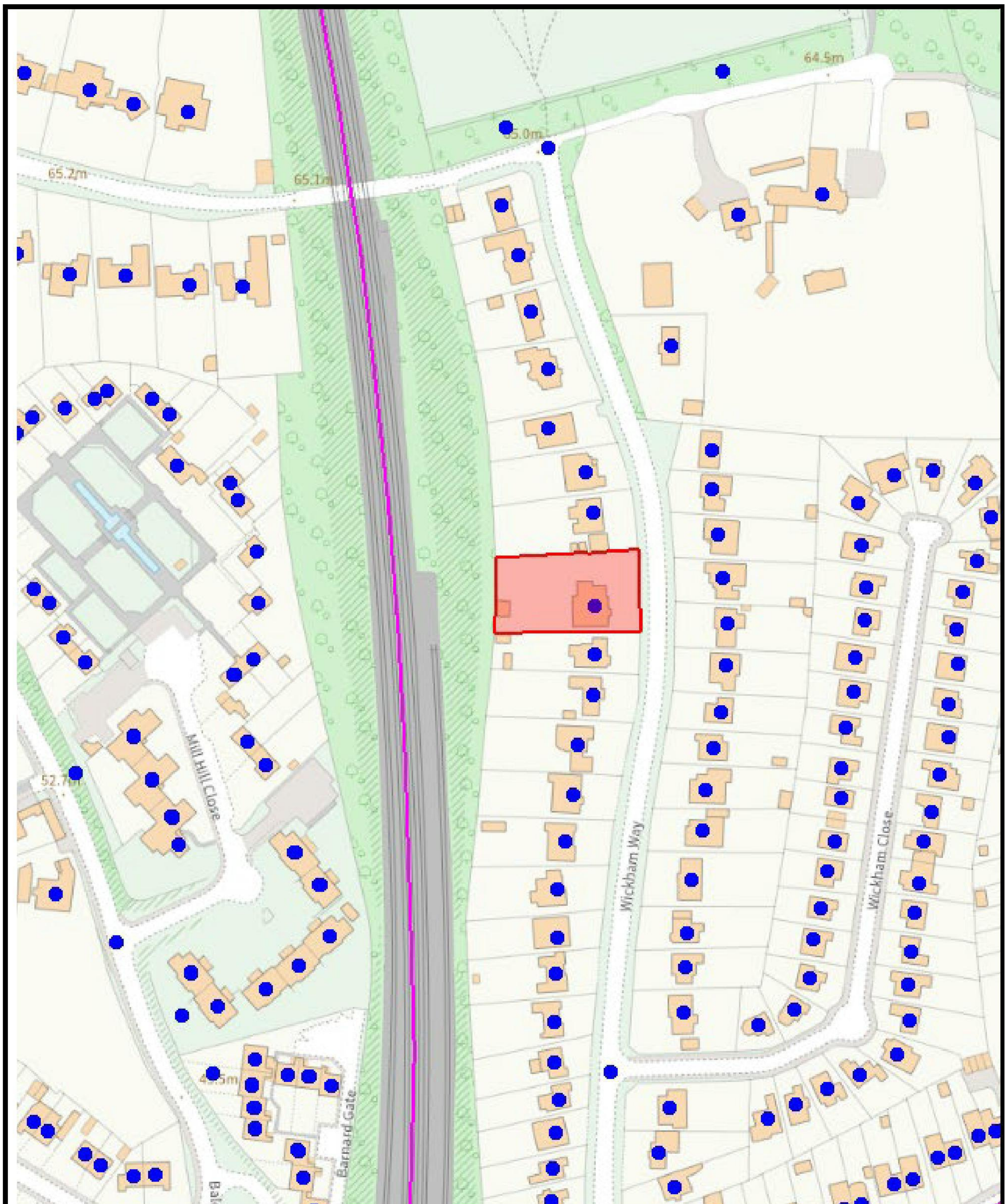
Planning Committee



Recommended for Permission

13th August 2026

DM/25/2884



Site:	Land Adj. To 48 Wickham Way Haywards Heath West Sussex RH16 1UQ
Proposal:	Erection of a dwelling house on land adj to 48 Wickham Way including solar panels to the roof
Applicant:	Mr And Mrs S Dowds
Category:	Minor Dwellings
Target Date:	17th August 2026
Parish:	Haywards Heath
Ward Members:	Cllr Anne-Marie Cooke / Cllr Cavan Wood /
Case Officer:	Stefan Galyas

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T5IDP8KT04L00>

1.0 Purpose of the Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks planning permission for the development of a new detached two storey, four bedroom dwelling at the land to the north of 48 Wickham Way, Haywards Heath.
- 2.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 2.3 For the reasons set out within the assessment section, it is considered that the application complies with MSDP policies DP4, DP5, DP6, DP17, DP26, DP27, DP28, DP29, DP30, DP37 DP38, DP39, DP41 and DP42 and Policies E7, E9, E13 and H8 of the HHNP.
- 2.4 The proposal would not be in complete compliance with policy DP21 of the MSDP and Policy T3 of the HHNP due to the loss of off-road car parking spaces serving the existing property at No.48. However, the deficit in parking spaces could reasonably be accommodated along the roadside. Furthermore, no highways objection has been raised

from the Local Highways Authority (LHA), nor have any fundamental highway safety concerns been outlined.

- 2.5 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.
- 2.6 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.
- 2.7 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:

Benefits

- The construction of the development will provide local jobs and employment opportunities, which is a positive economic impact.
- Socially, the provision of a new dwelling will bring about positive impacts to the local community.
- From an environmental view, the proposed development is sustainably located within close proximity to facilities, services and public transport. In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.

Neutral Impacts

- The proposal would result in a neutral impact with regard to design, residential amenity, drainage, ecology, trees and the impact on the Ashdown Forest.

Harms

- With regards to the proposals highways impact, the development would result in some spill over roadside parking as a result of the deficit in demonstrable allocated parking spaces on site.
- 2.8 While the proposal partially conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing one dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 2.9 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.10 In light of all the above, it is considered that the proposed development would comply with the development plan when read as a whole and it is your Officer's recommendation that permission should be granted.
- 2.11 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A

4.0 Summary of Representations

- 4.1 A total of 29 letters of representation received in response to various iterations of the scheme, including the submission of further drainage and arboricultural information. All 29 letters sought to either object or raise the following concerns to the proposal:
- The existing dwelling at No.48 not being served by any parking which would exacerbate the roadside parking issues in the locality.
 - The proposal constituting overdevelopment.
 - The scheme not reflecting existing separation distances.
 - An unacceptable visual impact resulting from the removal of the two mature trees.
 - The site address being incorrect as the land is adjacent to No.52.
 - Part of the land for the proposed driveway not being within the ownership of the Applicant. An overshadowing and overlooking impact being incurred as a result of the development towards No.52 and its garden.
 - The proposed materials being out of character with the streetscene.
 - The proposed Air Source Heat Pump potentially resulting in noise disturbance.
 - Wickham Way being a privately owned road and in a poor condition with construction traffic potentially worsening the roads condition.
 - No Construction Management Plan having been submitted as part of the application.
 - The proposal potentially resulting in an unacceptable impact with regards to drainage.
 - The site notice not having been erected in the correct position regarding the land to which it relates.
 - A connection being required to the main water supply beneath the private road with no services plan having been submitted.
 - The construction creating an unacceptable hazard for existing residents walking down the street.
 - The proposal potentially disturbing protected badgers in the locality.
 - The Drainage information submitted by the Applicant being incorrect and containing various discrepancies.
 - The incorrect application form having been filled out as Certificate B should have been served to other landowners.

5.0 Summary of Consultees

- 5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

Local Highway Authority:

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

MSDC Flood Risk and Drainage:

No objection. Recommends a condition.

MSDC Trees Officer:

No objection subject to a condition.

Environmental Health Officer:

I can now recommend that a condition is applied to any permission granted, which requires the ASHP to be installed in accordance with the information contained within the submitted MSC 020 calculation.

Network Rail:

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

Naturespace District Licensing:

We are satisfied that if this development were to go ahead it would be unlikely to have an impact on great crested newts or their habitats. There are 2 isolated ponds within 250m of the site with the closest being 108m away. The on-site habitat appears to be within the vegetated garden of the adjacent dwelling and unsuitable for great crested newts. Therefore, it is considered very unlikely that this development will have any impacts and disproportionate to request further information from the applicant in relation to great crested newts. We therefore have no further comments to make at this time. If the proposal changes, then please seek further advice from us if necessary.

6.0 Haywards Heath Town Council Observations

- 6.1 The Town Council objects to this application, noting that the submission is fragmented and lacks the necessary documentation required for proper consideration. Specifically, the Council highlights the following policy conflicts:

Design and Character: In the absence of street scene images, the Council cannot consider if the proposal is "sympathetic to local character and history" or if it maintains a "strong sense of place," as required by NPPF Paragraph 135. Without this evidence, the Council is concerned that the development represents an inappropriate increase in housing density that would negatively impact the existing street scene.

Biodiversity and Trees: The Council notes the proposed removal of several mature trees. NPPF Paragraph 136 states that "trees make a critical contribution to the character and enjoyment of the urban environment" and that councils should ensure that "existing trees are retained wherever possible." We therefore request a formal opinion from the Mid Sussex District Council Tree Officer and a full tree report to justify this loss. (It should be noted that the Tree Officer report was not available online when the Planning Committee

considered this application).

Parking and Highway Safety: The Council seeks clarification on resident parking and the potential reduction of existing provision for 48 Wickham Way. This is vital to ensure the development provides adequate parking, both for the existing and proposed properties. It is noted that the proposed property is a 4-bedroom house and should therefore have provision for 2.5/3 parking spaces.

Therefore, the Town Council wishes to reiterate its comments submitted on 15/12/2025. Without clear documentation and arboricultural evidence, the Council remains concerned about the cumulative impact of housing density, which has been a historic issue for this site.

7.0 Introduction

- 7.1 The application seeks planning permission for the development of a two storey, four-bedroom dwelling.

8.0 Relevant Planning History

- 8.1 HH/006/88 – Outline Application New Four Bedroom House and Garage. Refusal 26.02.1988.

9.0 Site and Surroundings

- 9.1 The application relates to the land parcel to the north adjacent to 48 Wickham Way which is an existing two storey residential dwelling featuring a hipped roof. The existing dwelling is set to the western side of the highway and is positioned away from the highway edge by existing front garden amenity space. There is further garden amenity space positioned to the rear of the property which wraps around to the north of the dwelling, including the land parcel to which the current application relates. The site borders the London to Brighton railway line to the rear with some mature boundary planting set between.
- 9.2 The site is located within the built-up area for Haywards Heath as defined in the Mid Sussex District Plan (MSDP).

10.0 Application Details

- 10.1 The proposal would develop a new four bedroom dwelling to the north of No.48 and would subdivide the existing plot. The new build property would be afforded its own garden amenity space to the rear (west) as well as front driveway access leading off from the highway edge to the front (east). The proposed dwelling would measure at approximately 13.7m in maximum depth, 9.5m wide, 5.9m high to the highest point of the eaves and 9.3m high to the ridge. The proposed dwelling would also include solar panels to the eastern and southern roof slopes. In terms of external materials, the proposed dwelling would be composed of clay multistock brickwork as well as black standing seam metal cladding to the walls, clay plain roof tiles, dark composite windows and dark composite doors. There would also be gravel used to the proposed front driveway.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

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

a) The provisions of the development plan, so far as material to application, and

- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

11.4 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.

11.5 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.

11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).

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

Mid Sussex District Plan (MSDP) 2014-2031

11.8 The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP4: Housing

DP5: Planning to Meet Future Housing Need

DP6: Settlement Hierarchy

DP17: Ashdown Forest SPA and SAC

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP28: Accessibility

DP29: Noise, Air and Light Pollution

DP30: Housing Mix

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

Site Allocations DPD (SADPD)

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan (HHNP)

- 11.11 The Haywards Heath Neighbourhood Plan was made on the 15th December 2016, the relevant policies are considered to be:

Policy E7: Sustainable Drainage Systems

Policy E9: Protection and Reinforcement of Local Character

Policy E13: Private Amenity Space

Policy H8: Windfall Sites

Policy T3: Off-Street Car Parking

Other Material Considerations

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

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

Relevant policies:

PDS1: Climate Change

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN4: Trees, Woodland and Hedgerows

DPN6: Pollution

DPN7: Noise Impacts

DPB1: Character and Design

DPC6: Ashdown Forest SPA and SAC

DPT4: Parking and Electric Vehicle Charing Infrastructure

DPH1: Housing

DPH3: Sustainable Development Inside the Built-Up Area

DPH7: Housing Mix

DPH11: Dwelling Space Standards

DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.13 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

WSCC: Guidance on Parking at New Developments (Sept 2020)

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

National Planning Policy Framework (NPPF) (December 2024)

- 11.14 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.
- 11.15 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.'*
- 11.16 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.
- 11.17 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.'*
- 11.18 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.'

- 11.19 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Design Guide

- 11.20 Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.
- 11.21 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.

12.0 Assessment

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

- Principle
- Impact on Character and Design
- Impact on Neighbouring Amenities
- Trees Impact
- Highways Impact
- Impact on the Future Occupants of the Development
- Flood Risk and Drainage
- Sustainability
- Self Build
- Ashdown Forest
- Other Matters
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

- 12.2 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.
- 12.3 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.
- 12.4 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).
- 12.5 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.
- 12.6 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 or 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.'*
- 12.7 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.
- 12.8 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.9 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.

- 12.10 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).
- 12.11 As the proposed development is within the built up area of Haywards Heath, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the MSDP which states:

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

- 12.12 Policy H8 of the Neighbourhood Plan states that:

'Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- Spacing between buildings would respect the character of the street scene.*
- Gaps which provide views out of the Town to surrounding countryside are maintained.*
- Materials are compatible with the materials of the existing building.*
- The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'*

- 12.13 The principle of developing a single new build dwelling within a defined settlement boundary is considered to be acceptable in principle, owing to the site's sustainable location. It is however also necessary to consider other planning issues in order to undertake the necessary tilted balance assessment outlined above.

Impact on Character and Design

- 12.14 Policy DP26 of the MSDP relates to character and design and 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;*
- *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'*

12.15 Policy E9 of the HHNP states that:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the sites to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.'*

12.16 It is considered that the street scene along Wickham Way is characterised by detached properties set to either side of the road which are set within generous plot sizes. There is some variance throughout the street in property layouts and building forms with further visual variance offered through differing roof pitches. It is considered that there are regular gaps between the properties which help break up the built form throughout the street. Further mature boundary planting and hedgerows offer a more verdant character to the locality.

12.17 The existing plot at No.48 offers a greater gap than other plots throughout the streetscene between Nos. 48 and 52. Whilst this existing space serves some value in breaking up the built form between the two properties, it is considered that this gap is unusually large when compared to the other gaps throughout the street.

12.18 The proposed dwelling would sit in this space between Nos. 48 and 52 and would retain a gap of approximately 1.5m to No. 52 and a gap of circa 2.1m to No.48. This separation distance would slightly decrease moving to the west as the site's boundary tapers inwards. Nevertheless, it is considered that the proposed offsets from the site's boundaries would be sufficient to allow the dwelling to assimilate with the streetscene. Although these gaps would be slightly less than other examples, it is considered that the proposed siting of the dwelling would not appear overly incongruous within the streetscene.

- 12.19 Moreover, the proposed new dwelling would not significantly break an established building line and would be set so that it appears in line with the adjacent neighbouring sites. Accordingly, the proposal would be positioned with a sufficient set back from the roadside verge.
- 12.20 In terms of external materials, the proposed dwelling would be of a relatively contemporary appearance owing to the use of the black metal cladding. Nevertheless, it is considered that the front projecting gable would add some visual interest to the dwelling's principal elevation. It is considered that the use of both the front projecting gable and the dormer would serve to break up the building's frontage and overall massing. The use of the hipped roof design is considered to reflect other dwellings throughout the streetscene and is considered to result in an acceptable visual appearance.
- 12.21 In view of the above, the proposal is considered to comply with Policy DP26 of the MSDP and Policy E9 of the HHNP and would result in an acceptable impact with regard to the character and appearance of the area.

Impact on Neighbouring Amenities

- 12.22 Policy In terms of impact upon neighbouring amenities, Policy DP26 of the District Plan in part seeks to ensure that development:

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

- 12.23 Policy DP29 of the MSDP then relates to noise and light pollution:

'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:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- *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;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes'*

- 12.24 The proposed dwelling would be sited circa 8.4m away from No.52 to the north which features two first floor secondary bedroom windows to the side (south) elevation. There is an existing single storey garage at the neighbouring site set between the proposed dwelling and No.52.
- 12.25 In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "25 degree approach" should be taken whereby a 25 degree line is drawn from the centre of the lowest opposite habitable room. If the neighbouring properties window lies beneath the 25 degrees as measured, then the building will not likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb, and each planning application is assessed based on its own merits.
- 12.26 It is considered that due to the positioning of the existing side windows at first floor level and the offset from the proposed dwelling, the proposed development would pass the 25 degree test when assessed. Accordingly, it is not considered that these windows would experience a significant loss of light in this regard. This is by virtue of the separation distance between the buildings, the elevated position of the neighbouring windows, and the presence of an intervening single-storey garage building.
- 12.27 The proposed development would introduce a new two storey expanse of almost blank brick elevation which would extend beyond the rear of No.52 and the detached garage at the neighbouring site. It is considered that the offset of 1.4m would make an important contribution towards mitigating against an overbearing impact that may be incurred. The single storey rear element of the proposal is considered to be of an overall limited size and scale, therefore it is not considered that this element would give rise to a significant overbearing impact.
- 12.28 A new ground floor window would be added to the proposed dwellings side (northern) elevation which would serve a W.C/ shower. It is considered that this window would face out towards the existing circa 2m closeboard timber boundary fence. Furthermore, the existing garage outbuilding at No.52 does not feature any window openings to its side (southern) elevation. It is therefore not considered the proposed development would result in a significant overlooking impact.
- 12.29 Furthermore the proposed side (southern) elevation would feature a number of window openings, including a landing window as well as a living room window. The side (north) elevation of No.48 has several window openings including two ground floor garage windows, a ground floor secondary dining room window and a first floor bathroom window. It is considered that a condition requiring these proposed side windows to be obscured glazed in perpetuity would be necessary and relevant in the instance that planning permission was granted.
- 12.30 An expanse of flat roof would be proposed to the properties rear elevation which could be accessed through the first floor rear window openings to be used as a balcony area. It is considered that in the interest of protecting neighbouring amenity, a condition ensuring that this space is not used as a balcony would be necessary should permission be granted.

- 12.31 To the side (south) of the dwelling, an air source heat pump (ASHP) would be installed at ground floor level. Further information was provided through MCS020 calculations and the Council's Environmental Health Officer was satisfied that should permission be granted, the details could be covered off through a compliance condition.
- 12.32 Some solar PV panels would be installed on the southern facing roof slopes. It is considered that the topography slopes downwards moving south and that the solar panels would be positioned facing upwards at roof level. Accordingly, it is not considered that the proposed solar panels would result in a glint and glare impact.
- 12.33 Accordingly the proposal is considered to comply with the provisions of policies DP26 and DP29 in terms of neighbouring amenities.

Trees Impact

- 12.34 In relation to new developments impact on trees, policy DP37 of the MSDP states that:

'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'

- 12.35 The Council's Tree Officer has been consulted and responded that the proposed planting, which was revised to include native species, would be appropriate to mitigate against the loss of the trees to the front boundary. No objection was therefore raised towards the loss of these trees despite their maturity and height, and it is considered that were they to be retained, they would likely result in an overshadowing impact towards the living conditions of the proposed dwelling.
- 12.36 It is considered that the proposed development would comply with the provisions of policy DP37 of the MSDP in this regard.

Highways Impact

- 12.37 Policy DP21 of the MSDP states the following with regard to transport:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, 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.'*

12.38 Paragraph 115 of the NPPF states that applications should ensure that sustainable transport modes are prioritised and utilise safe and suitable access to the site amongst other matters. Paragraph 116 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, following mitigation, would be severe taking account all reasonable future scenarios.'*

12.39 Policy T3 of the HHNP states among other matters that development outside of the town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.

12.40 The proposed dwelling would be served by an existing access leading off from Wickham Way to the east. Wickham Way is a private road subject to a 20 mile an hour speed limit.

12.41 The Local Highway Authority (LHA) has been consulted, and the following comments were received:

'This application is for the erection of a dwelling house on land adj to 48 Wickham including solar panels to the roof. The site is located on Wickham Way, a privately

maintained road, as such these comments are considered advice only. The nearest publicly maintained highway is at College Road, an un-classified road subject to a speed limit of 30mph.

The proposal is for a four-bedroom dwelling, which will utilise the existing site access off Wickham Way. The proposed driveway appears to provide sufficient space for at least three parking spaces to be accommodated, in accordance with WSCC guidance. There appears to be sufficient space for vehicles to turn on site and exit onto the public highway in a forward gear.

The site sustainably located within walking distance of Haywards Heath Train station, bus stops and shops and services within Haywards Heath. The applicant proposes secure and covered cycle storage within the existing shed to encourage sustainable transport methods.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'

- 12.42 Further concerns were raised from letters of representation in response to the proposal regarding the existing property at No.48 losing further off-road parking spaces and exacerbating the roadside parking issues. It is considered that No.48 would still retain an offroad parking space which is denoted by light coloured gravelling at the existing site. Nevertheless, the West Sussex County Council Parking Guidance recommends 3 allocated parking spaces for a four-bedroom property.
- 12.43 Accordingly the proposal would result in a deficit of two allocated parking spaces at No.48 by virtue of the subdivision of the plot. It is noted that Wickham Way is a privately maintained road with no parking restrictions nor defined kerb edges. As a result, there is some level of informal roadside parking within the locality. The Applicant has confirmed through correspondence that they have the right to use the road for roadside parking along Wickham Way. It is considered that the shortfall of two parking spaces could reasonably be accommodated as roadside parking within the locality. Furthermore, no objection or concerns have been raised with regard to this point from the LHA nor have any road safety issues been noted.
- 12.44 Whilst the proposed development would largely accord with Policy DP21 of the MSDP and Policy T3 of the HHNP, the shortfall in allocated parking spaces results in only partial compliance with these policies.

Impact on Future Occupiers of the Development

- 12.45 Policy DP27 of the MSDP states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.
- 12.46 A minimum floor area of 124 square meters plus 3.0 square meters of built-in storage is recommended for a two storey, four-bedroom dwelling that can accommodate eight people. The approximate total floor space would meet this requirement, measuring at circa 193 square meters in gross internal floor space.
- 12.47 In terms of outdoor private garden amenity space, Policy E13 of the HHNP states that:
- 'Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s)*

and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.'

12.48 Whilst the site would be largely served by a driveway and parking area to the front, the rear of the site would offer approximately 304 square meters of garden amenity space. This is considered to be ample space and commensurate to the proposed development, thus meeting the needs of the current and future occupiers of the site.

12.49 It is therefore considered that the proposal would comply with the provisions of policy DP27 of the MSDP, Policies H8 and E13 of the HHNP and the Technical Housing Standards.

Flood Risk and Drainage

12.50 Policy DP41 of the MSDP notes that:

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

12.51 In terms of water infrastructure, Policy DP42 of the MSDP states among other matters that:

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;
• *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
• *that there is adequate water supply to serve the development.'*

12.52 Furthermore, Policy E7 of the HHNP states that:

'New development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.'

12.53 The submitted 'Sustainable Drainage Options Appraisal and Strategy' notes that the development would increase the impermeable surface cover on site and proposes to utilise sustainable drainage measures to mitigate against this. At present, the land subject to the application is undeveloped and therefore has no formal surface water system in place. The proposal would make use of permeable paving across the driveway providing on site storage and gradual infiltration. Sub-base storage below permeable surfaces would seek to attenuate flows and mimic greenfield runoff rates. Additionally, a rainwater harvesting system capturing roof water would be utilised. In the instance that infiltration is not feasible, a controlled discharge into the surface water sewer would be used.

12.54 The application has undergone several iterations to address concerns raised by the Drainage Engineer consultant, however, the latest set of information including 'Sustainable Drainage Options Appraisal and Strategy and 6377 PL2 Rev D: Site and Location plan with Roof plan' have been sufficient insofar as to raise no objection. A condition has been recommended requiring details of the proposed foul and surface water drainage and means of disposal as a pre-commencement condition. This has been agreed with by the Applicant prior to the applications determination and this condition is considered to be relevant and necessary towards the granting of any planning permission on site.

- 12.55 It is noted that a number of concerns have been raised by neighbouring properties and third parties in response to the proposed development in terms of existing flooding issues in the locality and the validity of the further drainage information submitted by the Applicant.
- 12.56 It is considered that in light of the specialist Drainage Engineer's comments, the application could not reasonably be resisted on the basis of insufficient drainage information.
- 12.57 Correspondence has been provided from the Applicant to show that South East Water have already been engaged with prior to the applications determination. This correspondence from South East Water confirmed that they are obliged to supply new customers and raised no issues with the applicant in relation to supplying this development. It is considered that the applicant has demonstrated that the proposal will be served by adequate water supply.
- 12.58 In light of the above, the proposal is considered to result in an acceptable Drainage impact and would comply with the provisions of policies DP41 and DP42 of the MSDP and Policy E7 of the HHNP.

Sustainability

- 12.59 Policy DP39 of the MSDP relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

- 12.60 The proposed development proposes to utilise two different renewable energy sources, using both solar panels and an ASHP. It is considered that these measures would help improve the schemes sustainability credentials.
- 12.61 Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the MSDP

Self Build

- 12.62 The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.
- 12.63 The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.
- 12.64 Policy DP30 of the MSDP relates to housing mix and states:
- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
 - *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
 - *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
 - *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council. Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'*
- 12.65 The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development and would help contribute towards the Council's demand for self-build housing in the area. This should be given positive weight in the planning balance.

Ashdown Forest

- 12.66 Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

- 12.67 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.68 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational Disturbance

- 12.69 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.
- 12.70 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.71 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric Pollution

- 12.72 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.
- 12.73 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

- 12.74 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.75 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.76 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

- 12.77 Concerns have been raised by third parties regarding land ownership and whether the correct ownership certificate has been served. The application has been submitted with Certificate A, confirming that the applicant is the owner of all land within the application site edged red. The Local Planning Authority has no reason to dispute the accuracy of the certificate as submitted. The red line plan has been reviewed and is considered to include all land necessary to carry out the development as proposed, including the access and

driveway arrangements shown on the submitted plans. To the extent that neighbouring representations raise matters relating to land ownership boundaries, rights of access, or other legal interests in land, these are private civil matters and do not fall within the remit of the planning system. The grant of planning permission does not override the need for the applicant to obtain any necessary legal rights or consents from third parties prior to commencing development. On this basis, it is considered that the application has been correctly certified and that there is no procedural reason why the Local Planning Authority cannot determine the application.

- 12.78 It was noted that there has been some badger activity within the locality, however the Applicant has stated through correspondence that there are no existing setts on site. An informative regarding the protection of badgers during the construction phase could be appended to any permission that may be granted.
- 12.79 There were further concerns raised in response to the potential noise and impact that construction traffic could have on the locality. Given the modest scale of the proposal, it is not considered that the submission of a Construction Management Plan is necessary. The development is unlikely to result in significant adverse impacts on the local highway network or neighbouring amenity beyond those typically associated with small-scale residential construction, which are adequately controlled through other regulatory regimes. Nevertheless, a condition restricting hours of work is considered to be relevant and necessary should permission be granted.
- 12.80 Concerns were raised with regard to the site notice being erected in the incorrect location in relation to the application site. It is acknowledged that the site notice was positioned on a lamppost on the opposite side of the road. However, this location was used as this was the nearest visible lamppost that was not screened by foliage whereby a clearly visible site notice could be erected that was still within the vicinity of the site. The application has been properly publicised in accordance with the relevant legislation.

Biodiversity Net Gain

- 12.81 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 self-build development which is exempt from providing biodiversity net gain.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with MSDP policies DP4, DP5, DP6, DP17, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39, DP41 and DP42 and Policies E7, E9, E13 and H8 of the HHNP.
- 13.3 The proposal would not be in complete compliance with policy DP21 of the MSDP and Policy T3 of the HHNP due to the loss of off-road car parking spaces serving the existing property at No.48. However, the deficit in parking spaces could reasonably be accommodated along the roadside. Furthermore, no highways objection has been raised from the Local Highways Authority (LHA), nor have any fundamental highway safety concerns been outlined.

- 13.4 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.
- 13.5 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.
- 13.6 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:
- Benefits
- The construction of the development will provide local jobs and employment opportunities, which is a positive economic impact.
 - Socially, the provision of a new dwelling will bring about positive impacts to the local community.
 - From an environmental view, the proposed development is sustainably located within close proximity to facilities, services and public transport. In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.
- Neutral Impacts
- The proposal would result in a neutral impact with regard to design, residential amenity, drainage, ecology, trees and the impact on the Ashdown Forest.
- Harms
- With regards to the proposals highways impact, the development would result in some spill over roadside parking as a result of the deficit in demonstrable allocated parking spaces on site.
- 13.7 While the proposal partially conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing one dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 13.8 The neutral impacts relate to design, residential amenity, drainage, ecology, trees, impact on Ashdown Forest and BNG.
- 13.9 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.10 In light of all the above, it is considered that the proposed development would comply with the development plan when read as a whole and it is your Officer's recommendation that permission should be granted.
- 13.11 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans and application details.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

4. The development hereby permitted shall be carried out in adherence with the documents titled: 'Landscape and Planting Addendum - Revision in Response to Tree Officer Comments' received 22.02.2026.

Reason: To ensure that the existing trees on site will be protected throughout the development process and to accord with Policy DP37 of the Mid Sussex District Plan

5. The Air Source Heat Pump hereby permitted shall be installed in accordance with the information contained within the document titled: 'MCS020 Heat Pump Calculations' received 21.01.2026.

Reason: In the interest of protecting neighbouring amenities and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy H9 of the Haywards Heath Neighbourhood Plan.

6. No development hereby permitted shall 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 Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

7. No construction of the development hereby permitted shall be undertaken on the site on Sunday Bank/Public Holidays or at any time other than between the hours 8 am and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy H9 of the Haywards Heath Neighbourhood Plan.

8. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interest of protecting neighbouring amenities and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan and Policy H9 of the Haywards Heath Neighbourhood Plan.

9. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with DP21 of the Mid Sussex District Plan.

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to

facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g., all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

- 5. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
- 6. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
- 7. The applicant is advised that badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take a badger, or to damage, destroy or obstruct access to a badger sett. If any evidence of badgers or their setts is discovered during the course of development, all works in the vicinity shall cease immediately and advice should be sought from a suitably qualified ecologist and, where necessary, Natural England. Works must not recommence until appropriate measures have been implemented in accordance with the relevant legislation.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other	Solar Panel Specification/ Brochure		24.11.2025
Other	Sustainable Drainage Options Appraisal and Strategy		18.05.2026
Proposed Floor and Elevations Plan	6377 PL1	B	21.01.2026
Location Plan	6377 PL2	D	27.02.2026
Site Plan	6377 PL2	D	27.02.2026
Topographical Survey	6377 PL2	D	27.02.2026

