

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2332	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Erection of a single 3no bedroom dwelling and associated development.		
Site:	Birch Trees Farm, Cuckfield Road, Ansty, Haywards Heath, West Sussex, RH17 5AG, ,		
Validation Date	17 Sep 2025	Overall Expiry Date:	18 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Dec 2025
Target Date:	12 Nov 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	8 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2332

**Birch Trees Farm, Cuckfield Road, Ansty, Haywards Heath, West Sussex, RH17 5AG,
Erection of a single 3no bedroom dwelling and associated development.
Mr And Mrs R And A Upton**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received in respect of this application.

SUMMARY OF CONSULTEES

MSDC Tree Officer

No objection subject to conditions.

MSDC Contaminated Land

Recommend approval subject to conditions.

MSDC Flood Risk and Drainage

No objection subject to conditions.

MSDC Street Name and Numbering

Recommend informative.

Newt Officer

No objection subject to condition and informative.

WSCC Highways

No objection subject to conditions.

WSCC PROW

No objection.

Southern Water

No objection.

PARISH COUNCIL OBSERVATIONS

Ansty and Staplefield Parish Council

No comment.

INTRODUCTION

The application seeks planning permission for the erection of one dwelling at Birch Trees Farm Cuckfield Road Ansty RH17 5AG.

RELEVANT PLANNING HISTORY

DM/25/1453. Erection of a dwelling and associated development. Permission in principle.

SITE AND SURROUNDINGS

The application site is situated within the countryside as defined in the District and Neighbourhood Plans. A Public Right of Way is located to the north of the site.

The application site is an irregular shaped area of land within a larger ownership comprised in Birch Trees Farm. The site includes access to the public highway which is gained via a private single track lane. Most of the site is hardsurfaced and there are trees and vegetation on the boundaries of the site as well as within the site. There is a utilitarian building on the application site.

To the west of the site is a single-storey dwelling, Birch Trees Farm and an agricultural building with Wellingtonia Lodge beyond. To the south is an access and a recently constructed dwelling Meadow View. To the north is an existing access and trees and vegetation on the boundary with the private access. To the east are trees and vegetation and a number of caravan pitches as the wider site is subject to a seasonal touring Caravan Club Certified site.

APPLICATION DETAILS

The application seeks planning permission for the erection of one dwelling at Birch Trees Farm Cuckfield Road Ansty RH17 5AG. The application follows a Permission in Principle application for one dwelling that was permitted under reference DM/25/1453. It should be noted that this is not an application for technical details stage.

The proposed dwelling is a single storey 3-bedroom dwelling which would include a first-floor within the proposed roof space. The dwelling would measure some 12.9 metres in width, 8.0 metres in depth, an eaves height of 2.9 metres and a total height of 7.0 metres. At ground floor level the proposed dwelling will provide a lounge, dining kitchen room, utility, shower room and bedroom. At first-floor level it would consist of two bedrooms and a shower room. It has been shown that the proposed dwelling is to be constructed of bare bricks walls, brown clay roof tiles and uPVC green framed windows and doors. The dwelling would include a front facing porch, two front facing dormer windows, front facing PV panels on the roof and a side facing first-floor Juliet balcony to the east facing elevation.

The proposed dwelling would be sited on the existing gravel surface with the proposed private amenity space located to the east south and west of the dwelling. The proposed parking area and bin store would be located on the existing gravel surface to the west of the dwelling.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP4: Housing
DP6: Settlement hierarchy
DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21: Transport
DP22: Rights of Way and other Recreational Routes
DP26: Character and design
DP27: Dwelling space standards
DP29: Noise, air and light pollution
DP37: Trees, Woodland and Hedgerows
DP38: Ecology
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Site Allocations DPD

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

None relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan

The Ansty, Staplefield and Brook Street Neighbourhood Plan was made in February 2017.

Relevant policies:

AS1 - New housing development

Other Material Considerations

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

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

Relevant policies:

DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPN7: Noise Impacts
DPN10: Land Stability and Contaminated Land
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - outside the BUA
DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

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

National Planning Policy Guidance

National Design Guide

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

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows; (As applicable to the application, add others if relevant)

- o Principle
- o Design and Impact on the character and appearance of the area
- o Highways
- o Trees, Woodland and Hedgerows
- o Ecology
- o Impact on Residential Amenity
- o Public Rights of Way
- o Sustainability
- o Housing Standards
- o Flood Risk and Drainage
- o Ashdown Forest
- o Biodiversity Net Gain
- 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 of the built-up area of Ansty as defined by the District Plan. As such the site is located within the defined Countryside.

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

Policy DP6 of the District Plan states in part that:

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

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

A similar ethos is contained within policy AS1 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

The red line of the application site is contiguous with the development boundary and is considered to be in a sustainable location close to a bus stop and the garage at Ansty which provides a small shop.

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

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

The proposed residential development meets point 4 of these special justifications.

Policy AS1 of the Neighbourhood Plan relates to New Housing Development. It states:

'The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- o They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or*
- o They relate to necessary utilities infrastructure where no reasonable alternative location is available.'*

The principle of the application complies with the development plan, in terms of what type of development is allowable under Policies DP6 and DP15, and therefore by definition, policy AS1 in the Neighbourhood Plan.

It should also be noted that a Permission in Principle application was permitted at the site for one dwelling under application DM/25/1453 which established the principle of the development of one dwelling on the site.

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

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

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

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

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

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

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

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

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

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

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application. Policy AS1 of the Ansty and Staplefield Neighbourhood Plan, as a similar ethos to this policies and therefore is also given limited weight.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the

Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

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

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

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

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan relates to design and amenity 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Principle DG38 is also considered to be relevant and states:

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

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

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*

o An appropriate palette of good quality materials that are preferably locally sourced.'

The proposed dwelling is of a modest single storey appearance and the proposed external materials would be similar in appearance to external materials within the surrounding area. The siting of the dwelling will be relatively well-screened by the existing boundary treatment surrounding the site and its scale and appearance would be similar to other residential dwellings within the surrounding area. The proposed dormers are of modest scales and would be suitably subordinate to the main roof slope. They would also be facing south away from public views.

Taking into account the above, the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would maintain the quality of the rural and landscape character of the District. Therefore, the proposal complies with policies DP12 and DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

The site is located within a sensitive countryside location where a larger less well designed dwelling may not maintain or enhance the rural character of the area, as such a condition is to be imposed restricting permitted development rights.

Highways Matters

Policy DP21 of the District Plan relates to transport and states in part that:

'...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.'*

Paragraph 116 of the NPPF states; *'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 into account all reasonable future scenarios.'*

The Local Highways Authority (LHA) at West Sussex County Council has provided detailed comments regarding the proposal. They have noted that suitable visibility splays can be achieved, the proposed parking spaces meet the requirements as stipulated within the WSCC Parking Demand Calculator and that the small increase in vehicle movements may occur, however, it is not considered to adversely

impact the wider road network. Therefore, they have advised that there are no transport grounds to resist the proposal subject to the imposition of conditions to secure the parking spaces and cycle storage.

Your Planning Officer agrees with this assessment.

Trees, Woodland and Hedgerows

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

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

The proposal does not seek to remove any existing trees on the site to facilitate the development, however the submitted arboricultural information does recommend the removal of three category U trees. Replacement trees on the site can be secured by a suitably worded condition. A number of tree protection measures have also been proposed, including tree protection fencing and ground protection. The Tree Officer raises no objection to the proposal and requests that the submitted AIA and Tree Protection Plan are secured by a suitably worded condition. The proposal is considered to sufficiently protect the existing trees and replacement trees can be secured, as such the proposal complies with the above part of policy DP37 of the Mid Sussex District Plan.

Ecology

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm 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, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

'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...*

The site being developed is a predominantly hardstanding and it is not of any particular habitat or ecological value. As part of the proposal no significant areas of trees or vegetation would need to be removed to facilitate the development. The Council's Newt Officer has raised no objection to the proposal subject to the imposition of a condition to secure measures during the construction of the proposal that would protect any Great Crested Newts.

Taking into account the above the proposal is considered to comply with the policy DP38 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

It should be noted that biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This requirement is assessed in a subsequent section of the report.

Residential Amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development proposals should *'not cause significant harm to the amenities of existing nearby*

residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'.

A similar ethos is found within Principles DG45, DG46, DG47 and DG48 of the Mid Sussex Design Guide.

Policy DP29 states in part that:

'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;*

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;'*

The proposed dwelling would be set away from the other residential dwellings within the surrounding area and the nearest residential dwelling is located some 30 metres to the west of the proposed dwelling. The proposed dwelling is relatively modest, single storey and due to the location of the proposed openings they would not have direct views into neighbouring properties private amenity spaces. The proposed amenity space for the dwelling is considered to be appropriate and there would be sufficient openings within the proposed dwelling.

Taking the above into account, the proposal is not considered to cause a significant detrimental impact in terms of reduction in sunlight and daylight and a loss of outlook. For the above reasons, it is considered that the above policies would be met by this application.

Public Rights of Way

Policy DP22 of the Mid Sussex District Plan seeks to ensure that development does not result in the loss of or does not adversely affect a right of way.

A Public Right of Way is located to the north of the site. The proposal would utilise an existing access to the north-west of the site which would provide access along a private road which the PROW is located one. The proposed would not result in the loss of the PROW and the PROW is already used as an access for five dwellings. The additional dwelling using the PROW for access is not considered to adversely affect the right of way. The WSCC PROW team have been consulted on the application and raised no objection. As such the proposal is considered to comply with policy DP22 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

At national level Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions,

minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

While Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:
a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

The application has been supported by a sustainability statement which has set out that the proposal would include the following measures:

- Air Source Heat Pump,
- Solar PV panels,
- Underfloor heating,
- Battery storage,
- Low-flow faucets and showerheads, and
- Dual-flush toilets.

As such the development is deemed to comply with Policy DP39 of the District Plan and the relevant provisions of the NPPF.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

A 3-bedroom 6-person, 2 storey dwelling is required to provide a minimum gross internal floor area of 102 square metres and 3.5 sqm of built-in storage. The proposed dwelling provides a gross internal floor area of 155.6 square metres. Therefore, the proposal meets the requirement of the above standards. Taking into account the above the standard of living for future occupiers would be acceptable and the development complies with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Para 170 of the NPPF relates to planning and flood risk and states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The site is at very low flood risk and the Council's Drainage and Flood Risk Engineer has raised no objection to the proposal subject to a condition securing further details. As such the application is considered to comply with Policy DP41 of the Mid Sussex District Plan.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning

applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment 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

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.

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.

Under the statutory framework for biodiversity net gain this application comprises of development which is Self and Custom Build development, it consists of no more than 9 dwellings and the site area is below 0.5 hectares meaning that this development is exempt from providing biodiversity net gain.

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 Ansty, Staplefield and Brook Street Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP12, DP15, DP17, DP21, DP22, DP29, DP38, DP39 and DP41 and Ansty, Staplefield and Brook Street Neighbourhood Plan policy AS1.

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

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

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

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of one new dwelling which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

The development of this site for one dwelling has been permitted in principle previously, the site is considered to be contiguous with the built up area of Ansty and within a sustainable location. This is positive in the planning balance.

The proposal would have a neutral effect in terms of design/character, highways and parking, ecology, neighbouring amenity, public rights of way, sustainable design, housing standards and flood risk and drainage. There will be no likely significant effect on the Ashdown Forest SPA and SAC and the impact on the Ashdown Forest.

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

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

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

Decision: Permission

Case Officer: Hamish Evans