

PLANNING STATEMENT

IN RELATION TO:

‘Proposed new residential development comprising the erection of 1 No. new detached self-build dwelling to replace an existing garage on garden land to the west side of the existing property’

**Land at No. 23 Hurst Road,
Hassocks, BN6 9NJ**

June 2025

1.0 INTRODUCTION

- 1.1 On behalf of our Clients, Mr and Mrs Baker, this Planning Application is submitted to the Local Authority for planning permission for the erection of 1 No. new detached self-build dwelling to replace an existing detached garage on land to the west side of the existing property. The existing access arrangements will be retained to serve both the existing retained house (No.23) and the new dwelling.
- 1.2 This Planning Statement is submitted in support of the above detailed planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policy and all other material planning considerations.
- 1.3 This statement should be read in conjunction with the package of application drawings, which have been prepared by Gould Baxter Architects.
- 1.4 The application is also companied by the following technical reports:-
- Design and Access Statement (Including the Sustainability and Drainage Statements), prepared by Gould Baxter Architects;
 - Ecological impact Assessment, prepared by Environmental Assessment Services Limited;
 - Bat Survey Report, prepared by Batscan Limited;
 - Toolbox Talk – Batscan Limited;
 - Arboricultural Implications Assessment, prepared by Broad Oak Tree Consultants Limited;
 - Archaeological Desk Based Assessment, prepared by Archaeology Services Lewes;
 - Self-build Statement, completed by the Applicants.

2.0 SITE CIRCUMSTANCES

- 2.1 The Application site comprises residential garden land to the side of No. 23 Hurst Road. The site is accessed from the south side of Hurst Road. It is well screened to the road frontage by established planting.

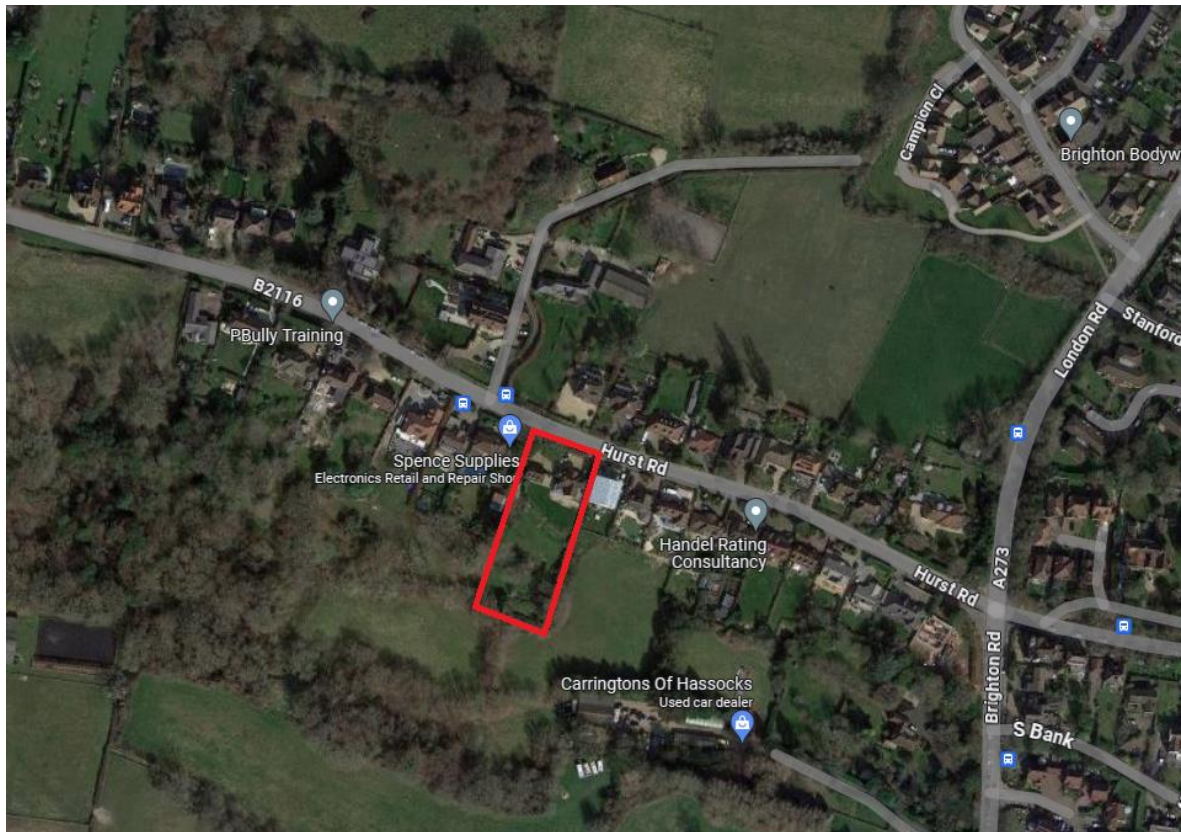


Fig 1. Aerial map showing the site and its surroundings (*Courtesy of Google Maps – the red line is indicative only*)

- 2.2 No. 23 Hurst Road comprises a substantial sized, two storey detached dwelling set within a spacious plot, which is notably wider than many neighbouring plots.
- 2.3 Hurst Road is residential in character, typified by detached houses of varied scale, form, siting and design. Plot sizes and shapes are varied.

- 2.4 The Site is located outside of any defined built up area boundary, and is therefore designated as 'countryside' in planning policy terms.
- 2.5 According to the Council's TPO map, there are 2 No. TPO's (**TP/15/0004** & **TP/15/0004**) positioned to the front of the site, one of which is within the curtilage of neighbouring No.25 Hurst Road. The existing access points serving No.23 are well-established and will not be altered as part of the planning proposals. Consequently, the protected trees would not be affected by the development proposed (please refer to the accompanying AIA Report for further details in this respect).



Fig 2. Extract from MSDC Online Tree Preservation Order Map

- 2.6 The Gov.uk Flood Map for Planning online resource confirms that the Site is located within Flood Zone 1 as designated by the Environment Agency, meaning the site has the lowest risk of flooding from rivers and the sea. In addition, this same resource also advises that the site and immediate surrounding area is not at risk from flooding from surface water.
- 2.7 It is understood that there are no Listed Buildings located within the vicinity of the site. The Site is also outside and not appreciable close to any Conservation Area.
- 2.8 The South Downs National Park is located south of the site, with the boundary positioned some distance from the application site.

3.0 PLANNING POLICY

(i) National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework (NPPF) was originally published in 2012, and has been subject to a number of revisions subsequently, with the most recent version being published on 12th December 2024.
- 3.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *“at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are *“three overarching objectives, 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)”*. These objectives are economic, social and environmental, which *“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 9).
- 3.4 Paragraph 11 is an important element of the NPPF. It states that: *“Plans and decisions should apply a presumption in favour of sustainable development... 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 plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the 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”.*

3.5 Paragraph 12 confirms that *“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”.*

3.6 Paragraph 14 is relevant in this case. It states *“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70);

- 3.7 Section 4 of the Plan refers to Decision Making. At paragraph 39 of the Framework, it sets out that *“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”*.
- 3.8 The Framework also sets out that there are only limited circumstances where decision-makers should give weight to policies in emerging plans, and generally *“refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan”* (paragraph 51).
- 3.9 Section 5 relates to delivering a sufficient supply of homes. It reiterates at paragraph 61 that the Government’s objective is to significantly boost the supply of new homes. Paragraph 65 confirms that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
- 3.10 Paragraph 72 states that *“strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should*

identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption;*

and

- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period”.*

3.11 Paragraph 73 continues *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*

- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;*

- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;*

- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*

- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes”.*

3.12 Paragraph 74-75 note that *“neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 73a) suitable for housing in their area....Where an allowance is to be made for windfall sites as part of anticipated*

supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

- 3.13 With regard to housing supply, paragraph 78 states that *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.³⁹ The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*
- a) 5% to ensure choice and competition in the market for land; or*
 - b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
 - c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance”.*
- 3.14 Paragraph 82 states that in rural areas *“planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing”.*

- 3.15 it goes on to state at paragraph 83 that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*.
- 3.16 Section 9 discusses promoting sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.
- 3.17 At paragraph 110 the Framework confirms that *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.
- 3.18 Paragraph 113 sets out that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”*.
- 3.19 Paragraph 115 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide:
“(a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;
(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ⁴⁸; and
(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach”.

- 3.20 At paragraph 116, the framework also confirms 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 into account all reasonable future scenarios”.*
- 3.21 Section 11 is entitled ‘Making effective use of land’. Paragraph 119 confirms that *“”planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”.*
- 3.22 Paragraph 125 sets out that decision makers are required to give regard to benefits of development, including environmental gains, and should *“(c) give substantial weight to the value of using suitable brownfield land within settlements for homes ...[and] (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...”.*
- 3.23 Paragraph 127 states that *“decisions need to reflect changes in the demand for land.... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.*

- 3.24 Paragraph 129 discusses the need to achieve appropriate densities. Account needs to be given to the identified need for different types of housing and the availability of land suitable for accommodating it, local market conditions, sustainability, existing character and setting, and *“the importance of securing well-designed, attractive and healthy places.”*
- 3.25 Paragraph 130 states that *“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”*.
- 3.26 Section 12 refers to achieving well-designed and beautiful places. Paragraph 131 states *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”*.
- 3.27 Paragraph 135 sets out that *“decisions should ensure that developments:*
(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

- 3.28 Paragraph 136 notes that *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”.*
- 3.29 Paragraph 139 confirms that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes”.*

- 3.30 Further parts of the Framework that are of particular note include Section 14, which relates to meeting the challenge of climate change, flooding and coastal change and section 16 which relates to conserving and enhancing the historic environment.
- (ii) The District Plan 2014 - 2031
- 3.31 The District Plan was adopted March 2018 and forms part of the Development Plan against which this application will be assessed and determined. However, the Plan is now in excess of 5 years old. Paragraph 34 of the NPPF states that “*policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future*”.
- 3.32 The Council’s Policies Map (see **Fig 3** above) identifies the site as being outside of the planning boundary, with the Hassocks settlement boundary lying a short distance to the east, and the Hurstpierpoint settlement boundary lying a similar distance to the west. In planning policy terms it is understood that the site therefore lies within the countryside.

3.33 **Policy DP4** is the Council's general housing policy. It sets out that an average of 876 dwellings are required per annum until 2023/24, after which the need increases to 1,090 per annum until 2030/31.

3.34 **Policy DP6** of the District Plan relates to Settlement Hierarchy and designates both Hassocks and Hurstpierpoint as category 2 Settlements, which are described as *"larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport"*.

3.35 **Policy DP12** relates to the Protection and Enhancement of the Countryside. It states that *"the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or*

where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or*
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council...

3.36 Policy DP15 refers to New Homes in the Countryside. It states that *“provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:*

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*

- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit...”*

3.37 **Policy DP26** relates to Character and Design and states that “*all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development”.*

3.38 The following policies are also considered of relevance:-

- **Policy DP1:** Sustainable Economic Development
- **Policy DP5:** Planning to Meet Future Housing Need
- **Policy DP13:** Preventing Coalescence
- **Policy DP21:** Transport Policy
- **Policy DP27:** Dwelling Space Standards
- **Policy DP28:** Accessibility
- **Policy DP37:** Trees, Woodland and Hedgerows Policy
- **Policy DP38:** Biodiversity
- **Policy DP39:** Sustainable Design and Construction Policy
- **Policy DP40:** Renewable Energy Schemes
- **Policy DP41:** Flood Risk and Drainage

(iii) Neighbourhood Plan

3.39 The Hassocks Neighbourhood Plan was made on the 24th June 2020 and forms part of the development plan.

3.40 The relevant policies in this case are understood to be as follows:

- **Policy 1** (Local Gap),
- **Policy 4** (Managing Surface Water),
- **Policy 5** (Enabling Zero Carbon),
- **Policy 9** (Character and Design),
- **Policy 14** (Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks).

(iv) Mid Sussex Design Guide Supplementary Planning Document (SPD)

3.41 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.

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

3.42 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.

- 3.43 The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024.
- 3.44 Most recently on 4th April 2025, the Inspector wrote to the Council with her Stage 1 findings, and concluded that the Council have failed the duty to cooperate , noting that *“the presence of constraints does not obviate the necessity for MSDC to explore the possibilities of doing more to help address the unmet needs of the wider sub-region. The failure here is that the Council has not adequately considered the requests of its neighbours – namely Crawley, Horsham and Brighton and Hove, in a constructive, active and ongoing way. The Council has, consequently, not maximised the effectiveness of plan preparation... there are two options open to the Council, either to withdraw the Plan from examination or to ask that I write a report of my conclusions. I should say that the latter would involve further expense, and that the contents of the report would likely be very similar to this letter.”*
- 3.45 We are aware that there is ongoing correspondence between the Council, the Government and the Planning Inspectorate in respect of this matter. As it stands today, the draft Plan has not been withdrawn.
- 3.46 **However, given the Inspector’s findings, we consider that no weight can be given to the draft Plan, and this Planning Application should therefore be assessed against the policies of the adopted District Plan, the Neighbourhood Plan, the NPPF, and other relevant planning guidance.**

4.0 PLANNING HISTORY & PRE-APPLICATION DISCUSSIONS

(i) Application Site

4.1 According to the Council's online planning records, No. 23 Hurst Road has the following planning history:-

- **Planning ref: DM/20/3308/:** (T1) Oak – raise crown over road to 5m clearance by removing low hanging secondary and tertiary branches. Deadwood crown. Re-reduce branches to south and southeast below 9m height back to previous pruning points – typically up to 3m branch length. Raise crown base towards house/ garages to 3 m from ground level. Cut back minor branches to provide at least 50cm clearance to phone line passing through east side of crown. Approved 9th November 2020.
- **Planning ref: 13/02797/FUL/:** New Orangery extension replacing dilapidated 1970's garden room to south elevation; replacement of windows and external doors to south elevation; construction of oak framed balcony to master bedroom on south elevation; replacement porch with new oak framed lead covered open porch to west elevation. Approved 7th October 2013.
- **Planning ref: 06/00172/FUL/:** Amendment to previous planning: Double garage with playroom on first floor. Approved 16th March 2006.
- **Planning ref: 05/00204/FUL/:** Half hipped roof double garage and playroom on first floor. Approved 2nd March 2005.
- **Planning ref: 00/00146/FUL/:** First floor extension to form new bedroom with access to balcony formed on existing flat roof, replacement of flat roofs above porch and lounge bay window with pitched roofs plus replacement windows and new windows. Approved 21st March 2000.
- **Planning ref: CN/030/89/:** Erection of one detached bungalow and replacement garage for existing dwelling. Refused 2nd February 1990. Appeal Dismissed.

- **Planning ref: CN/023/83/:** Outline application for erection of detached dwelling with garage and erect. Of garage/ car port for No. 23. Refused 8th September 1983. Appeal Dismissed.

(ii) Nearby Sites

Twinham, 34 Hurst Road

- 4.2 No. 34 Hurst Road has recently been granted planning permission for the erection of 1 No. self-build dwelling house (**ref: DM/25/0310**). Prior to this, the modern, split-level and flat roofed dwelling now at Twinham was granted permission in the garden of The Ham (which lies further to east) in February 2016 (**ref: DM/15/4993**), which further applications approved for amendments to the originally approved development (see **DM/16/2776**, and **DM/16/3868**).

36 Hurst Road

- 4.3 No. 36 Hurst Road has been granted planning permission for the erection of 1 No. dwelling house (**ref: DM/23/2126**), with a more recent application for amendments to the access arrangement approved August 2024 (**ref: DM/24/0272**).

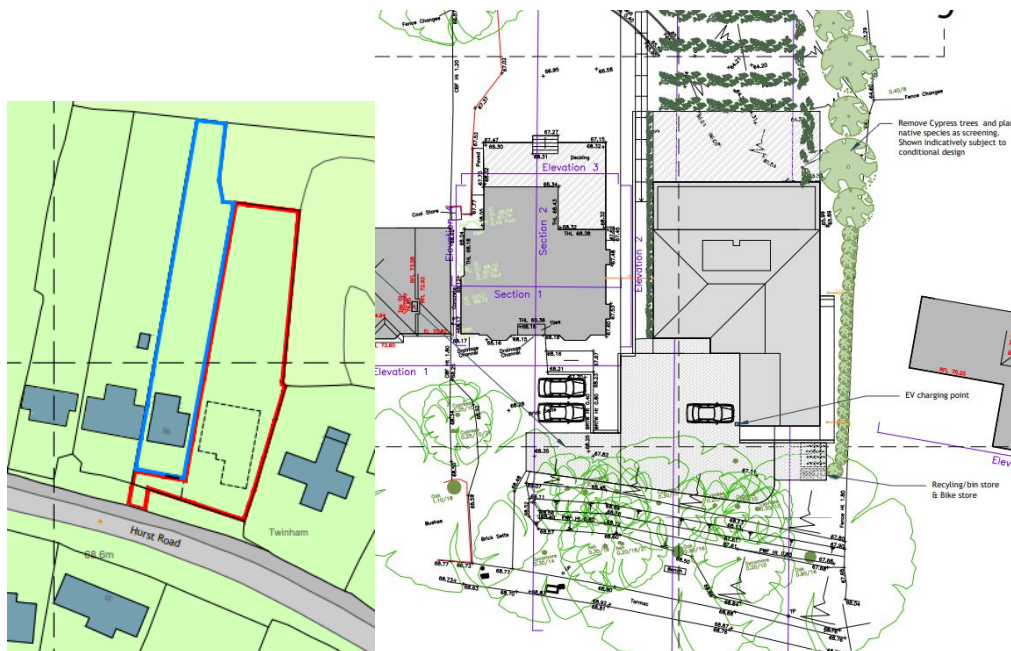


Fig 4. Approved Location Plan and Site Layout Plan (ref: DM/23/2126)

27 Hurst Road

4.4 27 Hurst Road has been granted planning permission for the erection of 3 No. new dwellings. The planning approvals are set out in detail below:-

- **Planning ref: DM/18/1285/:** Replacement of existing dwelling and garage with 3 No. 4-bedroom detached dwellings with attached double garages including relocation of existing access serving Plot 1 and formation of two new access points serving Plots 2 & 3. Approved 22nd May 2018.
- **Planning ref: DM/17/3412/:** Proposed replacement of existing dwelling and garage with 3 No. four bedroom detached dwellings with attached double garages including retention of existing access serving Plot 1 and formation of two new access points serving Plot 1 and formation of two new access points serving Plots 2 & 3. Approved 5th February 2018.

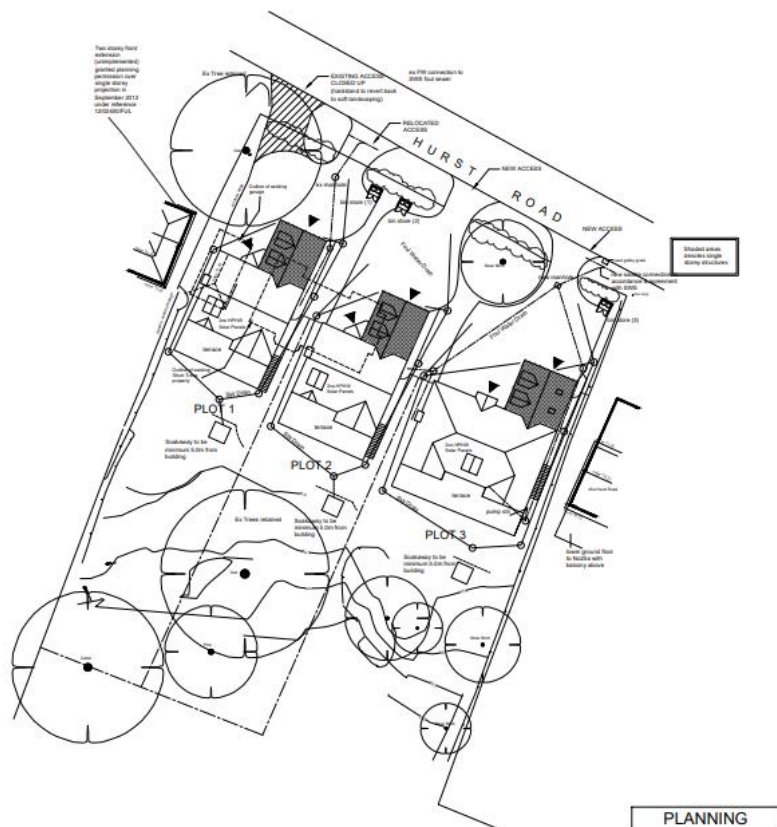


Fig 5. Approved Site Plan (ref: DM/18/1285)

- 4.5 Each of the approvals detailed above (No. 36 and 27 Hurst Road), are outlined on the submitted block plan (see below).



Fig 6. Site Block Plan – As Proposed

42 Hurst Road, Hassocks

- 4.6 There is also a recent permission (**planning ref: DM/24/1748**) for a new dwelling adjacent to No.42. This was approved by the District Council on 4th April 2025.

(iii) Pre-application Planning Enquiry

4.7 A pre application enquiry to consider the replacement of the existing one and a half storey garage building with a new detached dwelling was submitted to the Council in 2024. A written response was received from the Planning Officer on 30th May 2024 (ref: DM/24/1002).

4.8 The Planning Officer confirmed her support of the proposed development, noting that *“the proposal would replace the existing one and a half storey garage with a detached dwelling positioned within the existing building line on the southern side of the highway and would reflect the existing pattern of the development in the locality and would not have a negative impact on the intrinsic character and beauty of the countryside and would not result in coalescence between Hurstpierpoint and Hassocks. Due to this it is considered that a dwelling in this position would be considered acceptable on balance.*

I note that there have been previous applications for a new dwelling on the site back in the 1980s, one of which relates to backland development ,which is not considered relevant. Application CN/23/83 sort outline permission for a dwelling in the same position as the current proposal and was refused and subsequently dismissed at appeal. The decision notices for this are attached for reference. The character of the area following this application has changed with a number of infill properties approved on both sides of the highway which has reinforced the ribbon development character of the area. In addition to this the property has subsequently benefited from a one and a half storey garage on the site which has partly infilled the area to the side of the dwelling. Due to this, the previous refusal reasons are no longer considered to be relevant to the current proposal.

The site is also within the setting of the South Downs National Park, and would be seen within the context of the surrounding properties and is not considered to cause harm...”

- 4.8 Some design comments were made, which have informed the current Application proposals, and our client was advised to accompanying any application with a tree report, which they have done.

5.0 THE PROPOSAL

- 5.1 This development proposal is for the provision of 1 No. two storey detached dwelling house to be positioned to the west side of No. 23 Hurst Road on existing garden land. A garage building will be removed, in order to facilitate the proposed development. The new dwelling will be constructed in a traditional Sussex vernacular, matching the width of the existing garage.

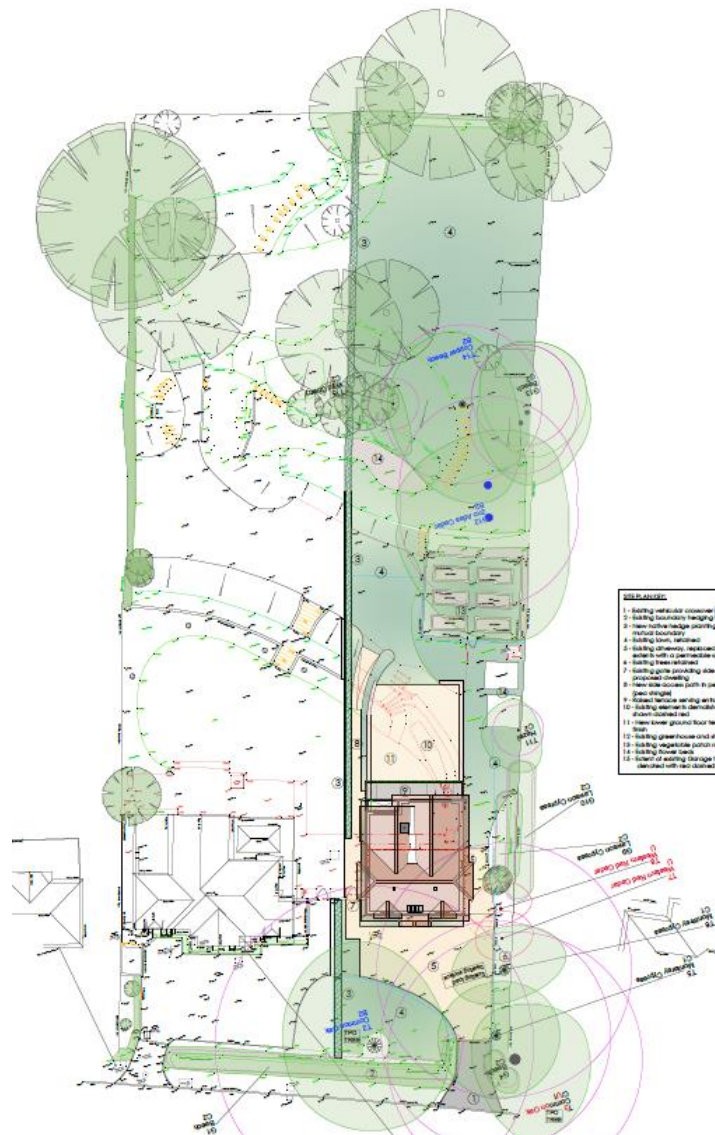


Fig 7. Proposed Site Layout Plan

- 5.2 The proposed dwelling will have a two-storey appearance to the front elevation, increasing to three storeys at the rear owing to the significant fall in the topography. As detailed within the accompanying DAS, *“the proposed dwelling will present a modest appearance to the front elevation, with the first floor accommodation being provided within the roof space to create a 1.5 storey appearance. The proposed dwelling presents a traditional, cottage-style vernacular with material selections to reflect this. The design and detailing of the roof form ensures the scale and massing of the dwelling remains subservient to its neighbours”.*

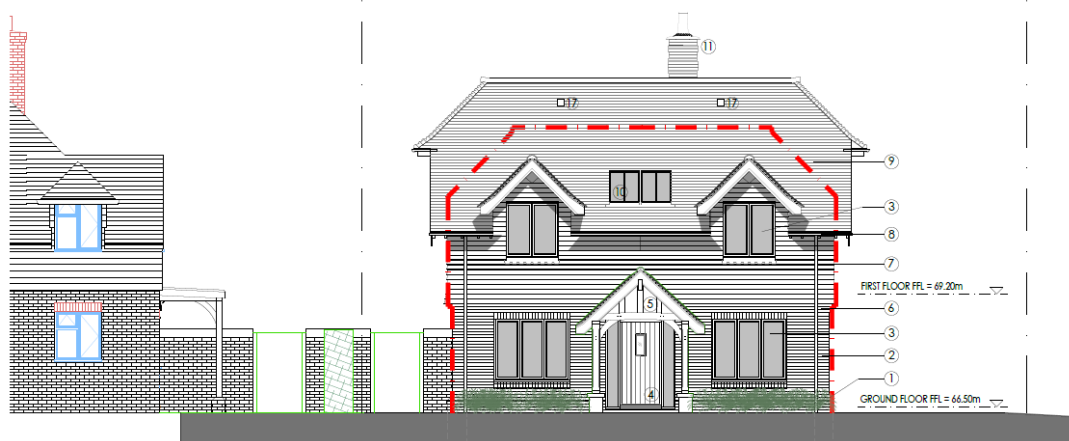


Fig 8. Extract from proposed front elevation

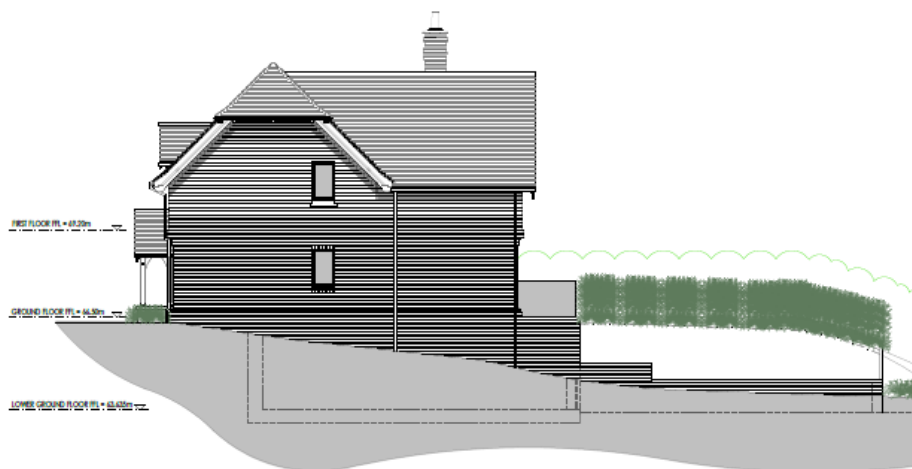


Fig 9. Proposed wide (west) elevation

- 5.3 The dwelling will comprise a study, en-suite bedroom, separate w.c., lounge and snug at ground floor level, with 4 No. bedrooms and a family bathroom above. The basement level incorporates an open plan kitchen/ dining room, utility room and w.c.
- 5.4 The property will be designed to be fully compliant with the relevant required space standards for internal accommodation.
- 5.5 The planning proposal will utilise the existing access to the site. As detailed on the submitted Block and Location Plans, the host dwelling is served by a separate access point. This arrangement will remain unchanged.
- 5.6 Finally, the development proposal will include hard and soft landscaping works, to include bat mitigation measures, and tree works with associated mitigation measures.

6. PLANNING ASSESSMENT

a. Principle of Development

- 6.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 states that *"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,*
 - b) Any local finance considerations, so far as material to the application, and*
 - c) Any other material considerations."*
- 6.2 Section 38(6) Planning and Compulsory Purchase Act 2004 states that *"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."*
- 6.3 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.
- 6.4 Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan and the Hassocks Neighbourhood Plan.
- 6.5 We are aware of a housing scheme recently determined at Appeal (Public Inquiry), for a site at Scamps Hill in Lindfield (**planning ref: DM/24/0446; appeal ref: APP/D3830/W/24/3350075**). At this time, the Inspector considered the issue of Housing Land Supply, noting that *"the Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years. The variation is due to the differences in anticipated delivery of various large sites. However, as both*

parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry". It is therefore clear that at this time, MSDC are unable to demonstrate a five year housing land supply.

- 6.6 This point is confirmed by the Council within their recent decision on Twinham, 34 Hurst Road **DM/25/0310** where they stated that *"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"*.
- 6.7 The presumption in favour of sustainable development is therefore engaged, and paragraph 11(d) of the NPPF applies. The policies most relevant to new housing are out of date, and permission should be granted for new housing unless: *"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the 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"*.
- 6.8 The application site lies outside the settlement boundary of Hassocks, within designated countryside. The Neighbourhood Plan indicates that the site is within a local gap.
- 6.9 **Policy DP12** of the District Plan relates to protection and enhancement of countryside and states that *"the countryside will be protected in recognition of its*

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

- 6.10 **Policy DP15** specifically relates to new homes in the countryside and states in part that: *"Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists.*

Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy”.*

- 6.11 **Policy DP6** of the District Plan relates to settlement hierarchy. Whilst encouraging development within defined built up area boundaries, it allows for development outside settlement boundaries, subject to certain criteria, including that “3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy”.*

- 6.12 At local level **Policy 14** of the Neighbourhood Plan in part sets out:

“Development proposals for residential development outside of the built up area of

Hassocks will be supported where they are in accordance with Policy DP6 of the Mid Sussex District Plan, Policy SD25 of the South Downs Local Plan and Policy 1 of this Plan”.

- 6.13 **Policy DP6** identifies both Hassocks and Hurstpierpoint as a category 2 settlements, the second largest settlement category in Mid Sussex after the main towns of Burgess Hill, East Grinstead and Haywards Heath.
- 6.14 We consider that the Site is sustainably located, with residents in this area being able to comfortably walk to a large number of facilities and services. Residents do not rely on the private vehicle. In terms of transport links, the site is within easy reach of Hassocks railway station (720 yards) and there is close to a number of bus stops, many of which are along Hurst Road and Wickham Hill to the west (17 bus stops within 1km of the application site). The following facilities and services are proximate to the site:-

Primary Schools

Hassocks Infant School	0.6 miles
The Windmills junior School	0.8 miles
St. Lawrence CofE Primary School	1.2 miles
Ditchling St. Margaret’s CofE Primary School	1.9 miles
London Mead Community Primary School	2 miles

Secondary Schools

Downlands Community School	0.8 miles
Hurstpierpoint College	1.3 miles
The Burgess Hill Academy	2.1 miles

Doctors

Hassocks Health Centre	0.7 miles
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Mid Sussex Health Centre	1.1 miles
Ditchling Health Centre	1.8 miles

Hospitals

Chalkhill	5.3 miles
Princess Royal Hospital	5.4 miles
Mill View Hospital	5.9 miles

- 6.15 We note that the issue of sustainability was considered within the Officer's Report for the recently approved Twinham, 34 Hurst Road (ref: **DM/25/0310**). They stated that *"the accessibility of the site or the sustainable location of it, is a key consideration. Hassocks is categorised as a category 2 settlement which is a larger village acting as a Local Service Centre providing key services in the rural area. It is considered that the site lies within a sustainable location between the two villages of Hassocks and Hurstpierpoint. Local services and amenities are within walking or cycle distance of the site and there is a continuous footway outside of the site. There are also opportunities for sustainable travel, with regular bus connections available nearby on Hurst Road and Brighton Road and Hassocks Railway Station is located approximately 850m east of the site. The proposal thereby complies with policies DP21 and DP39 of the District Plan, policy 5 of the Neighbourhood Plan and the requirements of the NPPF"*.
- 6.16 Further, the Planning Officer drew the following conclusions in relation to the nearby development of a new dwelling adjacent to No. 36 Hurst Road:-
"Weighing against the scheme is the fact that the proposal is not contiguous with the built-up area boundaries and as such the proposal is contrary to the development plan in principle and conflicts with the requirements of Mid Sussex District Plan Policies DP12 and DP15. However, upon a deeper analysis, the proposal is not considered to conflict with the essential countryside protection and sustainability aims of these policies...Policy 1 of the Hassocks Neighbourhood Plan seeks to

safeguard local gaps between Hassocks and Hurstpierpoint, unless it is for the purpose of agriculture, is supported by DP6 and would not compromise individually or cumulatively the objectives and fundamental integrity of the gap. Due to the infill nature of the proposal between two existing dwellings, within the residential curtilage of the host dwelling, and within an otherwise linear development fronting Hurst Road, it is not considered that the proposal would compromise the character of the countryside or the local gap between Hassocks and Hurstpierpoint. The existing access would be used to serve the new dwelling, while the vegetation to the frontage of the site would be maintained...Weighing in favour of the scheme is that the development will provide a single residential unit in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. If permitted, the proposal would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community. These are all material considerations that weigh in favour of the development...There would also be a new homes bonus...The proposal is considered acceptable in relation to design size and scale, that is both in-keeping with the varied character of the locality, while preserving the character of the wider countryside. The proposal is not considered to impact on the setting of the South Downs National Park, it is also considered acceptable in relation to neighbouring amenity, highways, access and parking, sustainably construction, drainage, ecology, dwelling space standards and the Ashdown Forest...Taking all of the above into account, the proposal is considered to amount to a sustainable form of development within the overall meaning of the NPPF. It is considered that there are other material planning considerations that justify a decision that is not in full conformity with the development plan and that the overall planning balance in this case favours approval”.

- 6.17 It is important to note that the comments made by the Planning Officer in respect of No.36 Hurst Road was at a time that the Authority’s position was that they did have

a 5-year housing land supply, and therefore the NPPF's 'tilted balance' was not engaged. Regardless of this, the application for a new house at No.36 was still approved. As set out above, circumstances have now changed in Mid Sussex District, and this places a greater emphasis on approving sustainable development, which is demonstrated by this proposal for a new house at No.23 Hurst Road.

- 6.18 Due to the close proximity of the sites at Twinham and No.36 Hurst Road, and the similar site circumstances, it is our opinion that a similar approach and conclusions should be drawn regarding the current planning proposals. Further, at the time of the recent pre-application enquiry being considered for No.23, the Council's Planning Officer accepted the principle of developing this site, stating that *"there have been previous applications for a new dwelling on the site back in the 1980s, one of which relates to backland development, which is not considered relevant. Application CN/23/83 sort outline permission for a dwelling in the same position as the current proposal and was refused and subsequently dismissed at appeal...The character of the area following this application has changed with a number of infill properties approved on both sides of the highway which has reinforced the ribbon development character of the area. In addition to this the property has subsequently benefited from a one and a half storey garage on the site which has partly infilled the area to the side of the dwelling. Due to this, the previous refusal reasons are no longer considered to be relevant to the current proposal"*.
- 6.19 The proposed development meets with criterion 1 of **Policy DP6** in that the proposal is for fewer than 10 dwellings; although we accept that the proposal does not meet with criterion 2 as the site is not contiguous with the built up area boundary of Hassocks or Hurstpierpoint. With regards to criterion 3, the site is considered to be sustainable, and therefore the conflict with criterion 2 is considered to only be a minor breach of policy. The Council reiterated this view when determining No. 36 Hurst Road, noting that *"the proposal is for fewer than 10 dwellings and is considered to be within a sustainable location with well lit footpaths to both*

Hurstpierpoint and Hassocks, within walking distance of the Hassocks train station and a number of bus stops. However, it is not contiguous with the built up area boundaries” (planning ref: DM/23/2126).

- 6.20 The proposal is appropriately located and would not result in future occupiers becoming reliant on the private car to meet their daily needs. The proposal would be compliant with policy **DP21** of the District Plan, which requires development to be sustainably located.
- 6.21 It is our opinion that when considering the principle of development in countryside areas, it is important to consider the intention behind the aforementioned policies. The supporting text for policy **DP12** sets this out as follows: *“The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside”.*
- 6.22 Thus, the principle aim of the policy is to maintain or enhance the quality of the rural character of the area. In this case, the proposed development would replace existing built form and be sited as an infill development between No. 23 to the east and No. 25 to the west. Residential properties lie continuously along both the north and south sides of Hurst Road. Properties and plot sizes are varied. The plot size would be comparable in width to No. 25a and the recent development of No. 27 (ref: **DM/18/1285**) to the west. Further, the plot would be wholly proportionate to the size of the dwelling, with an appropriate amount of amenity space provided. As such

it will not appear incongruous or out of keeping. It is not considered that the proposed development would have a tangible impact on the appearance of the open countryside, replacing existing built form and comprising an infill development, surrounded by residential properties. Consequently, it is considered that the proposal would not conflict with the principal aim of **policy DP12**.

- 6.23 In addition when considering the settlement hierarchy as required by **policy DP6**, Hassocks is defined as a category 2 settlement in the District Plan. As such it is considered a suitable location for new development.
- 6.24 It is our view that given the sites position, in-between existing residential development, as well as close to Category 2 settlements, the principle of development is acceptable in this location. Further, as set out in detail above, a planning precedent for this form of development within a countryside location has been clearly established within the surrounding area.
- 6.25 Further, the Application proposals are shown below to be compliant with the 3 objectives of paragraph 8 of the Framework, and given this context it must also be found that the proposals comply with the District Council's development strategy as set out in the Mid Sussex District Plan. Justice Sullivan in dealing with the case of Regina v Rochdale Metropolitan Borough Council, ex parte Tew [2000] confirmed that the Development Plan should be taken as a whole, and the fact that a proposal is in breach of one or more policies of the Development Plan, should not mean that the development does not comply with the Plan when considered in its entirety. Therefore we contend that the minor breach of **DP6** (i.e. the site is not contiguous with the settlement boundary) is insufficient to warrant refusal of the application, given that in all other respects the development proposals are acceptable and do not breach any other up-to-date development plan policy.

- 6.26 When determining No. 36 Hurst Road, the Council considered the above issues, noting that *“the site is an infill plot, an existing area of garden between two existing dwellings, within a linear development of houses along this section of Hurst Road. It is not seeking a new access onto Hurst Road and will instead utilise the existing highways access for No. 36 Hurst Road, while at the same time retaining the established screening to the frontage of the site. Consequently, the proposal would fit in with the existing pattern of development within this location and would therefore not impact on the wider countryside character.*

As such the principle of the proposal conflicts with Policies DP12 and DP15 of the District Plan Policies 1 and 14 of the Hassocks Neighbourhood Plan and is not supported by DP6 the proposal is thus contrary in principle to the development Plan. However, in accordance with the law, it is necessary to take into account other material considerations in the overall planning balance”.

- 6.27 Finally, at paragraph 11(d)(i) the word “clear” in the previous NPPF has been replaced with the word “strong”. This is clearly a deliberate change, which we consider provides greater weight to the presumption of sustainable development against conflict with other NPPF policies.
- 6.28 At paragraph 11(d)(ii), following the statement that if adverse impacts of applying the presumption are *“significantly and demonstrably”* outweighed by the benefits of development when taken against the NPPF “as a whole”, there is now the phrase *“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”*. Therefore the revised NPPF broadens the circumstances under which the “tilted balance” applies for the Presumption in Favour of Sustainable Development. It is pertinent to note that the proposed development is located in a ‘sustainable location,’ it does make ‘effective use of land,’ and it is also ‘well-designed’.

6.29 With regard to the “Tilted Balance” ‘Limb 2’ “*Would adverse impacts of approval SIGNIFICANTLY and DEMONSTRABLY outweigh the benefits?*”, in this case the answer must be ‘no’, as there is no demonstrable harm arising from development, and the benefits associated with the scheme are multiple, which include economic, high quality design, and making a valuable contribution to the Council’s housing requirements (which we consider is a significant material consideration that weighs heavily in favour of the proposed sustainable development). The application proposals are therefore sustainable development and the principle of a new house in this location should be accepted.

b. Coalescence

6.30 The application site is defined within the Hassocks Neighbourhood Plan as being within the Local Gap between Hassocks and Hurstpierpoint.

6.31 **Policy 1** of the Neighbourhood Plan (‘Local Gaps’) refers to land between Hassocks and Hurstpierpoint, and states that its objective is to prevent “*coalescence and retaining the separate identity and amenity of settlement*”. The supporting text to this policy says at paragraph 4.5 that “*The main built-up area of Hassocks and Keymer is separated from... Hurstpierpoint to the west by generally undeveloped land.*” In this case, the Application Site is not ‘undeveloped’, indeed as garden land, it meets the NPPF definition of ‘previously developed land’.

6.32 **Policy DP13** of the District Plan adds in part that: “*Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements*”.

6.33 At the time of the pre application being considered in relation to this site the Council confirmed that the development proposals would not result in coalescence between Hurstpierpoint and Hassocks. They stated that “*the proposal would replace the*

existing one and a half storey garage with a detached dwelling positioned within the existing building line on the southern side of the highway and would reflect the existing pattern of the development in the locality and would not have a negative impact on the intrinsic character and beauty of the countryside and would not result in coalescence between Hurstpierpoint and Hassocks. Due to this it is considered that a dwelling in this position would be considered acceptable on balance”.

- 6.34 Further, the Council considered this issue when considering the recently approved development at Twinham, 34 Hurst Road (ref: **DM/25/0310**). They stated that *“in respect of coalescence, there is linear ribbon development along Hurst Road. The proposal would form an infill within an existing garden area between two dwellings. Due to the location of the site and the spacing between properties it is considered that the dwelling would not result in a coalescence between Hassocks and Hurstpierpoint”.*
- 6.35 It is considered that the same conclusions should be reached in relation to the current proposal. The site is an infill plot, an existing area of garden (with a garage building) between two existing dwellings. The development proposal would replace existing built form and would fit in with the existing pattern of development within this location and would therefore not impact on the local gap between Hassocks and Hurstpierpoint.

c. Design and Character

- 6.36 The proposed development is located within the countryside, where the principle aim of **Policy DP12** of the District Plan states: *‘The countryside will be protected in recognition of its intrinsic character and beauty.’*
- 6.37 **Policy DP26** of the District Plan and NP **policy 9** combine to seek a high standard of design in all new developments via the protection and enhancement of the natural, built and historic environment. This is consistent with the aims of the NPPF. Principle **DG11** of the Mid Sussex Design Guide states in part: *“new development should generally reflect the scale of adjacent areas and the settlement context within which*

it is located to deliver a coherent and consistent urban fabric.” 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.”

- 6.38 As detailed above, this proposal seeks planning permission for the erection of 1 No. new dwelling house. The dwelling would be of a traditional, cottage-style aesthetic, which in our opinion is an appropriate design response to its rural, verdant-setting. The proposed dwelling would be sensitive in its scale, adopting a modest, 1.5 storey design that reflects the character of the existing Garage building. The proposed dwelling would appear visually subservient to the neighbouring properties. Finally, the proposed hard and soft landscaping works, including works to the existing driveway and parking area, along with sensitive planting and new paved terracing, will greatly enhance its setting and protect the character and integrity of its setting.
- 6.39 The development will be well related to existing development, and would not represent an isolated form of development in the countryside. In landscape character terms the proposals will be in keeping, and would not result in a jarring or alien feature within the locality; quite the contrary, the proposal represents an efficient use of a currently vacant area of land set within existing residential development within a sustainable location that is not subject to any special landscape character constraints. In this context it must be agreed that the development proposals are entirely compliant with development plan policies and the NPPF, which seek to focus new housing to locations exactly like this.

- 6.40 The accompanying Design and Access Statement confirms that *“the proposed dwelling will present a modest appearance to the front elevation, with the first floor accommodation being provided within the roof space to create a 1.5 storey appearance. The proposed dwelling presents a traditional, cottage-style vernacular with material selections to reflect this. The design and detailing of the roof form ensures the scale and massing of the dwelling remains subservient to its neighbours.*

...The proposed dwelling, by virtue of its sensitive design and detailing, is able to demonstrate an extremely high standard of design quality.

The proposed dwelling will be elevated to its ground and lower ground floor walls in facing brick, over plinth walls in the same facing brick. The first floor walls will be finished plain clay hanging tiles of a colour to complement the facing brickwork. These materials reflect its rural Sussex vernacular

The pitched roofs will receive plain clay tiles to compliment the facing brick and hanging tiles, with conservation roof windows to serve the first floor Family Bathroom. The roof windows will be detailed so as to sit flush with the proposed plain clay tiled roof finish. The proposed windows and doors elsewhere will be of painted timber construction, with the front entrance door being of oak timber construction.

The elevations will be further enhanced through the use of timber joinery to the barge boards and rafter feet, with these receiving a stained finish. The balconies to the rear elevation will be formed of a toughened glass sheets simply supported with galvanised fixings”.

- 6.41 The site is not within any ‘valued landscape’ for the purposes of Paragraph 187 of the revised NPPF. The Framework goes on to confirm that the level of protection afforded to the landscape should be commensurate with its recognised value; *“Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan...”.*

- 6.42 **Policy DP18** refers to the setting of the South Downs National Park. It states, in part, that: *'development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'*
- 6.43 **Policy 6** of the Neighbourhood Plan states that: *'Development proposals on land outside of, but contributing to, the setting of the South Downs National Park will be supported where proposals: Do not detract from, or cause detriment to, the special qualities and tranquillity of the South Downs National Park; and Do not unacceptably harm the South Downs National Park or its setting.'*
- 6.44 Paragraph 189 of the NPPF is also relevant. This states that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues"*.
- 6.45 At the time of the pre application being considered, the Council stated that *"the site is also within the setting of the South Downs National Park, and would be seen within the context of the surrounding properties and is not considered to cause harm..."*.
- 6.46 In summary, we are of the opinion that the proposed development **would not** represent an inappropriate incursion into the countryside. The proposal would be generally compliant with **Policy DP6** of the District Plan that relates to Settlement Hierarchy in that it is for fewer than 10 dwellings (1), and although not directly contiguous with the existing built up area of Hassocks (2) the site is sustainable (3). We are of the view that the development proposals would make an efficient use of a

plot, which would otherwise be under-used, within an existing street scene of continuous built form. The proposed dwelling would be of a design that would sympathetically relate to the surrounding area; which although located within the countryside in planning policy terms, does not have a particularly rural character. Indeed, it is our view that this development of 1 No. dwelling, which will use a sensitive pallet of materials, would enhance the character of this location by providing a high quality designed new dwelling, which will appear in keeping with the established pattern and visual quality of housing on Hurst Road.

d. Residential Amenity

- 6.47 Great Care and consideration has been paid to the siting and orientation of the proposed dwelling. It is our view that the proposed dwelling would be appropriately positioned an acceptable distance away from all neighbouring properties to ensure that no demonstrable harm would occur by way of overlooking effect, loss of privacy or loss of light. First floor level side facing windows have been minimised, with just 1 No. to each side elevation; leading to a stairwell and ensuite bathroom respectively. Our client would be happy for these to be obscured glazed via condition, if the Council considers this to be both reasonable and necessary.
- 6.48 The proposed boundary treatments will comprise a variety of close boarded timber fencing and hedge planting, supplementing the existing boundary treatments. The accompanying Design and Access statement confirms that *“the proposals will not have any impact upon the amenity of the neighbouring properties, owing to the existing substantial mature tree and hedge screening, and the position and orientation of the house on the site. The proposed close boarded timber fencing to the eastern boundary with the existing dwelling at No.23 will provide suitable screening, since the garden area immediately adjacent to the house is set at the lower ground floor level”*.

6.49 We would conclude that the proposal would represent an acceptable form of development, which would be compliant with **Policy DP26** of the District Plan, and principles DG45 – DG48 of the Mid Sussex Design Guide.

e. Highways/ Access

6.50 It is noted that the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As outlined above, the development proposals will utilise the existing highway access onto Hurst Road to provide both vehicular and pedestrian access to the proposed dwelling, with an existing access and parking area retained to serve the host dwelling.

6.51 The driveway and parking area will comprise a permeable crushed stone finish, complementing the brick and clay tile finishes of the proposed dwelling. An area of solid paving adjacent to the front entrance will provide a suitable hard surface for ease of access for wheelchair users.

6.52 Given that the site frontage is wide with good views in both directions along Hurst Road, it is considered that ample visibility splays are available to serve the new access. Details of these splays can be sought by condition, if deemed necessary.

6.53 Ample turning space and parking provision will be provided for the proposed residential unit. It is our opinion that there would be no conflict with MSDP **Policy DP21** or the NPPF.

f. Trees

6.54 **Policy DP37** of the MSDP states: *“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”.

- 6.55 The Planning Application is accompanied by an Arboricultural Report, which has been prepared by Broad Oak Tree Consultants Limited. The report confirms the following:-

“The proposed replacement house does not require any tree removals or tree surgery works. Two young trees are recommended for removal due to declining health whether or not the proposals go ahead.

Reuse of the existing garage footprint minimises potential root impacts. Due to the site geology the deep Sands present will have affected root system morphology and roots are anticipated to be at depth, rather than traditionally spread laterally, further limiting any potential impacts.

Robust tree protection measures are proposed, in accordance with BS 5837:2012 recommendations, to ensure the trees are not adversely affected.

The Tree Protection Plan can be referred to as an approved drawing or in a specifically worded Condition to ensure that the retained trees are appropriately protected during the demolition and construction works”.

- 6.56 The report notes that a “*separate Arboricultural Method Statement is not considered necessary for this site as risk to trees are minimal. Details of the protective fencing specification, timing and location are indicated on the Tree Protection Plan, which can be referred to in a specifically worded condition*”.

- 6.57 The development proposal is acceptable from an arboricultural perspective and would be in compliance with MSDC **Policy DP37**.

g. Ecology

- 6.58 The application is accompanied by an Ecological Impact Assessment, which has been prepared by Environmental Assessment Limited and a Bat Survey, which has been prepared by Batscan.
- 6.59 The Ecological Impact Assessment provided the following conclusions in relation to the development:-
- *"The site comprises a well (regularly) maintained residential garden with lawn, ornamental planting, sections of hedging and mature trees. The site is considered to be of moderate ecological value for the type of habitat (residential garden).*
 - *The proposed development, comprising the replacement of the existing garage/annex building with a residential dwelling, is deemed unlikely to have a significant impact on local ecology. However, there is some potential to cause disturbance to notable and protected species for which protection measures and/or licencing will be required. Protection measures have been recommended for the following:*
 - *Invertebrates – Compensation required.*
 - *Amphibians – Protection measures required.*
 - *Reptiles – Protection measures required.*
 - *Birds – Protection measures required.*
 - *Bats - Protection and enhancement measures required.*
 - *Trees - Protection measures required.*
 - *Non-native Invasive species – Avoidance measured required.*
 - *An Aboricultural Implications Assessment (Broad Oak Tree Consultants Ltd, June 024) has confirmed that two young trees are recommended to be removed due to declining health and that robust tree protection measures, in accordance with BS 5837:2012 recommendations, should be implemented during the redevelopment of the site...*
 - *A Bat Survey Report (Bat Scan Ltd, June 2024) identified no bats to be roosting within the garage/annex which was deemed to offer low, but not negligible*

potential for bat use. Under the current development plans, no further surveying has been recommended. An appropriate precautionary approach should be implemented when the building is demolished. It has also been recommended that provisions for roosting bats are incorporated into any replacement building...

- *The proposed development is not considered likely to have a significant impact on European (SPA and SAC) or Ramsar sites, or wildlife associated with these sites.*
- *Should any new information come to light at any time, advice should be sought and this report should be updated.*
- *It is noted that planning permission for development does not provide a defence against prosecution relating to protected species. Should any protected species be identified before, or during the development, all works should cease, and a suitably qualified/experienced ecologist should be contacted for advice”.*

6.60 Our client is committed to carrying out the suggested mitigation measures and would be happy for these to be ensured via a condition.

g. Archaeology

6.61 The application is accompanied by an Archaeological Desk Based Assessment. The report provides the following summary:-

“Overall, the potential for archaeological features to be encountered during ground works is considered to be low-moderate, with a low potential for in-situ remains but moderate-high potential for residual artefacts to be encountered during groundworks.

The assessment has concluded that the Site is considered to lie within an area of high archaeological potential for the Romano-British period; moderate to high potential for the Prehistoric period; low-moderate potential for the Anglo-Saxon period and low potential for the medieval and post-medieval periods.

Despite there being a low-high potential for discovery of archaeological features for all periods, the likelihood of discovery is fairly low overall, due to the excavation of a substantial, 19th century sand quarry. This has caused significant impact to any surviving archaeological deposits and the creation of a cut and fill platform for construction of the modern house has further eroded the landscape. There is certainly potential for residual artefact recovery but it is considered less likely that in-situ archaeological features will remain intact. Consequently it is advised that an archaeological watching brief should be conducted during the excavation of the footings if permission is granted to ensure that any unstratified artefacts are fully recovered and recorded”.

- 6.62 The recommendations section goes on to state that “*it is recommended that if permission is granted, an archaeological watching brief should be carried out on any excavations below ground, for the terracing required for the construction. This would be best dealt with through the application of a suitably worded condition within the decision notice as is the normal route forward, and should included the provision for a Written Scheme of Investigation which should be approved by the LPA prior to development*”.
- 6.63 It is clear that the proposal would be acceptable from an archaeological perspective, provided a suitably worded condition is applied regarding an archaeological watching brief being carried out. Our client would be agreeable with such a condition being imposed on any planning permission.

Dwelling Space Standards

- 6.64 It should be noted that the proposed dwelling have been designed internally to meet the requirements laid out in the Governments ‘Technical Housing Standards – nationally described space standard’ document.

- 6.65 The proposal would comprise a three storey, 5 bedroom dwelling house (4 double rooms and one single occupancy). Internally the house has been designed to comfortably meet the requirements laid out in the Governments 'Technical Housing Standards – nationally described space standard' document. The requirement for a 5 bed; 8 person; 3 storey dwelling is 134m² and the proposed dwelling comfortably exceeds these minimum requirements.
- 6.66 We can confirm that all room sizes will also be compatible or in excess of the previous Mid Sussex District Council supplementary guidelines regarding space standards. Storage space would be provided within the dwellings and their garages, in excess of the specified guidelines. They are also designed to meet Secured by Design standards.
- i. Drainage
- 6.67 The Application Site lies within Flood Zone 1, which means that it has a low probability of flooding from rivers and the sea. Further the Gov.uk online resource indicates that the Site is at very low risk of flooding from surface water.
- 6.68 A drainage statement is incorporated into the Design & Access Statement, which accompanies this Planning Application.
- j. Biodiversity Net Gain (BNG)
- 6.69 No BNG is required in this case as the proposed development is a self-build dwelling, and it is therefore exempt.

7. CONCLUSIONS

- 7.1 The development seeks full planning permission for the provision of 1 No. new detached self-build dwelling to replace an existing detached garage on land to the west side of the existing property, 23 Hurst Road.
- 7.2 In terms of site designations and constraints, and for the purposes of planning, the application site is located outside of the defined built up area boundary for Hassocks, within a Countryside Area of Development Restraint (CADR).
- 7.3 A clear planning precedent for this form of development in this location has been set with the recent approval of new infill houses at 'Twinham' (34 Hurst Road) and No. 36 Hurst Road (ref: **DM/25/1222** and **DM/23/2126** respectively).
- 7.4 In addition, the proposal follows a positive pre-application enquiry with the Council, with the current proposal being fully informed by the Council's comments in relation to design.
- 7.5 We are of the opinion that the proposed development **would not** represent an inappropriate incursion into the countryside. We are of the view that the development proposals would make an efficient use of a plot, which would otherwise be under-used, within a semi-rural locale on the edge of the existing settlement of Hassocks. The proposed dwelling would be of a design that would sympathetically relate to the surrounding area. Indeed, it is our view that this high-quality development of 1 No. dwelling, which will use a sensitive palette of materials would in fact enhance the character of this semi-rural locale and represent a visual improvement. It is not considered that the proposed development would significantly harm the amenities of any neighbouring property in terms of overlooking or being overbearing, due to distance, site levels and vegetation screening, as well as property orientation. Nor would the proposal cause demonstrable harm through the creation of noise and disturbance. The development

will serve to both preserve and enhance the character of the countryside. The proposal would be in accordance with the development plan, when taken as whole.

- 7.6 **Policy DP6** identifies Hassocks as a category 2 settlement, the second largest settlement category in Mid Sussex after the main towns of Burgess Hill, East Grinstead and Haywards Heath. Category 2 settlements are defined as *“larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport”*.
- 7.7 The proposal meets with criterion 1 of **Policy DP6** in that the proposal is for fewer than 10 dwellings; although we accept that the proposal does not meet with criterion 2 as the site is not contiguous with the built up area boundary of Hurstpierpoint or Hassocks. With regards to criterion 3, the site is considered to be sustainable. Importantly, the proposal complies in full with the overarching aim of **Policy DP12** which seeks to *“maintains or where possible enhances the quality of the rural and landscape character of the District”*.
- 7.8 It is our view that the proposal is appropriately located and would not result in future occupiers becoming heavily reliant on the private car to meet their daily needs. The proposal would be compliant with **policy DP21** of the District Plan and the NPPF.
- 7.9 In addition the District Plan is in excess of 5 years old, and the District Council do not have a 5-year housing land supply. This has been confirmed by a recent appeal decision for a site at Scamps Hill in Lindfield (**planning ref: DM/24/0446; appeal ref: APP/D3830/W/24/3350075**). Therefore the presumption in favour of sustainable development is engaged. We contend that there are no adverse impacts arising from the development, but even if there are, these would be significantly and demonstrably outweighed by the benefits of providing a new dwelling in a



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sustainable locations, that is well designed and makes effective use of land. It therefore follows that planning permission should be granted without delay.

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