

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0100	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed erection of 1 no. new detached dwelling with car parking served by the existing access, following demolition of an existing garage		
Site:	Brooklea, 3 West Common, Lindfield, Haywards Heath, West Sussex, RH16 2AE, ,		
Validation Date	20 Jan 2025	Overall Expiry Date:	15 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 May 2025
Target Date:	17 Mar 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	8 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0100

Brooklea, 3 West Common, Lindfield, Haywards Heath, West Sussex, RH16 2AE,
Proposed erection of 1 no. new detached dwelling with car parking served by the existing
access, following demolition of an existing garage
Oliver And Katie Knight

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

Drainage: *The site is shown to be within future Flood Zone 2 in the MSDC SFRA mapping, and as such raising the finished ground floor level 300mm above adjacent ground level is recommended.*

The applicant should refer to the MSDC Flood Risk and Drainage Information Check List - Application Stage - <https://www.midsussex.gov.uk/planning-building/flood-risk-and-drainage-for-planning/>

We have no objection to the application on flood risk and drainage grounds

Naturespace District Licensing: *The proposed development was considered to present a low risk to great crested newts and/or their habitats. It was also noted that the development was located within an amber Risk Zone.*

Place Services Ecological Consultant: *The mitigation measures in the Preliminary Ecological Appraisal (Environmental Assessment Services, August 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.*

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

Mid Sussex District Council Street Naming and Numbering: *Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.*

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission for the demolition of an existing garage outbuilding and for the erection of a two-storey detached dwelling and associated on site car parking.

RELEVANT PLANNING HISTORY

The recent planning history on site is not considered to impact the determination of the current application.

SITE AND SURROUNDINGS

The application relates to the site at Brooklea, 3 West Common where a two storey semi-detached dwelling is located at present with a single storey garage outbuilding out to the side (north-east) of the site. The site is positioned to the western side of West Common and is located within a close proximity to where the road forks off into Summerhill Lane to the north-west. The existing property and outbuilding are set back from the highway edge by a gravelled front driveway space and a circa 1m high close board timber front boundary fence. There is existing garden amenity space located to the rear (west) of the property and the site adjoins the Summerhill Lane allotments to its western boundary. There are primarily residential dwellings located within the site's immediate context, featuring both detached and semi-detached properties from varying historical periods.

The site is located within the built-up area for Haywards Heath as defined in the District Plan (DP). The site also lies within an area of Townscape Character for Haywards Heath.

APPLICATION DETAILS

The proposal would demolish the existing single storey garage outbuilding on site and partly in its place develop a new two storey detached 4-bedroom dwelling. The existing site would be subdivided and the new build property would be afforded its own garden amenity space to the north-west. Access from the highway would be utilised and shared between the existing site and the proposed new build. The proposed dwelling would measure at 14.1m in length, have a maximum width of 6.9m, measure at 4.6m high to the eaves and 7.4m high to the ridge. In terms of external materials, the proposed dwelling would use white rendering at ground floor level, forma flint vertical board cladding at first floor level, plain clay roof tiles with a portion of lead flat roof, recessed solar panels and aluminium window frames in an anthracite-coloured finish.

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 Haywards Heath 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
DP5: Planning to Meet Future Housing Need
DP6: Settlement Hierarchy
DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21: Transport
DP26: Character and Design
DP27: Dwelling Space Standards
DP28: Accessibility
DP29: Noise, Air and Light Pollution
DP38: Biodiversity
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.

No relevant policies.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (Made March 2016)

Relevant policies:

Policy E9 - Protection and Reinforcement of Local Character
Policy E10 - Areas of Townscape Character
Policy E13 - Private Amenity Space
Policy H8 - Windfall Sites

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 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Sustainable Drainage
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPC6 - Ashdown Forest SPA and SAC
DPH12 - Accessibility
DPN6 - Pollution
DPN7 - Noise Impact
DPB1 - Character and Design
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH3 - Sustainable Development Inside the Built-Up Area
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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 9, 11, 12, 39, 48, 115-117, 131, 135 & 139 are relevant.

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;

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

Principle

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, Site Allocation DPD, and Haywards Heath Neighbourhood Plan.

As the proposed development is within the built up area of Haywards Heath, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

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

Policy H8 of the Neighbourhood Plan states that:

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

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

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

Impact on Character and Design

Policy DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- 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 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'*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

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

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

Policy E10 of the Neighbourhood Plan notes that:

'Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question.'

Under subparagraph 6.30 of the Neighbourhood Plan, it is stated that:

'In the townscape character areas HHTC expects developers to demonstrate how their proposals for development or redevelopment, will reinforce the local character and thus meet objective 6F of this Plan. In particular, proposals should:

- o retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- o retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- o avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

Principle DG13 of the Mid Sussex Design Guide in relation to the frontages of new buildings that:

'New development should normally provide strong street enclosure and continuous frontages that enable coherent building lines with the corners of blocks emphasised. Within urban areas, the established existing building line should usually be followed.'

In relation to the height and scale of new buildings, Principle DG39 of the Design Guide notes:

'The scale of new buildings should relate to their context (rural or urban), their location within the hierarchy of routes and whether they act as a focal point, landmark or corner building and the topography of a site.'

The National Design Guide (2021) states in Paragraph 44 that:

'to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character.' It adds that

'well-designed places and buildings are influenced positively by:

- o The history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- o The significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- o The local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of facades, characteristic materials and details'* (Paragraph 46).

The proposed dwelling would sit between the site at 3 West Common to the south-west and White Eaves to the north-east. At present, it is considered that the gap between these two sites is largely obscured at ground floor level due to the siting of the existing single storey garage on site. This garage is considered to be of limited architectural merit and of a utilitarian appearance, serving little value towards the street scene. To this end, it is not considered that the proposed dwelling would close an important gap within the locality.

In terms of external materials, the proposed dwelling would likely be of a contemporary external appearance through the use of rendering at ground floor level and forma flint vertical board cladding at first floor level. It is considered that within this stretch of the road to the western side that there is some visual variance offered between the existing rendered semi and cluster of brick and rendered detached dwellings. As such, the use of modern external materials are considered to be acceptable within this context.

The proposed dwelling would utilise a gable end appearance facing towards the roadside with a chimney stack to the southern elevation and single storey element to the northern elevation. It is considered that the use of the gable would mirror the existing gable ends along the nearby semi to the south-west and would not appear overly incongruous within the site's context. It is considered that the use of the chimney stack and single storey porch would help break up the overall bulk and massing of the proposal. Accordingly, the proposal is considered to have an acceptable appearance in this regard.

With regard to the existing building line, the proposed dwelling would sit slightly proud of 3 West Common to the south-west with the front bay protruding towards the roadside. However, the front bay would likely sit flush with the principal elevation at White Eaves and it is not considered that the proposed dwelling would result in a significant erosion to the existing building line within the locality.

In view of the above, the proposal is considered to comply with Policy DP26 of the District Plan and Policies E9 and E10 of the Haywards Heath Neighbourhood Plan and would result in an acceptable impact with regard to the character and appearance of the area.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

The proposed dwelling would be set circa 1.5m away from the neighbouring dwelling at White Eaves which does not have any side (south-western) elevation windows facing back towards the application site. The proposed dwelling would extend behind White Eaves' rear elevation and would present a blank elevation within a close proximity to the shared boundary. It is considered that the offset of circa 2m from the shared boundary from the two-storey built form would help mitigate towards a significant overbearing impact.

There are two existing (rear) ground floor windows at White Eaves which would be set within a close proximity to the application site. In terms of light impact to the rear windows, Principle DG47 of the Design Guide states among other matters that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation and a second 45 degree line is taken from the end of the projection. If the neighbouring properties window lies within the centre of both lines, then the building will likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb and each planning application is assessed based on its own merits.

The proposed dwelling would likely fail the 45 degree test when measured in plan format by virtue of White Eaves' orientation, however the proposal would pass when measured in elevation format from the neighbouring closest window to the boundary serving a non-habitable dining room. It is therefore considered that the proposal would not likely give rise to a significant overshadowing impact.

In terms of the impact towards the existing dwelling on site at 3 West Common, there are two side (north-eastern) elevation windows at both ground and first floor level which would face back towards the proposal. A distance of approximately 4.7m would remain between the two sites.

Further guidance is set out within the "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" document. The "25 degree approach" should be taken whereby a 25 degree line is drawn from the centre of the lowest habitable room. If the neighbouring properties window lies beneath the 25 degrees as measured, then the building will not likely cause a significant reduction in light received to the concerned window. This guidance is taken as a rule of thumb and each planning application is assessed based on its own merits.

When the 25 degree test is applied from the neighbouring ground floor window, the proposed dwelling would fall outside of this line. It is therefore considered that the proposed new build would not result in an overbearing impact in this regard.

There would be an array of solar panels contained to the proposed dwellings southern facing roof pitch which would be set in the direction of 3 West Common. It is considered that these panels would not directly face back towards the neighbouring windows and as such, would not result in an undue glint and glare impact.

It is noted that a number of rooflights would be positioned to both side (north and south) roof slopes, one of which would serve as the primary source of light to bedroom 2 which is also to be used as an office space. It is considered that these rooflights would be upwards facing along the roofslope and would not be used primarily for outlook but to serve light internally. With regard to the proposed side elevation windows at ground floor level, it is considered that the level of outlook offered would be limited and views could be further obscured towards the neighbouring sites through the erection of a 2m high boundary fence.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Highways

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

'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;'

The West Sussex County Council September 2020 Parking Guidance outlines that for a dwelling of this size in this location three parking spaces should be provided. There is sufficient room within the site for three parking spaces and it was noted that there is no record of injury accidents attributed to the existing access point. There were no details submitted as part of the application regarding cycle parking and a pre-commencement condition securing the addition of a covered cycle parking spaces has been agreed

with by the Applicant. In summary, there was no objection was raised from West Sussex County Council's Highways Engineer following consultation and the proposed parking arrangement is considered acceptable.

Impact on Future Occupants of the Development

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 115 square meters plus 3.0 square meters of built-in storage is recommended for a two storey, four-bedroom dwelling that can accommodate seven people. The approximate total floor space would meet this requirement, measuring at circa 146 square meters in gross internal floor space.

In terms of outdoor private garden amenity space, Policy E13 of the Neighbourhood Plan states that:

'Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s) and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.'

Whilst the site would be largely served by a driveway and parking area to the front, the rear of the site would offer approximately 165 square meters of garden amenity space. This is considered to be ample space and commensurate to the proposed development, thus meeting the needs of the current and future occupiers of the site.

It is therefore considered that the proposal would comply with the provisions of policy DP27 of the District Plan, Policies H8 and E13 of the Haywards Heath Neighbourhood Plan and the Technical Housing Standards.

Flood Risk and Drainage

Policy DP41 of the District Plan notes that:

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

The Drainage Engineers noted that the site is shown to be set within future Flood Zone 2 and raising finished ground floor levels 300mm above adjacent ground level is recommended. No objection was raised towards the application, however a pre-commencement condition requiring details of foul and surface water drainage has been agreed with by the Applicant.

Ecology

Policy DP38 seeks to protect and enhance biodiversity.

The application is accompanied by a preliminary ecological appraisal. The Ecology Consultant for the Council has recommended approval subject to conditions.

Moreover, it was commented by Naturespace Partnership in response to the application that the proposal would be unlikely to result in a harmful impact on great crested newts. However, given the sites position in a red impact zone, an informative was recommended which can be added to any permission that may be granted.

Given the above, it is considered that measures can be put in place to protect the existing biodiversity on site and as such, policy DP38 is complied with.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

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

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

The application is supported by a sustainable construction and energy efficiency statement which notes that wherever feasible, building materials will be sourced locally. A construction management plan will be put in place so that waste on site is reduced.

Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan.

Ashdown Forest

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

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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 (Updated Transport Analysis) as a windfall scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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 per cent increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

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

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

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

The application form confirms that BNG is required for the proposed development.

The application is accompanied by a preliminary ecological appraisal which includes the small sites metric and a habitat plan within. It was commented in the Ecological Consultants response that the application provided a satisfactory level of information with the regard to these matters at the application stage.

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 Haywards Heath Neighbourhood Plan.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Weighing in favour of the scheme is that the development will provide 1 additional unrestricted residential unit where an existing residential use exists within the settlement boundary of a Category 1 settlement as defined by the District Plan. The proposal is also considered to provide benefits through the standard of accommodation, which is in exceedance for a two storey, four-bedroom dwelling that can accommodate seven people.

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. Given this shortcoming in meeting the five year housing supply target, the addition of a new dwelling is considered to help contribute an additional site, albeit making a marginal contribution. This contribution nonetheless is considered to weigh in favour of the development proposal.

The proposal is considered to have a neutral impact in respect to a number of issues such as neighbouring amenity, highways, flood risk, ecology, sustainability and the impact upon the Ashdown Forest SAC.

For the reasons set out within the assessment section, it is considered that the application complies with Policies DP4, DP5, DP6, DP17, DP21, DP26, DP27, DP28, DP29, DP38 and DP41 of the Mid Sussex District Plan and Policies E9, E10, E13, H8 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD, the West Sussex County Council's Guidance on Parking at New Development, the National Planning Policy Framework and the Technical Housing Standards.

Decision: Permission
Case Officer: Stefan Galyas