

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2409	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed conversion of barn to residential use to create 1 2-bedroom dwelling. Removal of existing hardstanding and landscaping.		
Site:	Slaugham Garden Nursery, Staplefield Road, Slaugham, Haywards Heath, West Sussex, RH17 6AG, ,		
Validation Date	9 Jul 2025	Overall Expiry Date:	16 Mar 2026
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	19 Mar 2026
Recommendation:	Permission	Recommendation Date:	25 Mar 2026
Target Date:	3 Sep 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	27
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Signed and Agreed By:	Steven King	Date:	2 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2409

Slaugham Garden Nursery, Staplefield Road, Slaugham, Haywards Heath, West Sussex, RH17 6AG,

Proposed conversion of barn to residential use to create 1 2-bedroom dwelling. Removal of existing hardstanding and landscaping.

Mr L Nugent

SUMMARY OF REPRESENTATIONS

16 letters of representation were received on the application which raised the following concerns:

- Land is designated for horticultural use
- Located in the High Weald AONB, permission only given for housing that supports agricultural activity or of exceptional design
- Does not conserve or enhance the AONB or the countryside
- Site is within the Green Belt (*Officer Comments: The site is not designated green belt land*)
- Proposal emphasises the improvement of the untidy site, landowner has allowed this to occur and should not be given weight
- Site has been used for dumping material, could contain contaminates
- Lack of high quality design
- Does not comply with Slaugham Neighbourhood Plan or District Plan policies
- Unsustainable location, at a distance from local services and settlement of Slaugham
- Not accessible by foot or public footpaths
- Does not improve the economic, social or environmental condition of the area
- Would create a precedent (*Officer Comments: Each application is considered on its own merits*)
- Previous refusal and dismissed appeals
- Pre-application meeting was against the proposal
- Increased traffic
- Impact on ecology

Following these comments a Tree Report was provided with the application, the application was then re-advertised and a further 10 letters of representation were received which raised the following additional points:

- Should be considered to be a heritage asset
- Large number of trees on the site, supports wildlife

SUMMARY OF CONSULTEES

MSDC Flood Risk and Drainage Team - No objection, recommend condition

MSDC Tree Officer - No objection

Southern Water - No objection, recommend condition

Ecologist - No objection, recommend conditions

NatureSpace - A precautionary working method statement is required

WSCC Highways Authority - No objection, recommend conditions

Environmental Health Housing Standards - information

MSDC Contaminated Land - No objection, recommend conditions

MSDC Street Naming and Numbering - informative

PARISH COUNCIL OBSERVATIONS

10.01.2025:

SPC; Object. The Council has carefully examined the proposal to convert the small barn at Slaugham Garden Nursery into a single bungalow dwelling. Following a detailed review and a focused discussion with immediate neighbours and the wider village, we have concluded that, if the proposal proceeds in its current form, both the Council and the local community will oppose it. The proposed development is deemed unsuitable for the site and does not meet the requirements of local and national planning policies.

The Mid Sussex District Council's planning policies for building in Areas of Outstanding Natural Beauty (AONB) are set out in several key documents. These policies ensure that development within the AONB is carefully managed to conserve and enhance the natural beauty of the area.

1. Non-Compliance with Mid Sussex District Plan Policies:

DPC1: Protection and Enhancement of the Countryside

Slaugham Garden Nursery is located within the High Weald Area of Outstanding Natural Beauty (AONB). The proposal to develop a single dwelling on this site does not contribute to the enhancement of this protected area, and as such, it conflicts with the intent of DPC1, which aims to conserve and enhance the natural beauty of the countryside.

DPC3: New Homes in the Countryside

The National Planning Policy Framework (NPPF) clearly states that isolated homes in the countryside should be avoided unless they meet specific criteria, such as agricultural necessity or exceptional design quality. The proposed development does not meet these criteria, and therefore, it is contrary to both DPC3 and the guidance provided in the NPPF.

DPH2: Sustainable Development - Outside the Built-Up Area

The proposed site is not contiguous with any existing built-up area and lacks essential services such as transport links, shops, and schools. As a result, it is not a sustainable location for new housing, which contradicts DPH2 of the District Plan.

DPC4: High Weald Area of Outstanding Natural Beauty

This policy seeks to preserve, protect, and enhance the High Weald AONB. The proposed development does not align with these objectives and would instead undermine the conservation efforts intended for this sensitive landscape.

DPB3: Conservation Areas:

The District Council's 36 conservation areas are protected through national planning legislation designated locally. They range from the historic town centre of East Grinstead through to smaller villages and settlements such as Slaugham.

2. Non-Compliance with the Slaugham Neighbourhood Plan (SNP)

SNP Policy 1: Protecting the Area of Outstanding Natural Beauty(AONB)

Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

1. The identified landscape features or components of landscape beauty and to their setting;
2. The traditional interaction of people with nature and appropriate landscape management;
3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
4. The conservation of wildlife and cultural heritage.

Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.

Development proposals on land that contribute to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular does not adversely affect the views into, and out of, the AONB by virtue of its location and/or design.

SNP Policy 2: Sustainable Development Measure

Development proposals which incorporate efficient and sustainable energy sources (including, but not limited to, photovoltaic panels, solar thermal insulation, biomass and heat pumps, and domestic water harvesting/ recycling systems) will be considered.

SNP Policy 3: Green infrastructure

Development proposals, which seek to conserve, maintain or enhance existing green infrastructure network will be supported. Proposals to provide additional green infrastructure will be supported.

Proposals which seek to improve access for pedestrians and cyclists through green infrastructure linkages will be particularly supported.

Proposals which would result in the loss of existing green infrastructure will not be supported unless it can be demonstrated that the development proposals bring new opportunities which mitigates or compensates any loss, whilst ensuring the protection of the existing ecosystem.

SNP Policy 4: Conservation Areas

Development proposals within Handcross, Slaugham or Warninglid Conservation Areas will be supported where they conserve or enhance the character or appearance of the Conservation Area concerned, and comply with the requirements in Policy DPB3 (Conservation Areas) of the MSDP.

Location & Environmental Context:

The site in question is adjacent to a designated conservation area.

The site is located within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty (AONB).

Directly adjacent to the Ancient Woodlands of Homestead Wood and Orange Gill, both identified as Local Wildlife Sites and sites of special interest.

Impact of the Proposed Development:

The development will not contribute positively to the aesthetic value of the village.

There is concern that it may detract from the character of the nearby conservation area and special interests' sites, which could impact the overall appeal and environmental integrity of the area.

SNP Policy 6: Housing

The proposed development is outside of the built-up area and lacks sustainability due to its remote location. The SNP, in line with the District Plan, directs new housing growth to more suitable locations, have been identified and more than meet local housing needs.

3. Housing Pressure and Allocation

Slaugham Parish has already made significant contributions to housing growth, particularly through the strategic allocation of 600 homes at Pease Pottage. Given the existing pressures and allocations, further development in other parts of the Parish, such as this proposal, is neither necessary nor appropriate. The SNP supports this stance by directing growth to designated areas, not isolated rural locations.

4. Concerns Regarding Applicant's Intentions

The Council and residents have significant and understandable reservations about the proposal due to the applicant's history and the potential for future modifications to the proposal that could lead to additional, undesirable development. The associated disruptions to the village have seen a significant strain on various resources. We would be concerned that the applicant cannot be relied upon to modify the application in good faith.

In summary, Slaugham Parish Council and the local community would object to the planning application for the conversion of the barn at Slaugham Garden Nursery into a dwelling should it come forward. The proposal is not appropriate for the site and conflicts with both local and national planning policies.

19/07/2025:

SPC - Object.

The Council has carefully examined the proposal to convert the small barn at Slaugham Garden Nursery into a single bungalow dwelling. Following a detailed review and a focused discussion with immediate neighbours and the wider village, we have concluded that, if the proposal proceeds in its current form, both the Council and the local community will oppose it.

The proposed development is deemed unsuitable for the site and does not meet the requirements of local and national planning policies. The Mid Sussex District Council's planning policies for building in Areas of Outstanding Natural Beauty (AONB) are set out in several key documents. These policies ensure that development within the AONB is carefully managed to conserve and enhance the natural beauty of the area.

1. Non-Compliance with Mid Sussex District Plan Policies: DPC1: Protection and Enhancement of the Countryside Slaugham Garden Nursery is located within the High Weald Area of Outstanding Natural Beauty (AONB). The proposal to develop a single dwelling on this site does not contribute to the

enhancement of this protected area, and as such, it conflicts with the intent of DPC1, which aims to conserve and enhance the natural beauty of the countryside.

2. DPC3: New Homes in the Countryside The National Planning Policy Framework (NPPF) clearly states that isolated homes in the countryside should be avoided unless they meet specific criteria, such as agricultural necessity or exceptional design quality. The proposed development does not meet these criteria, and therefore, it is contrary to both DPC3 and the guidance provided in the NPPF. DPH2: Sustainable Development - Outside the Built-Up Area

3. The proposed site is not contiguous with any existing built-up area and lacks essential services such as transport links, shops, and schools. As a result, it is not a sustainable location for new housing, which contradicts DPH2 of the District Plan.

4. DPC4: High Weald Area of Outstanding Natural Beauty This policy seeks to preserve, protect, and enhance the High Weald AONB. The proposed development does not align with these objectives and would instead undermine the conservation efforts intended for this sensitive landscape.

5. DPB3: Conservation Areas: The District Council's 36 conservation areas are protected through national planning legislation designated locally. They range from the historic town centre of East Grinstead through to smaller villages and settlements such as Slaugham.

6. Non-Compliance with the Slaugham Neighbourhood Plan (SNP) SNP Policy 1: Protecting the Area of Outstanding Natural Beauty(AONB) Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

1. The identified landscape features or components of landscape beauty and to their setting
2. The traditional interaction of people with nature and appropriate landscape management
3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB
4. The conservation of wildlife and cultural heritage.

Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.

Development proposals on land that contribute to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular does not adversely affect the views into, and out of, the AONB by virtue of its location and/or design.

7. SNP Policy 2: Sustainable Development Measure Development proposals which incorporate efficient and sustainable energy sources (including, but not limited to, photovoltaic panels, solar thermal insulation, biomass and heat pumps, and domestic water harvesting/ recycling systems) will be considered.

8. SNP Policy 3: Green infrastructure Development proposals, which seek to conserve, maintain or enhance existing green infrastructure network will be supported. Proposals to provide additional green infrastructure will be supported. Proposals which seek to improve access for pedestrians and cyclists through green infrastructure linkages will be particularly supported. Proposals which would result in the loss of existing green infrastructure will not be supported unless it can be demonstrated that the development proposals bring new opportunities which mitigates or compensates any loss, whilst ensuring the protection of the existing ecosystem.

9. SNP Policy 4: Conservation Areas Development proposals within Handcross, Slaugham or Warninglid Conservation Areas will be supported where they conserve or enhance the character or appearance of the Conversation Area concerned and comply with the requirements in Policy DPB3 (Conservation Areas) of the MSDP. Location & Environmental Context: The site in question is adjacent to a designated conservation area.

10. The site is located within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty (AONB). Directly adjacent to the Ancient Woodlands of Homestead Wood and Orange Gill, both identified as Local Wildlife Sites and sites of special interest. Impact of the Proposed Development:

11. The development will not contribute positively to the aesthetic value of the village. There is concern that it may detract from the character of the nearby conservation area and special interests' sites, which could impact the overall appeal and environmental integrity of the area.

12. SNP Policy 6: Housing The proposed development is outside of the built-up area and lacks sustainability due to its remote location. The SNP, in line with the District Plan, directs new housing growth to more suitable locations, have been identified and more than meet local housing needs.

13. Housing Pressure and Allocation Slaugham Parish has already made significant contributions to housing growth, particularly through the strategic allocation of 600 homes at Pease Pottage. Given the existing pressures and allocations, further development in other parts of the Parish, such as this proposal, is neither necessary nor appropriate. The SNP supports this stance by directing growth to designated areas, not isolated rural locations.

14. Concerns Regarding Applicant's Intentions The Council and residents have significant and understandable reservations about the proposal due to the applicant's history and the potential for future modifications to the proposal that could lead to additional, undesirable development. The associated disruptions to the village have seen a significant strain on various resources. We would be concerned that the applicant cannot be relied upon to modify the application in good faith. In summary, Slaugham Parish Council and the local community would object to the planning application for the conversion of the barn at Slaugham Garden Nursery into a dwelling should it come forward. The proposal is not appropriate for the site and conflicts with both local and national planning policies.

INTRODUCTION

The application seeks planning permission for the conversion of a barn to residential use to create one 2-bedroom dwelling. Removal of existing hardstanding and landscaping.

RELEVANT PLANNING HISTORY

DM/17/4326 - Proposed 3 No. four bedroom dwellings on land at Slaugham Garden Nursery. Refused (Appeal Dismissed)

DM/19/4269 - Existing Lawful Development Certificate sought for use of a Barn as a Dwellinghouse. Refused (Appeal Dismissed)

DM/22/2015 - Proposed change of use of land to a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area. Refused (Appeal Dismissed)

SITE AND SURROUNDINGS

The application property is located on the northern side of Staplefield within the countryside and High Weald Area of Outstanding Natural Beauty (AONB), also now known as National Landscape.

The locality is characterised by open fields and areas of woodland, with sporadic residential properties which contribute to the rural character of the countryside. The application site was previously used as part of a horticultural nursery, however, it has not been in use for some time. The site is positioned above the highway and includes an existing barn which is accessed by an existing track and largely screened from the highway by mature planting and trees. Given the period of time that the site was last in use the site has become overgrown and untidy. However, this could be overcome at anytime and the site returned to an active horticultural use.

There have been a number of previous applications on the site including application DM/17/4326 for the erection of 3 No. 4-bed dwellings. This was refused and subsequently dismissed at appeal (AP/18/0088), in which the Inspector stated:

'The street scene within and nearby to Slaughtam is characterised by a generally linear form as evidenced on Park Road. As one leaves the centre of the settlement, development becomes more sporadic, but continues a linear form being mainly individual dwellings close to the highway such as along Staplefield Road.

The proposal would introduce three residential dwellings and associated paraphernalia that would be located a short distance from the highway and face it as a cluster of three. This would be at odds with the prevailing pattern of development within this part of the AONB and in relation to the nearby settlement. The Appellant asserts that as the site is well-screened on three sides the visual impact would be limited. Moreover, they point to other decisions where screened developments have been supported in the AONB. I do not have the full details of such schemes. But in any case, this does not alter the fact that in this instance the potential layout - which is severely restricted by the tightly drawn red-lined site area - would be in conflict with the overall pattern of development within the area and at odds with its character.

...

Accordingly, I find that the proposal would have an adverse impact on the character and appearance of the area and would fail to conserve and enhance landscape and scenic beauty in the High Weald AONB. As such it would be contrary to Policies DP6, DP12, DP15 and DP26 of the MSDP, which amongst other aims seek to ensure 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. In this case, the proposal would also not meet the two criteria set out in Policy DP12.'

APPLICATION DETAILS

The application seeks the conversion of the existing barn to form a 2-bed dwelling. The external alterations to facilitate conversion of the building would include replacement timber cladding and zinc seam roof with upvc fenestration.

The proposal would be accessed by the track off the northern side of the highway with a parking area to the north of the building and amenity space to the south.

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,*
- b) And 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 Allocation Development Plan Document (DPD) and the Slaugham Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework 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
DP12 - Protection and Enhancement of Countryside
DP15 - New Homes in the Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
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
DP37 - Trees, Woodlands and Hedgerows
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.

Slaugham Neighbourhood Plan (made September 2019)

Relevant policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty
Policy 2 - Sustainable Development Measures

Other Legislation

Countryside and Rights of Way Act (CROW) 2000

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the

NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Drainage
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPC3: New Homes in the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the Built-up Area
DPH7: Housing Mix
DPH11: Dwelling Space Standards
DPH12: Accessibility

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.

High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

The Plan is adopted by all the relevant local authorities with land in the High Weald National Landscape as their policy for the management of the area and for the carrying out of their functions in relation to it and is a material consideration for planning applications affecting the HWNL.

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- Design and impact on the character of the area
- High Weald AONB
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Impact on parking provision
- Impact on Trees
- Ecology
- Ashdown Forest
- Sustainability
- Flood Risk and Drainage
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

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

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Slaugham as defined by the District Plan. As such the site is located within the defined Countryside.

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

Policy DP6 of the District Plan states in part that:

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

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

Policy DP15 of the District Plan refers to replacement dwellings in the countryside and sets out the requirements where this would be permitted, which states:

'The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed⁸ agricultural building which has not been or has been little used for its original purpose and:

- the re-use would secure the future of a heritage asset; or*
- the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'*

Paragraph 84 of the NPPF states:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'*

The proposal would convert the existing barn which was used in association with the previous horticultural business on the site, which has now ceased. The proposed alterations and replacement roof and wall cladding of the building would enhance the appearance of the existing building and the immediate rural locality.

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

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

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

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

'For decision-taking this means;

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

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

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

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

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

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

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

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

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

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing,

the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

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

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

Assessment

Design and impact on the character of the area

Policy DP26 of the Mid Sussex 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:

- 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 DP27);*
- 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.'*

Paragraphs 131 and 135 of the NPPF state:

'131. 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, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

135. Planning policies and 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Principle DG38 of the Mid Sussex Design Guide states '*Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

The proposed alterations to the existing building would alter the appearance of the building, however the domestic alterations of the conversion have been reduced to solely the installation of the windows and doors. Due to this, the existing rural character of the building has been retained as far as possible. The proposal would be accessed by the existing track up to the barn. The building is largely obscured from view of the highway with mature planting in between, and therefore the proposal is considered to maintain the rural character of the area.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character and would comply with policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to '*take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB*'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs*'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Policy 1 of the Slaugham Neighbourhood Plan echoes the ethos of this policy.

Paragraphs 189 of the NPPF 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'

A similar ethos is found within the High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

The proposed barn conversion would result in alterations to the external appearance of building, however, would not alter the scale and form of the building. The proposal would largely retain the character of the barn, which although utilitarian, is appropriate to the locality. Given this it is considered that the proposal would not have an impact on the AONB and would conserve it.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'...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'*.

The closest neighbouring properties includes Brook Cottage, located approximately 130 metres to the east of the application site, and to the west is Naylands some 179 metres from the site. Given the separation distances to the closest neighbouring properties, it is considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal is to provide a two bed, four-person dwelling which from Officer calculations indicate that the development would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Transport

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given 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; 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.'*

In addition, para 116 states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios.'

The Local Highway Authority was consulted on the application and provided the following comments: 'Slaugham Garden Nursery is accessed via Staplefield Road, which at the point of access to the site is subject to 30mph speed restrictions. The speed limit changes approx. 30m west of the site to a national speed limit zone. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at the junction with the public highway, onto Staplefield Road. There is no evidence to suggest that the junction has been operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

The plans demonstrate that the existing access arrangement will continue, including use of the existing internal access drive into the site. Parking has been accommodated for, for two vehicles which from observation of the WSCC parking demand calculator would be sufficient to serve the likely demand.

The layout provided facilitates a turning head style arrangement within the parking area which allows cars a turn on site provision.

Refuse is anticipated to be collected roadside and not anticipated to enter the site, should refuse vehicles be required to enter the site, a swept path diagram should be provided showing that this is achievable and that a refuse vehicle could exit onto the publicly maintained highway in a forward gear.

The site is located in a rural setting with no provision of footways. The nearest bus stops to the site are located approx 300 metres to the east, within Slaugham village. These bus stops facilitate connection onto wider transport network. Provision of cycle parking is encouraged to promote sustainable travel. Although it is acknowledged that most of the trips undertaken by the residents would be dependent on the use of a car, there are opportunities for sustainable travel.

It is not considered that a single dwelling in this location would materially alter vehicular movements along Staplefield Road, the previous use as a Garden Centre along with the stated more recent construction and storage uses would have generated a greater number of vehicular trips- albeit the nature of trips does differ within this application. This use functioned for some time with no known highways safety or capacity issues.

The Local Highway Authority does not consider that the proposal for a single dwelling 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.'

Given the limited scale of the proposal, your officer agrees with the view of the Local Highway Authority that the proposal would not result in a highway safety hazard or cause a severe impact on the highway network from vehicular movements. Whilst future occupiers of the dwelling would be reliant on the private car for access to shops, services and employment opportunities, this is inherent in the conversion of rural buildings. A balance has to be struck between the locational sustainability of the site against the benefits of reusing an existing building.

In light of the above, when taken in the round, it is considered that the application meets the requirements of policy DP21 of the Mid Sussex District Plan.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

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

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Tree Officer has been consulted on the application and raised no objection, and although there are concerns regarding the future pressure on a category C Oak tree, this would not be a constraint to the development. It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan subject to a condition.

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The Council's Ecologist has been consulted on the application and has provided the following comments, following confirmation that the existing outbuildings of the property will be retained:

'We have reviewed the Ecological Impact Assessment (ACD Environmental, August 2023), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. We note that the current application relates only to the conversion of the nursery workshop store to a dwelling.

In addition, we have reviewed the documents submitted in relation to biodiversity net gains, including the application form.

We note from the Ecological Impact Assessment (ACD Environmental, August 2023) that the building and the trees onsite have negligible bat roost potential. Therefore we agree that no further surveys for bats are required.

We also note that there is a low population of Grass Snake onsite and therefore support the Precautionary Method Statement for mobile protected species, including reptiles and Hedgehog, in Sections 6.10, 6.15 and 6.30 of the Ecological Impact Assessment (ACD Environmental, August 2023). This should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available to support determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures in the Ecological Impact Assessment (ACD Environmental, August 2023) 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.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The de-minimis exemption, as set out under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, applies to development that does not impact a Priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat*
- 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)*

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

Providing that the development does not affect any more than 25m², we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'

Nature Space have been consulted in relation to Great Crest Newts (GCN). They have stated 'Thank you for re-consulting us on the above application and sending on the applicant's updated PEA. This report has confirmed that the area of broken scrubby ground is now not to be removed, although has identified various materials on site which have the potential to provide hibernacula. As the removal of a few minor trees is also required, we are in agreement with the ecological report that a precautionary working method statement is going to be required here in order to adequately safeguard the species. This statement should be written by a suitably qualified ecologist and it is recommended that this statement include ecology supervision, vegetation removal measures, correct material storage and what to do in the event that a GCN is discovered. This statement should either be submitted to the LPA for approval prior to determination or secured via a pre-commencement condition.'

Your Planning Officer has no reason to disagree with their conclusions and with such a condition in place, it is considered that GCN will be suitably protected.

It is therefore considered that the proposal is acceptable on ecology terms subject to conditions. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

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

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

Sustainability

Policy DP39 of the Mid Sussex District Plan 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'*

Policy 2 of the Slaugham Neighbourhood Plan echoes the ethos of this policy.

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:

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

The proposal has not been submitted with a Sustainability Statement, however, the structural report submitted with the proposal sets out the alterations and the insulation proposed with the proposal along with conditions for further information.

The site is located within the countryside and some distance from Slaugham. The proposal would convert the existing rural building to a residential property, which is supported in principle. It is therefore considered that although the site is not located within a sustainable location, the proposal does comply with the objectives of policy DP39 of the Mid Sussex District Plan and is acceptable.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a low surface water flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection to the proposal subject to the submission of a drainage plan prior to planning permission being granted and to a condition.

Southern Water have also provided comments on the application and recommend that the applicant consults directly with the Environment Agency regarding the use of a private wastewater treatment works. They request a pre-commencement condition to ensure that public apparatus is protected, however from the plan provided with the Southern Water comments there is no public apparatus in the immediate locality of the site, and therefore this condition is not considered necessary.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Other Matters

Comments have been raised that the barn should be considered as a heritage asset. The building is of modern construction and a utilitarian appearance which is not considered to be of historical merit.

It is noted that Naylands, some 179 metres to the west of the site is Grade II listed, however given the separation distance it is not considered that the proposal is within the setting of this heritage asset and therefore not a planning consideration for this application.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Slaugham Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41, and Slaugham Neighbourhood Plan policies 1 and 2.

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

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

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

In terms of the scheme's benefits, the development is considered to comply with the Development Plan as a whole, in particular Policy DP15 of the District Plan, and this should be given substantial weight. The development will result in construction jobs over the life of the build, albeit the weight should be limited due to the scale of the scheme. The development will also result in a new dwelling of up-to-date standards, although this should be given limited weight given the fact it is only one dwelling.

There has been a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage and sustainability.

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

OVERALL CONCLUSION

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

In these circumstances the NPPF states that permission should be granted.

There are no other material considerations that would alter the above planning balance and therefore the application is recommended for approval.

Decision: Permission

Case Officer: Katherine Williams

