

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0064	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Demolition of existing storage building and erection of a detached two-storey, 3-bedroom house with single-storey detached garage and associated access and landscaping		
Site:	Land Adj. To Hounds Cottage, Wall Hill Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3TQ, ,		
Validation Date	12 Jan 2026	Overall Expiry Date:	4 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Apr 2026
Target Date:	9 Mar 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	2 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0064

Land Adj. To Hounds Cottage, Wall Hill Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3TQ,

Demolition of existing storage building and erection of a detached two-storey, 3-bedroom house with single-storey detached garage and associated access and landscaping

Amanda Button And Giles Casey

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

MSDC Flood Risk and Drainage

No objection subject to conditions.

MSDC Tree Officer

No objection subject to conditions.

MSDC Ecologist

No objection subject to conditions.

Newt Officer

No objection subject to conditions.

WSCC Highways

No objection subject to conditions.

MSDC Street Name and Numbering

Recommend informative.

Natural England

No objection subject to mitigation measures.

PARISH COUNCIL OBSERVATIONS

Ashurst Wood Village Council

No objection, recommending moving existing boundary wall to the north to provide safe access to a playing field within the surrounding area and a traffic management plan.

INTRODUCTION

The application seeks planning permission for the demolition of existing storage buildings and the erection of one dwelling and single storey garage at land adjacent to Hounds Cottage Wall Hill Road Ashurst Wood RH19 3TQ.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The application site is situated within the countryside as defined in the District and Neighbourhood Plans. The built up area boundary of Ashurst Wood is located to the north and west of the site. The site is located within the High Weald Area of Outstanding Natural Beauty and within 7km of the Ashdown Forest SPA and SAC. There is an area at low risk of surface water flooding to the south of the site.

The site consists of an overgrown field with two single storey dilapidated storage buildings. The ground levels of the site drop some 2.0 metres in height from the north of the site to the south of the site. There are significant tree lines to the east, south and west of the site and a significant hedgerow to the north of the site. The existing access to the site is located to the north from Wall Hill Road. There are two category B trees, 18 category C trees, one category C/U tree and 11 category C trees within and adjacent to the site.

To the north, east and west of the site are residential dwellings and open countryside is located to the south of the site.

APPLICATION DETAILS

The application seeks planning permission for the demolition of existing storage buildings and the erection of one dwelling and single storey garage at land adjacent to Hounds Cottage Wall Hill Road Ashurst Wood RH19 3TQ.

The proposed dwelling is a two storey 3-bedroom dwelling which would include a lower ground floor and an upper ground floor. The dwelling would measure some 12.7 metres in width, 7.9 metres in depth, an eaves height of 4.3 metres and a total height of 6.3 metres. At lower ground floor level the proposed dwelling will provide a three bedrooms, one with an en-suite, a bathroom and study. At upper ground floor level the proposal includes an open plan dining room, kitchen, living room and snug. It also includes a W/C and utility room. The proposed dwelling would be characterised by timber clad walls, sedum roofing and composite aluminium and timber window and door frames. The proposal would also include a steel and timber pedestrian bridge that would connect the proposed garage to the dwellinghouse.

The proposed single storey garage is located to the north of the proposed dwelling, it would have space for one vehicle and would include an EV charging point and bike storage. It would measure some 5.1 metres in depth, 6.5 metres in width, an eaves height of 2.2 metres and a total height of 3.2 metres. It would be characterised by timber clad walls, steel roofing and timber frame windows.

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 Ashurst Wood Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP4: Housing
DP6: Settlement hierarchy
DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
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
DP29: Noise, air and light pollution
DP37: Trees, Woodland and Hedgerows
DP38: Ecology
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Site Allocations DPD

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

None relevant policies.

Ashurst Wood Neighbourhood Plan

The Ashurst Wood Neighbourhood Plan was made in June 2016.

Relevant policies:

ASW1 - Protection of the Countryside
ASW12 - Residential Development outside the Built Up Area Boundary
ASW14 - Design and Character
ASW21 - Parking Provision

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:

DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPN7: Noise Impacts
DPN10: Land Stability and Contaminated Land
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - outside the BUA
DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

National Design Guide

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

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

Technical Housing Standards

High Weald AONB Management Plan 2024-2029

West Sussex County Council Guidance on Parking at New Developments (September 2020)

ASSESSMENT

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

- o Principle
- o Design, Impact on the character of the area and impact on High Weald AONB
- o Highways
- o Trees, Woodland and Hedgerows
- o Ecology
- o Impact on Residential Amenity
- o Sustainability
- o Housing Standards
- o Flood Risk and Drainage
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

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

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

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

Policy DP6 of the District Plan states in part that:

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

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

A similar ethos is contained within policy ASW1 of the Ashurst Wood Neighbourhood Plan.

Policy ASW12 of the Ashurst Wood Neighbourhood Plan states in part that:

'Proposals for residential development outside the built up area will only be permitted where all the following criteria are met:

- (a) The site is a contained or infill site surrounded by existing development and would not generate additional encroachment into the countryside; and*
- (b) The proposal would not lead to an increased coalescence between the Plan area and East Grinstead and Forest Row; and*
- (c) The proposal is for up to three dwellings.'*

The red line of the application site is contiguous with the development boundary and is considered to be in a sustainable location close to a bus stop to the north of the site and the services within the Ashurst Wood built up area boundary. The site is located between an existing dwelling within the built up area boundary and a dwelling within the countryside so it is considered to be an infill site that would not lead to encroachment into the countryside or increase the coalescence between settlements. The proposal is also for less than three dwellings.

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

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

The proposed residential development meets the requirements of DP6 as the site is contiguous with the built up area boundary of Ashurst Wood. .

The principle of the application complies with the development plan, in terms of what type of development is allowable under Policies DP6 and DP15 of the Mid Sussex District Plan and policies ASW1 and ASW12 of the Ashurst Wood Neighbourhood Plan.

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 ASW1 of the Ashurst Wood Neighbourhood Plan, has a similar ethos to these policies and therefore is also given limited weight.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not

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

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight. Policy ASW12 of the Ashurst Wood Neighbourhood Plan, has a similar ethos to this policy and therefore is also given full weight.

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

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

Design, impact on the character of the area and impact on High Weald AONB

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Principle DG38 is also considered to be relevant and states:

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

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

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

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

The site is located within the High Weald Area of Outstanding Natural Beauty. 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.

Paragraph 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.'

A similar ethos can be found within both policies DP16 of the District Plan which state in part that development within the High Weald AONB *'will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular... character and local distinctiveness, settlement pattern, sense of place and setting of the AONB...'*

The proposed form of the dwelling and the proposed external materials are relatively contemporary in their appearance and nature. The proposed timber clad walls of the garage and dwelling would blend in with the surrounding trees and is considered to reflect the relatively verdant rural nature of the site. Due to the existing boundary treatment surrounding the site there would be limited views of the proposed dwelling and garage from the public realm and from any views of them from the north, they would appear single storey in their nature.

The proposed design of the dwelling is considered to be of high quality design with the proposed fenestration being coordinated in their siting and clear architectural approach evident in the design of the dwelling. Taking into account the above, the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would maintain the quality of the rural and landscape character of the District. Therefore, the proposal complies with policies DP12 and DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

In relation to the impact upon the wider AONB, the proposed development would replace existing single storey dilapidated buildings and there would be limited views of the proposed structures from outside the site. As set out in the previous section of this report above, the scale, nature and appearance of the proposed dwelling would be appropriate in the setting. As such it is considered to preserve the character of the AONB in accordance with policy DP16 of the District Plan and paragraph 189 of the NPPF.

Highways Matters

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

'...Decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'

Paragraph 116 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts*

on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

The Local Highways Authority (LHA) at West Sussex County Council has provided detailed comments regarding the proposal. They have noted that the proposal would utilise an existing access, the proposed parking spaces meet the requirements as stipulated within the WSCC Parking Demand Calculator and that the small increase in vehicle movements may occur, however, it is not considered to adversely impact the wider road network. They also consider that the on-site turning appears achievable and the proposed garage can accommodate bicycles. Therefore, they have advised that there are no transport grounds to resist the proposal subject to the imposition of conditions to secure the parking spaces and a construction management plan.

The Parish Council have raised no objection but recommended alterations to the boundary wall to provide safe access to a playing field within the surrounding area and a traffic management system. A condition will be imposed to secure a construction management plan which will include traffic management details. It is not considered necessary that the proposed development provides access to the playing field within the surrounding area. Your Planning Officer has no reason to disagree with the views of the LHA and it is considered the application complies with policy DP21 of the Mid Sussex District Plan.

Trees, Woodland and Hedgerows

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

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

The proposal seeks to remove five category C trees and three category U trees to facilitate the development. A number of tree protection measures have also been proposed, including tree protection fencing and ground protection. The Tree Officer raises no objection to the proposal and requests that the submitted AIA, AMS and Tree Protection Plan are secured by a suitably worded condition. They do raise concern regarding the future pressure of the development on existing trees, however they note that the proposal has been sited as far from those trees as possible. The proposal is considered to sufficiently protect the existing trees and replacement trees can be secured, as such the proposal complies with the above part of policy DP37 of the Mid Sussex District Plan.

Ecology

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

'Biodiversity will be protected and enhanced by ensuring development:

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

The submitted surveys demonstrate that the trees to be removed do not have potential roost features and the existing trees with these features would be retained. The Council's ecologist has commented on the application and advised that sufficient information has been submitted with the application to allow

for a determination on the application. They also support the submitted information in relation to protected species and the biodiversity enhancements. They recommend conditions to secure mitigation measures, a biodiversity enhancement strategy and a sensitive lighting scheme.

The Council's Newt Officer has raised no objection to the proposal subject to the imposition of a condition to secure the measures set out with the submitted Preliminary Ecological Appraisal.

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

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

Residential Amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'*.

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

The proposed dwelling would be set away from the other residential dwellings within the surrounding area and the nearest residential dwelling is located some 20 metres to the east of the proposed dwelling. The proposed dwelling is relatively modest in its scale and due to the location of the proposed openings they would not have direct views into neighbouring properties private amenity spaces. The proposed amenity space for the dwelling is considered to be appropriate and there would be sufficient openings within the proposed dwelling.

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

Sustainability

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

At national level Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

While Paragraph 166 states:

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

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

The submitted planning statement and design and access statement set out that the proposal would include the following measures:

- Sustainable timber,
- Sedum planted roof,
- Air Source Heat Pump, and
- Solar PV panels.

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

Dwelling Space Standards

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

A 3-bedroom 6-person, 2 storey dwelling is required to provide a minimum gross internal floor area of 102 square metres and 3.5 sqm of built-in storage. The proposed dwelling provides a gross internal floor area of 172.8 square metres. Therefore, the proposal meets the requirement of the above standards. Taking into account the above the standard of living for future occupiers would be acceptable and the development complies with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

Flood Risk and Drainage

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

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

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

The site lies within Flood Zone 1 very low risk of fluvial flooding and the Risk of Flooding from Surface Water mapping suggests the site is shown to be at "Very Low" to "Low" surface water flood risk for the present day and with climate change 2040 - 2060. The proposed built footprint is outside of the "Low" extent. The submitted drainage strategy indicates that surface water from the proposed dwelling will be attenuated and discharged at a rate of 0.8l/s via a new connection into an ordinary watercourse, which is outside of the application boundary. The drainage plan indicates that foul water will discharge to the package treatment plant. The Council's Drainage and Flood Risk Engineer has raised no objection to the proposal subject to a condition securing further details. As such the application is considered to comply with Policy DP41 of the Mid Sussex District Plan.

Impact on Ashdown Forest

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on

the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

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

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

The proposed development is inside the 7km zone of influence and generates a net increase of one dwelling and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and SANG mitigation have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions has been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has raised no objection, subject to securing appropriate mitigation. This has been agreed through the Planning Obligation.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

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)'.

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 Ashurst Wood Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP29, DP37, DP38, DP39 and DP41 and policies ASW1, ASW12, ASW14 and ASW21 of the Ashurst Wood Neighbourhood Plan.

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

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

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

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

The site is considered to be contiguous with the built up area of Ashurst Wood and within a sustainable location. This is positive in the planning balance.

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

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

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

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

Decision: Permission

Case Officer: Hamish Evans