

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2966	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Demolition of existing house, replacement new build house with associated landscaping		
Site:	Pickeridge Cottage, Cob Lane, Ardingly, Haywards Heath, West Sussex, RH17 6ST, ,		
Validation Date	27 Nov 2025	Overall Expiry Date:	11 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	23 Mar 2026
Target Date:	22 Jan 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	25 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2966

**Pickeridge Cottage, Cob Lane, Ardingly, Haywards Heath, West Sussex, RH17 6ST,
Demolition of existing house, replacement new build house with associated landscaping
Rachel And Will Milliken**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Objection. 'As previously discussed, I would consider that these revisions are a slight improvement on the scheme as originally submitted, but unfortunately the proposal continues to result in harm through impact on setting to the special interest of Pickeridge and the manner in which this is appreciated. Although as noted the level of this harm is slightly reduced, in my opinion it continues to fall within the mid-range of the less than substantial scale.'

Ecology

No objection, subject to conditions.

PARISH COUNCIL OBSERVATIONS

The Parish Council has no objections.

INTRODUCTION

Full planning permission is sought for the demolition of existing house and to build a replacement house with associated landscaping.

RELEVANT PLANNING HISTORY

DM/18/4784- Renovation of workshop with new internal fit-out, including new W/C and kitchenette, alongside new windows and doors in existing openings, new timber cladding and new external staircase to access the storage space above. Barn annexe to become guest annexe by converting to a habitable space including new floor level accessed internally by new stair, new windows and doors fitted in existing openings, and two new skylights in existing roof fabric. Permission.

SITE AND SURROUNDINGS

Pickeridge Cottage is a detached two-storey property. The property is a former farm cottage, associated with Pickeridge, a grade II listed former farmhouse dating from the 16th century.

Pickeridge Cottage is characterised by red brick, white upvc windows, a plain tile roof and clay tile hanging to the first floor.

The property lies within the countryside, outside Ardingly, and is within the High Weald Area of Outstanding Natural Beauty. The site consists of open grassland. To the north of the site is the historic farmstead of Pickeridge and a number of ancillary buildings. There is an existing vehicular access to the north of the site off Cob Lane. To the south of the site is open countryside, the west of the site is Cob Lane. A public right of way (PROW) runs north-south past the eastern side of the house, farmstead and cottage, and onwards into the surrounding countryside. The surrounding area is rural in its nature with sporadic residential development to the north. The built-up area of Ardingly is located some 839 metres to the southwest of the site.

APPLICATION DETAILS

The development proposal seeks planning permission to demolish the existing two-storey property on site and in their place develop a new part one-storey part two-storey, 4 bed dwelling. The proposed dwelling would have a maximum length of some 21m, a maximum width of some 16.4m, would have a maximum eaves height of some 5.7m of at its highest point and a ridge height of some 8.4 m. The internal area would measure some 280 sqm. It would be formed of two principal parallel ranges, with a linking volume, with the easternmost section having a two-storey form. It would have a pitched roof, with a flat roof section connecting the two elements which would have a green roof. The proposed would be characterised by black timber cladding, red zinc standing seam metal, red brick and composite timber/aluminium glazing. The proposed dwelling would provide a hallway, kitchen/ diner, living room, office/snug, bathroom, utility, gym and four bedrooms, two of which include ensembles.

The proposal would be accessed through the existing access to the north of the site with a footpath and some three parking spaces located to the east of the dwelling and three parking space to the north of the dwelling.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the West Hoathly 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:

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
DP30 - Housing Mix
DP34 - Listed Buildings and Other Heritage Assets
DP38 - Biodiversity
DP39 - Sustainable Design and Construction

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.

West Hoathly Neighbourhood Plan

The West Hoathly Neighbourhood Plan was made in 2015.
There are no relevant policies.

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN8: Light Impacts and Dark Skies
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
DPB2: Listed Buildings and Other Heritage Assets
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the Built-up Area
DPH6: Self and Custom Built Housing
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 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

The High Weald Area Of Outstanding Natural Beauty Management Plan 2024-2029

Conservation of Habitats and Species Regulations 2017 (as amended)

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 Impact on Heritage Assets
- o Design, impact on the character of the area and impact on High Weald AONB
- o Impact on Residential Amenity
- o Impact on future occupants of the development
- o Parking arrangements
- o Sustainability of the Building
- o Custom and self build
- o Ecology
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

The site is located within the defined Countryside and as such, the starting point is policy DP12. 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.

In association with Policy DP12 is Policy DP15 of the District Plan, which contains policy justification for replacement dwellings. It in part states:

'Replacement dwellings in the countryside will be permitted where:

The residential use has not been abandoned;

Highway, access and parking requirements can be met;

and The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'

In terms of the criterion within policy DP15 the property is still occupied and as such has not been abandoned and the highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty will be assessed in subsequent sections of this report.

The principle of a replacement dwelling is considered acceptable and would comply with the above mentioned element of policy DP15 of the Mid Sussex District Plan. The design of this dwelling, its impact on the character of the countryside and the setting of the listed building will be assessed later in this report.

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 deliverable 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.

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.

Impact on Heritage Assets

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paras 212- 215 of the NPPF state:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional 75 .*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council's Conservation Officer was consulted on the application and provided a response. Their full comments are on the case file.

They consider that the submitted Heritage Statement is inadequate as it only considers views from the listed building and fails to assess the impacts on views towards the site from the farmhouse garden and surrounding fields, kinetic views along the adjacent PROW (the main public experience) and the longer landscape views from Cob Lane. Furthermore, they note that the impact on views from Cob Lane are not included in the submitted LVIA.

The Conservation officer also considers that the proposed replacement dwelling, although lower than the existing cottage, has a much larger footprint and two long ranges. As a result, they consider that it risks becoming visually prominent in the landscape and may undermine the traditional hierarchy where the farmhouse should remain the dominant building. They also consider that the orientation of the proposal turns away from the PROW and access route, with an eastern elevation that appears secondary. They also consider that the elevations appear disjointed, having overly large openings with the potential for excessive prominence and light spill. The Conservation Officer further considers that the roof garden features add unnecessary clutter and that the proposed black timber cladding may increase the apparent bulk of the building.

During the course of the application, the scheme as originally submitted has been amended. However, the Conservation Officer considers that the amendments to the window and door sizes, removal of roof garden and balustrades and the introduction of shutters would not mitigate their concerns arising from the scale and form of the replacement dwelling. Their previous concerns regarding the omission of the impact on views from Cob Lane in the submitted LVIA remain. Furthermore, as the revisions did not indicate a reduction in the footprint or scale of the replacement dwelling, the Conservation Officer's concerns regarding the harmful impact to the historic farmstead remain.

The Conservation Officer has identified harm to the setting of Pickeridge at the mid-level of less than substantial harm. It is considered that the proposal would result in the harm to setting of the Pickeridge, which is grade II listed. These comments by the Conservation Officer are agreed with by the Case Officer.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*' This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified.

The proposed development would be a self-build dwelling and therefore would constitute a benefit in contributing to the delivery of self build dwellings. This benefit is tempered by the fact that it is only one unit. Some local employment may be created temporarily during the construction phase of the

development, however this is considered to attribute limited weight. It is not considered that the proposal would lead to any other discernible public benefits.

Overall it is considered that the proposal would cause less than substantial harm which would not be sufficiently outweighed by public benefits arising from the proposal. Accordingly, the proposal would conflict with the provisions of policy DP34 of the District Plan, Paragraph 215 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

District Plan Policy DP12 seeks to protect the countryside from harmful development, with the aim to conserve its intrinsic character and beauty. Development will be permitted provided that it maintains or where possible enhances the quality of the rural and landscape character of the District.

Paragraph 187 of the NPPF contains a similar ethos and states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'

With regards to design, 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Principle DG38 of the Mid Sussex Design Guide SPD 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 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 states 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...'

Policy DP15 of the District Plan requires replacement dwellings to maintain and enhance the quality of the natural and/or built landscape particularly in the High Weald AONB where there would be a significant change in the scale of the existing dwelling.

The residential properties within the surrounding area are predominantly characterised by traditional materials and are of pitched roof designs. The proposed flat roof volume connecting the two principal parallel ranges is considered to be an inappropriate contemporary addition to the rural setting where the existing dwellings are of a more traditional pitched roof appearance. The proposed external materials are considered to be more contemporary in their appearance, with the red zinc standing seam metal considered to be incongruous. The two parallel ranges form separate linear features within the landscape, appearing spatially disjoint despite their similar orientation. The proposed building, at 21m in width compared with the existing dwellings 8m, would introduce a significantly broader built form into this gap. Although lower in height, its increased horizontal massing would visually bridge the separation between the ranges, eroding the sense of openness and exaggerating its presence within the landscape. As a result, the new building would appear more visually intrusive and out of scale with the established pattern of development.

In relation the impact upon the AONB, there is limited boundary treatment around the site, with the site occupying an elevated position within the landscape, and as such there would be views of the proposed building from the public realm. The High Weald AONB Management Plan identifies dark night skies as one of the core components of the High Wealds' natural beauty. The proposed openings are relatively large, and whilst shutters are proposed, there is potential for light spill into the surrounding rural landscape. For the reasons outlined above, it is considered that this would result in harm to the character of the countryside, and therefore by definition, there would be harm to this part of the AONB.

As such the proposal conflicts with the requirements of policies DP15 and DP16 of the District Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Impact on the Future Occupiers of the Development

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

A minimum floor area of 124m² with 3m² of built in storage is recommended for a two storey 4 bedroom dwelling with 4 bed spaces.

A total of 280m² of internal floor space would be included as part of the development proposal. This is considered to be sufficient in demonstrating compliance with the Nationally Prescribed Space Standards.

Accordingly, the proposal would meet the requirements of the Technical Housing Standards and therefore comply with DP27 of the District Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 of the District Plan in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

To the north of the application site is Pickeridge Barn South Annexe. The proposal would be offset from this neighbour by some 10.6 metres. Given this separation distance between the properties, it is not considered that the proposal would cause harm to the light and outlook of this neighbour. Windows are proposed on the front (northern) elevation; two at first floor level and two at ground floor level. Given the existing arrangement, it is not considered that the proposal would result in significant overlooking concerns.

To the north of the application site is Pickeridge Barn Studio and Office. As the proposal would largely be screened by Pickeridge Barn South Annexe, it is not considered that the proposal would be harmful to the amenities of this neighbour.

To the north of the application site is Pickeridge Barn North Annexe. The proposal would be set a substantial distance from this neighbour, in excess of circa 40 metres. As a result, it is not considered that the proposal would be harmful to the amenities of this neighbour.

In light of the above, it is considered that the proposed development would result in an acceptable impact in terms of neighbouring amenities.

Transport

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

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; and*
- c) 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.'*

Paragraph 116 of the NPPF is relevant in respect of transport matters and 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 West Sussex County Council Parking Guidance advises that for a dwelling of this size in this location some 3 off street parking spaces should be provided. The proposed plans show three off-street parking space to be sited to the north of the property, and three off-street parking spaces would be sited to the east of the property. The proposal would use the existing vehicular access to the site. As such the proposed parking arrangement is considered to comply with the above part of policy DP21 of the Mid Sussex District Plan and the West Sussex County Council Parking Guidance.

Policy DP21 of the District Plan relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles*'.

Whilst the site is not in a sustainable location and would be reliant on the private car for access, there is an existing dwellign on the site and therefore as a one for one replacement, it is considered that there would be a neutral impact in terms of locational sustainability.

Sustainability of the Building

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.

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.'

There would be a number of sustainable measures implemented as part of the development proposal. The submitted Design and Access Statement makes reference to Air Source Heat Pumps, high levels of thermal retention, low energy fittings, naturally sourced materials, electric vehicle charging point provisions, rainwater harvesting via water butts and passive design principles used within the design.

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

Ecology

Policy DP38 of the District Plan relates to biodiversity and states in part that biodiversity will be protected and enhanced by ensuring that development '*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)*'

The Council's Ecology Consultant have been consulted on the application and have provided a response. They have raised no objection to the proposal, subject to conditions. The conditions requiring a Biodiversity Enhancement Strategy, a lighting design scheme and the condition requiring a bat license are considered reasonable as these are mitigation measures which would avoid and reduce disturbance to bats, which are a Priority species.

The proposal is therefore considered to comply with policy DP38 of the District Plan.

Custom and self-build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and, in part, states:

'To support sustainable communities, housing development will:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;

o meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots;'

The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This would provide one new self-build home to the Council's self-build register and would provide a positive benefit to the proposed development.

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 does not result in a net increase in dwellings within the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as 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. Sufficient windfall capacity exists within the development area. 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 screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC.

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, custom build and self build applications can qualify for exemptions. As the application site is less than 0.5 hectares and consists of one dwelling, the proposal is considered to be exempt.

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 West Hoathly Neighbourhood Plan.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of policies DP12, DP15, DP16, DP26, and DP34 of the District Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP27, DP30, DP38 and DP39.

Taking all the above into account, it is considered that the application is in conflict with the most important policies for determining the application and therefore it is considered that the application conflicts 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.

Weighing against the application, the proposal fails to respond appropriately to the established character, pattern and landscape qualities of the surrounding rural environment. Its scale, massing and footprint would not maintain or reinforce the intrinsic landscape character of the High Weald Area of Outstanding Natural Beauty, resulting in an incongruous and visually discordant addition within this sensitive landscape. As a consequence of this poor relationship with its surroundings, the development would also erode the contribution that the rural setting makes to the significance of Pickeridge, a Grade II

listed building. The proposal would dilute the ability to appreciate the heritage asset within its traditional landscape context, thereby giving rise to less than substantial harm to its significance and to the way it is experienced from nearby viewpoints. The proposal would not provide sufficient discernible public benefits to outweigh the less than substantial harm on the heritage asset.

These factors weigh heavily against the proposed development.

Weighing in favour of the scheme, the proposal would result in the provision of 1 dwelling for self / custom build which will make a positive contribution to the requirement to provide self-build plots within the District. In addition, the proposal would 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 limited.

The proposal is considered to have a neutral impact in respect to a number of issues such as neighbouring amenity, highways, ecology and sustainability. 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 considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal.

Overall, the proposal is in conflict with the development plan and the planning balance is considered to fall in favour of refusing planning permission.

Decision: Refusal

Case Officer: Catherine Cardin