

MID SUSSEX DISTRICT COUNCIL

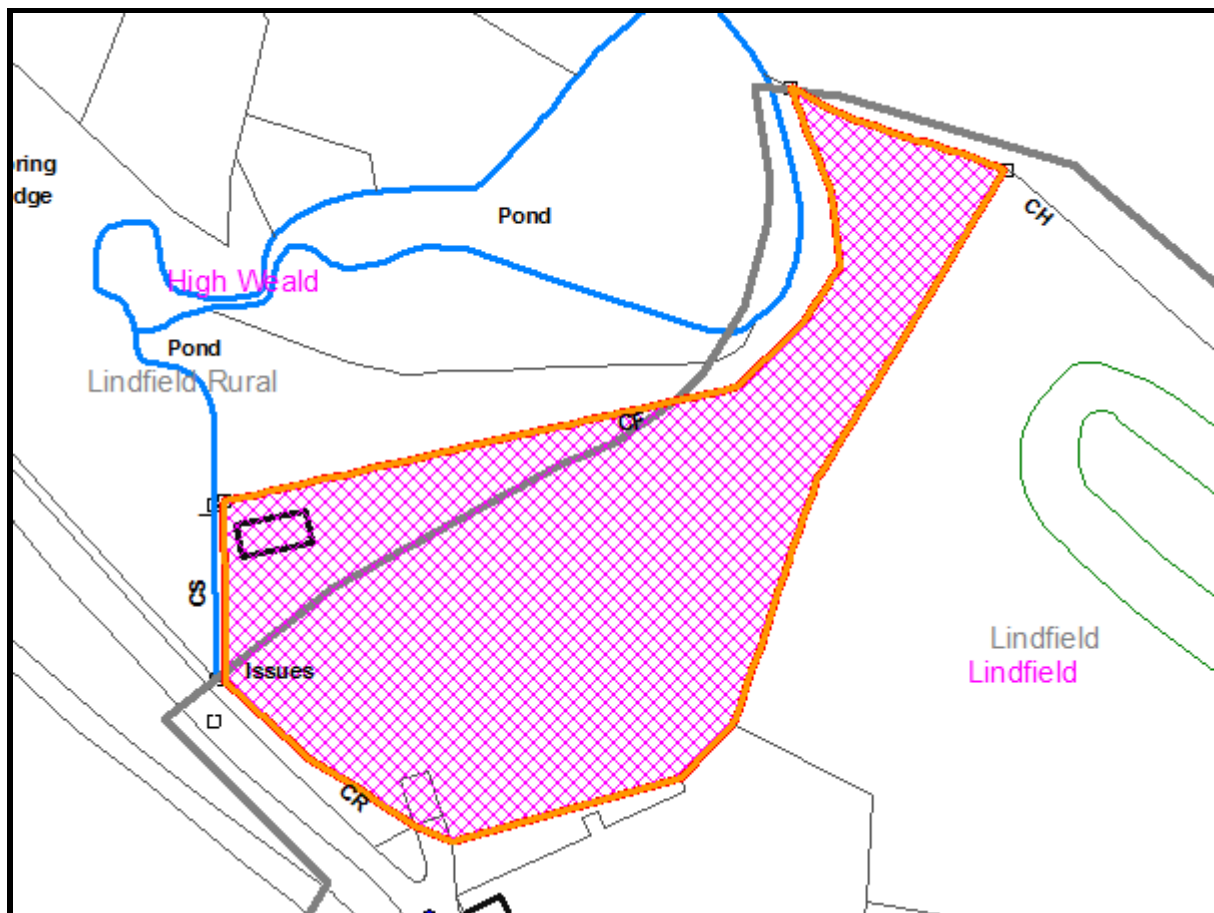
Planning Committee A

6 DEC 2018

RECOMMENDED FOR REFUSAL

Lindfield

DM/18/2639



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**LANTERN COTTAGE SPRING LANE LINDFIELD HAYWARDS HEATH
PROPOSED 5 BEDROOM TWO-STOUREY HOUSE ON EXISTING LAND
FORMING PART OF GARDEN TO LANTERN COTTAGE (AMENDED
PLANS AND ARBORICULTURAL IMPACT ASSESSMENT RECEIVED
22/10/2018).**

MR COLEMAN

POLICY: Areas of Special Control for Adverts / Ashdown Forest SPA/SAC /
Conservation Area / Countryside Area of Dev. Restraint /
Archaeological Notification Area (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 10th December 2018

WARD MEMBERS: Cllr Margaret Hersey / Cllr Andrew Lea / Cllr Anthea Lea
/

CASE OFFICER: Joseph Swift

EXECUTIVE SUMMARY

This application seeks planning permission for a proposed 5 bedroom, two-storey house on existing land forming part of the garden to Lantern Cottage, Spring Land, Lindfield.

This application has been called in by Cllr Lea and Cllr Stockwell for the following Reason:

"I understand there are planning matters relating to the areas in which does or does not sit, for example, whether or not it is contiguous with the built up area, which ought to be considered by the Committee."

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.

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

The application site lies in countryside, outside the built up area of Lindfield and is thus contrary to Policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in policy DP15. It would also be contrary to policy 1 and 2 of the Lindfield Neighbourhood Plan. The application site is not contiguous with the built up area boundary of the village, and therefore fails to comply with DP6. The proposal thus conflicts with the Development Plan in principle.

The additional built form would result in an increase in the domestic character of the locality, reducing the open and verdant nature of Spring Lane while also being of a size and scale that is not in-keeping with the surrounding dwelling. It is deemed to be contrary to DP26.

In addition, due to the impact on the character of the space and reduction in the verdant and open nature of the adjacent Conservation Area, combined with the scale of the proposed dwelling which is not in-keeping with the established form of

development, the proposal would fail to preserve the setting of the Conservation Area and result in less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this one dwelling would outweigh the harm to the designated heritage asset.

On the positive side the provision of 1 new dwelling on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. 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.

There will be a neutral impact in respect of highways and parking, trees, drainage, sustainable construction and the impact on nitrogen deposition on the Ashdown Forest.

For the above reasons, the proposal is deemed to be contrary to Policies DP6, DP12, DP15, DP26 and DP35 of the Mid Sussex District Plan, Policy 1 and 2 of the Lindfield Neighbourhood Plan and paragraphs 11, 12, 130 and 196 of the NPPF.

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

RECOMMENDATION

It is recommended that the application be refused for the reasons set out in Appendix A.

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- Out of keeping
- Highways access not suitable

SUMMARY OF CONSULTATIONS

(Full responses from Consultees are included at the end of this report as Appendix B)

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Tree Officer

No Objections.

WSSC Highways

No objection, subject to condition.

Street Naming and Numbering:

Info 29

Conservation Officer:

Objection - less than substantial harm.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objections to this application, provided that, regardless of whether the site actually sits within the Conservation Area, the Planning Authority (on the advice of the Conservation Officer), is satisfied that there will be no adverse impact on the Conservation Area, or its setting, and that insofar as possible, matching materials and finishes are used, so as to ensure that the new building blends in with its surroundings.

INTRODUCTION

This application seeks planning permission for a proposed 5 bedroom, two-storey house on existing land forming part of the garden to Lantern Cottage, Spring Land, Lindfield.

RELEVANT PLANNING HISTORY

LF/052/87: Outline application - Erection of two detached houses each with double garage. REFUSED

07/01713/FUL: Replacement garage. PERMISSION

13/02445/FUL: Single storey and two storey rear extension, porch to side elevation, block up existing front door and utilise existing window opening to form new front door. WITHDRAWN

13/03648/FUL: Single storey and two storey rear extensions, block up existing front door and utilise existing window opening to form a new front door (revised proposals to 13/02445/FUL). REFUSED

14/00141/FUL: Single storey and two storey rear extensions, block up existing front door and utilise existing window opening to form new front door (revised proposal to 13/03638/FUL) PERMISSION.

SITE AND SURROUNDINGS

The site currently forms part of the residential curtilage of Lantern Cottage an end of terraced, two storey dwellinghouse located on the eastern (side) of Spring lane. The property benefits from substantial grounds with land levels sloping down to the north and east. The property benefits from with off road parking to the front/side.

The application site is designated as being within the Countryside and the setting of the Conservation Area, which runs along the southern part of the application site, with Lantern Cottage being within the Conservation Area.

APPLICATION DETAILS

The proposed dwelling is to be accessed off Spring Lane and will provide off road parking for 4 cars, the proposed plans show the dwelling would measure a maximum of 23.2 metres in width, with a maximum depth of 21 metres, with an overall height of 8.6 metres.

The proposal is to be constructed of face brickwork plinth and render and painted feather edged boarding walls, clay roof tiles and grp lead effect flat roofs, timber doors and light oak coloured UPVC windows. The proposal would form 5 bedrooms, two en-suites, family bathroom and a dressing room at first floor, double garage, workshop, garden storage, utility room, boot room, shower room, kitchen /family room, tv room, living room, study, hall and WC on ground floor. The proposed dwelling would have a gross internal floor area of approximately 388.5 square metres.

This application has been called in by Cllr Lea and Cllr Stockwell for the following Reason:

"I understand there are planning matters relating to the areas in which does or does not sit, for example, whether or not it is contiguous with the built up area, which ought to be considered by the Committee."

LIST OF POLICIES

Mid Sussex District Plan

Adopted March 2018.

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP15 - New Homes in the Countryside

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP35 - Conservation Areas

DP34 - Trees, Woodland and Hedgerows

DP39 - Sustainable design and construction

DP41- Flood Risk and Drainage

Neighbourhood Plan

On Wednesday 23rd March 2016 Mid Sussex District Council resolved to 'make' the Lindfield and Lindfield Rural Neighbourhood Plan part of the Development Plan for Mid Sussex.

Policy 1: A Spatial Plan for the Parishes
Policy 2 (Housing Windfall Sites)

National Policy, Legislation and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

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 economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "significantly boosting the supply of homes"

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 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 plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, paragraph 12 makes clear that:

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

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

With specific reference to decision-taking, the document provides the following advice:

Paragraph 38 states that: *"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

Principle of Development

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

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

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

- a) The provisions of the development plan, so far as material to application,*
- b) 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."

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 this part of Mid Sussex consists of the Mid Sussex District Plan together with the Lindfield and Lindfield Rural Neighbourhood Plan.

The Mid Sussex District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

Policy DP15 of the District Plan relates to new homes in the countryside and allows for development. It states:

"Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

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

Linked to policy DP15 is policy DP12 of the District Plan which states:

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

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

The application site is located in countryside for which no special justification (as defined in Policy DP15) for this proposed dwelling exists. Therefore the proposal is considered contrary to policies DP12 and DP15 of the District Plan.

Policy 1 of the 'made' Neighbourhood Plan relates to a Spatial Strategy for the Parishes and states:

"Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan."

While Policy 2 of the Lindfield and Lindfield Rural Neighbourhood Plan goes on to state:

'Development proposals of 10 or fewer net new homes within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported, provided:

- i. their design accords with the adopted Lindfield Parish Village Design Statement or with the key characteristics of Scaynes Hill, as appropriate;*
- ii. the homes proposed include a number of smaller homes suited to first time buyers or to older households;*
- iii. the scheme delivers, wherever feasible and viable, on-site affordable homes in accordance with development plan policy and implements the adopted Mid Sussex Local Lettings Policy in respect of the allocation of some homes to those households with a local connection; and*
- iv. they respect and, where possible, enhance the natural built and historic environment.'*

Policies 1 and 2 of the Neighbourhood Plan are permissive policies for housing development in this location, however being outside the built up area boundaries, the proposed dwelling is in conflict with the Neighbourhood Plan.

Policy DP6 of the District Plan relates to Settlement Hierarchy and designates Lindfield as a Category 2 Settlement. It states:

"The growth of settlements will be supported where this meets identified local housing, employment and community needs. 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 settlement edge, and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy."*

The proposal needs to comply with all of the above mentioned criteria to accord with DP6 and the application site is set approximately 84 metres outside the built up area therefore is not considered to be contiguous, which is defined within the District Plan as: *"sharing a common border, touching"*. The proposal thus conflicts with policy DP6.

A recent appeal for the conversion of an existing garage into a self-contained studio flat at 1 Grahams Cottages Spring Lane, Lindfield, was dismissed on the 3/7/18 (APP/D3830/W/18/3193950). This decision is of some relevance in policy terms to the consideration of the current application. That site was closer to the built up area boundary than the current proposal. The Inspector identifies the site as not being contiguous with the built up area boundaries, was contrary to the policies of the Development Plan and caused harm to the character and appearance of the locality and Conservation Area.

The principle of a new dwelling in this location is contrary to the policies of both the District Plan and Neighbourhood Plan.

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.

Design and visual impact on the character of the area, including trees

Policy DP26 of the District Plan relates to character and design and states:

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

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

- *optimises the potential of the site to accommodate development."*

The proposed dwelling has been shown to be constructed of traditional materials and design which is considered acceptable and whilst the proposed dwelling would infill between Lantern Cottage and Spring Lodge, following the linear pattern of development along Spring Lane, the character of the street scene is becoming more verdant and open the further along Spring Lane you go and is mainly characterised by modestly sized dwellings. The proposed dwellinghouse is substantial in size and the impact of this new dwelling would not be in keeping with the locality through the additional built form increasing the domestic nature, reducing the open and verdant nature of Spring Lane while also being of a size and scale that is not in-keeping with the surrounding dwellings.

The proposal is therefore deemed to be unacceptable in visual terms and so to not comply with the requirements of Policy DP26 of the Mid Sussex District Plan.

Impact on the Setting of the Conservation Area

The Lindfield Conservation Area runs along the southern part of the application site, with Lantern Cottage being within the Conservation Area. As such the site is within the setting of the Conservation Area.

Policy DP35 of the District Plan is relevant. This relates to Conservation Areas and their settings. It requires developments in a conservation area to conserve or enhance its special character, appearance. In addition it states *"Development will also protect the setting of the conservation area and in particular views into and out of the area"*.

Paragraphs 193 and 196 of the NPPF states:

"193 .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.

196. 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 Councils Conservation Officer has been consulted on this application and has made the following comments in part:

"I consider that the erection of a new dwelling on the application site is likely to prove contentious in principle. Such development would have a fundamental impact on the character of the space, with the verdant and open character which contributes positively to the rural nature of the setting of this part of the Conservation Area lost. Furthermore the scale and form of the proposal are also considered inappropriate- the existing development along the southern part of Spring Lane is characterised by

modestly sized terraced cottages. The application proposal is for a substantial detached house with attached double garage which is of a footprint and bulk which would not sit comfortably with this established form of development, and which does not reflect the established building line.

The proposal will therefore have a detrimental impact on the setting of the Conservation Area by reason of its impact on the rural nature that setting and its poor relationship with the established pattern of development within the Conservation Area, both factors which the Inspector in the recent appeal decision on a neighbouring site has found to be important to the special interest of the Conservation Area.

The proposal would fail to meet the requirements of District Plan Policy DP35. In terms of the NPPF, I consider that the harm caused to the special interest of the heritage asset is less than substantial, such that the criteria set out in paragraph 196 of that document would apply."

In this instant, the development would result in one additional dwelling and it is not considered that this would be of a significant public benefit which would outweigh the harm to the impact to the setting of the Conservation Area. The proposal thereby conflicts with policy DP35 of the District Plan and para 196 of the NPPF.

Impact on Neighbouring Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *"not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution"*.

The proposed dwelling is set approximately 12 metres to the north of Lantern Cottage, with no first floor windows to the flank elevation towards Lantern Cottage, with the first floor windows above the garage being approximately 27 metres away, combined with established screening to Spring Cottage the resulting relationships are not considered to cause a significant detrimental impact on neighbouring amenities.

Drainage

The means of drainage to serve the proposed development could be controlled by condition, as confirmed by the council's Drainage Engineer, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

Space Standards and Standard of Accommodation

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 and requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

A proposed 5 bedroom dwellinghouse for 8 people over two storeys requires a minimum gross internal floor area of 128 square metres with 3.5 metres built in storage. The proposed dwelling would provide approximately 388.5 square metres and therefore complies with these standards.

Access, Parking and Highway Safety

Paragraph 108 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."*

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.

The proposal is seeking to utilise Spring Lane, with off road parking for 4 cars, WSCC Highways have been consulted on this application and do not consider the proposal would cause a severe impact on the operation of the highway network, but have requested conditions securing parking and cycle parking. Therefore, subject to the proposed conditions the proposal is deemed to comply with Policy DP21 of the District Plan and the requirements of the NPPF.

Impact on Trees

An Arboricultural Impact Assessment has been submitted with the application which states the T8 (Ash) and T9 (Silver Birch) would need to be removed to facilitate the development, The Councils Tree Officer has raised no objection to the proposal, as such the proposal is deemed to comply with DP34 of the District Plan.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant

effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

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

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

The proposed development 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.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

Other matters

Sustainability

A sustainability statement has been included with the application, showing that consideration has been given to improving the sustainability of the development in accordance with policy DP39 of the District Plan.

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.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

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.

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

The application site lies in countryside, outside the built up area of Lindfield and is thus contrary to Policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside set out in policy DP15. It would also be contrary to policy 1 and 2 of the Lindfield Neighbourhood Plan. The application site is not contiguous with the built up area boundary of the village, and therefore fails to comply with DP6. The proposal thus conflicts with the Development Plan in principle.

The additional built form would result in an increase in the domestic character of the locality, reducing the open and verdant nature of Spring Lane while also being of a size and scale that is not in-keeping with the surrounding dwelling. It is deemed to be contrary to DP26.

In addition, due to the impact on the character of the space and reduction in the verdant and open nature of the adjacent Conservation Area, combined with the scale of the proposed dwelling which is not in-keeping with the established form of development, the proposal would fail to preserve the setting of the Conservation Area and result in less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this one dwelling would outweigh the harm to the designated heritage asset.

On the positive side the provision of 1 new dwelling on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the unit proposed. 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.

There will be a neutral impact in respect of highways and parking, trees, drainage, sustainable construction and the impact on nitrogen deposition on the Ashdown Forest.

For the above reasons, the proposal is deemed to be contrary to Policies DP6, DP12, DP15, DP26 and DP35 of the Mid Sussex District Plan, Policy 1 and 2 of the Lindfield Neighbourhood Plan and paragraphs 11, 12, 130 and 196 of the NPPF.

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

APPENDIX A – REASONS FOR REFUSAL

1. The proposal is detrimental to (causes harm to) the setting of the Lindfield Conservation Area. The formation of one dwelling in this location will fail to preserve the setting of this heritage asset and will constitute less than substantial harm as a result. The application therefore conflicts with Policy DP35 of the Mid Sussex District Plan 2014-2031. Whilst the provision of one new unit is acknowledged, the public benefit of this does not outweigh the less than substantial harm to the heritage asset that has been identified so, in accordance with para 196 of the NPPF, planning permission should be refused.
2. The application site lies within a Countryside outside any defined built up area of Lindfield. The proposal is not contiguous with the built up area boundaries and owing to the size and scale of proposed development which is not in-keeping with the pattern of surrounding development combined with the reduction of the verdant and open nature of the street scene the proposal fails to preserve and enhance the character of the countryside. The proposal thereby conflicts with policies DP6, DP12, DP15 and DP26 of the Mid Sussex District Plan 2014- 2031, and paragraphs 11, 12, 130 and 196 of the NPPF.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Floor Plans	148 PL.01	A	09.10.2018
Proposed Floor Plans	148.PL.02/B	B	09.10.2018
Proposed Elevations	148.PL.03A		09.10.2018
Site Plan	148 PL.04/A		22.10.2018
Topographical Survey	RMS1075-01		09.10.2018
Street Scene	148 PL.05		09.10.2018
Street Scene	RSM1075-02		09.10.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

Lindfield Parish Council has no objection to this application, provided that, regardless of whether the site actually sits within the Conservation Area, the Planning Authority (on the advice of the Conservation Officer), is satisfied that there will be no adverse impact on the Conservation Area, or its setting, and that insofar as possible, matching materials and finishes are used, so as to ensure that the new building blends in with its surroundings.

Conservation Officer:

"The application site is a garden area immediately adjacent to Lantern Cottage, which is the end building of a terrace of similar modestly sized two storey 19th century cottages (Grahams Cottages) situated to the east of Spring Lane, within the far northern extent of the Lindfield Conservation Area. The site itself is within the immediate setting of the Conservation Area. To the west of Spring Lane and further north along Spring Lane are open fields, with isolated dwellings and at the end of the lane Fullingmill Farm.

The current proposal is for a 5 bedroom house with attached double garage with associated car parking and landscaping.

The rural nature of the setting of the Conservation Area, to which the site is considered to contribute, makes a positive contribution to the special interest of the Area which relies in part on its character as a rural Sussex village which has developed over many centuries in close connection with the surrounding countryside. In considering a recent (September 2018) appeal for a residential development opposite 1 Grahams Cottages the Inspector commented that:

'The appeal site and its immediate surrounding area are located within Lindfield Conservation Area. It has a core focussed around a high street, where there are historical buildings of differing traditional architecture dating back to Medieval times. Towards the peripheral of the Conservation Area, the pattern of the development is more spacious and less ordered with greater undeveloped areas with established landscaping. Within this part of the Conservation Area, Grahams Cottages form an attractive traditional older style terrace with striking external white coloured finish. The proximity of the countryside and mature landscaping gives the Conservation Area a distinctive semi-rural quality. These aesthetic, historic and visual qualities are of significance and importance, and provide special interest to the Conservation Area.'

In dismissing the appeal, which was for the conversion of an existing garage/ancillary accommodation to a self-contained studio flat, the Inspector found that the development would result in an over-intensive and incongruous residential use of the site given its size and would adversely affect the spacious and semi-rural qualities of the site and the surrounding Conservation Area.

I consider that the erection of a new dwelling on the application site is likely to prove contentious in principle. Such development would have a fundamental impact on the character of the space, with the verdant and open character which contributes positively to the rural nature of the setting of this part of the Conservation Area lost. Furthermore the scale and form of the proposal are also considered inappropriate- the existing development along the southern part of Spring Lane is characterised by modestly sized terraced cottages. The application proposal is for a substantial detached house with attached double garage which is of a footprint and bulk which would not sit comfortably with this established form of development, and which does not reflect the established building line.

The proposal will therefore have a detrimental impact on the setting of the Conservation Area by reason of its impact on the rural nature that setting and its poor relationship with the established pattern of development within the Conservation Area, both factors which the Inspector in the recent appeal decision on a neighbouring site has found to be important to the special interest of the Conservation Area.

The proposal would fail to meet the requirements of District Plan Policy DP35. In terms of the NPPF, I consider that the harm caused to the special interest of the heritage asset is less

than substantial, such that the criteria set out in paragraph 196 of that document would apply."

Tree Officer:

"Further to reviewing the submitted AIA/AMS report, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPOs and is not within a Conservation Area.

Two trees are to be removed to facilitate the development. Both of the trees recommended for removal (T8-Ash & T9-Silver Birch) have been classified grade B.

Removal of moderate/high quality trees (Grade B or above) is a significant loss and should be replaced, like for like, as close to the original position as possible.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required.

Protection measures for retained trees have been outlined within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage, temporary ground protection and specialist foundation design.

All of the above is suitable and in accordance with BS 5837.

There is concern over the incursion into the RPA of T4 Oak, with the footprint of proposed structure partially within the trees RPA. However, the incursion is minor (3.8%) and has been addressed within the submitted Arboricultural Method Statement, with detail of sympathetic treatment of disturbed roots and foundation design. If the report is adhered to throughout the development, then T4 should suffer no ill effects from the planned construction works within its RPA

In conclusion, I do not object to the development in principle and would support the application subject to the receipt of the above mentioned replanting detail."

WSSCC Highways:

"West Sussex County Council, in its role as the Local Highway Authority (LHA) were previously consulted on this application. The LHA requested that the applicant provide further details of parking provision and alter the proposed garage dimensions, as well as to confirm access arrangements.

Access

The applicant has provided a plan showing that the access will be from the rear of the current access road for Lantern Cottage and not directly from Spring Lane. The applicant should ensure that the relevant permissions have been secured from the proprietor of the access road before any works to construct the proposed access commence.

Parking

The applicant has shown 2 car parking spaces that meet the minimum dimensions as stated in Manual for Streets (MfS) of 2.4m x 4.8m. The integral double garage dimensions have also been increased to meet with MfS standards of 3m x 6m.

Sustainability

The site is approximately a 10 minute bicycle ride from Haywards Heath train station and a 15 minute walk from local shops and amenities, including local bus stops. In order to promote sustainable transport modes the applicant should provide secure and covered bicycle storage.

The LHA does not consider that the proposal for one additional dwelling would have 'severe' impact on the operation of the Highway network and there are no transport grounds to resist the proposal. If the Local Planning Authority (LPA) are minded to approve the application, the LHA would recommend that conditions securing parking and cycle parking are secured."

Drainage Officer:

"Recommendation: No objection subject to conditions

Flood Risk

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is within an area identified as having possible low surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The proposed development appears to be located on a potential surface water flow pathway during extreme rainfall events connecting the pond to the north with Spring Lane. Consideration will be required into managing surface water flood risk on site, and ensuring flood risk is not increased elsewhere.

Surface Water Drainage Proposals

It is proposed that the development will utilise soakaways and discharging into the pond to manage surface water drainage.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

The proposed development drainage will need to:

- *Follow the hierarchy of surface water disposal.*
- *Protect people and property on the site from the risk of flooding*
- *Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.*
- *Match existing Greenfield rates and follow natural drainage routes as far as possible.*

- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Further guidance in relation to this and guidance for specific disposal methods can be found in the 'Further Drainage Advice' section.

Foul Water Drainage Proposals

It is proposed that the development will utilise a septic tank or a cess pit to manage foul water drainage. Details of the proposed means of managing foul water drainage will be required as part of any discharge of condition.

Suggested Conditions

C18D - Single Dwelling

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan."

Street Naming and Numbering:

"Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streethnaming or by phone on 01444 477175."