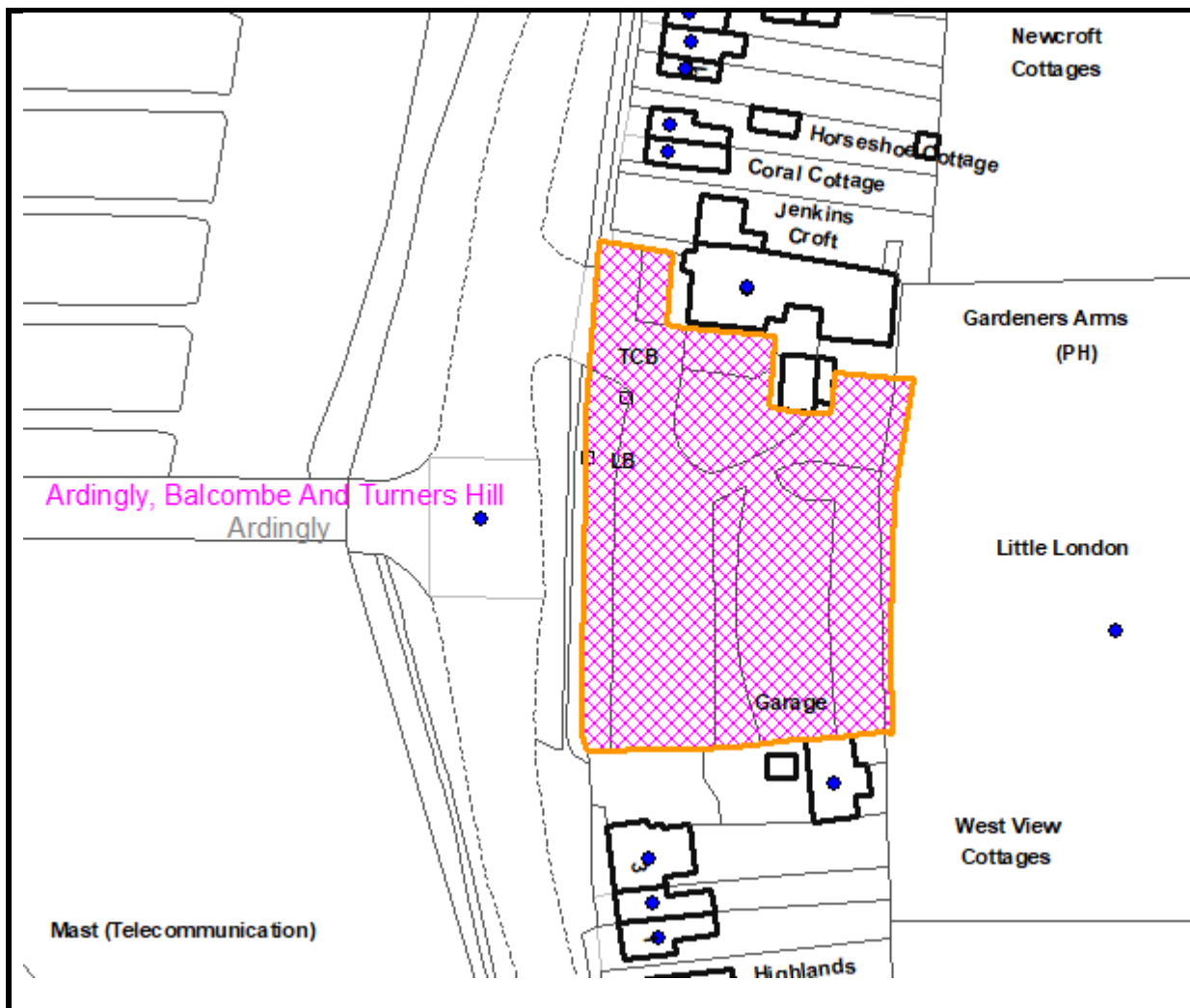


Recommended for Permission

15th June 2023

DM/22/1680



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<b>Site:</b>	The Gardeners Arms Selsfield Road Ardingly Haywards Heath West Sussex
<b>Proposal:</b>	Erection of guest accommodation block with associated parking, infrastructure and landscaping works. (Amended plans received 14.02.2023)
<b>Applicant:</b>	Hall And Woodhouse Ltd
<b>Category:</b>	Minor Other
<b>Target Date:</b>	28th February 2023

<b>Parish:</b>	Ardingly
<b>Ward Members:</b>	Cllr Jenny Edwards / Cllr Gary Marsh /
<b>Case Officer:</b>	Joseph Swift

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCG27ZKT0DA00>

**1.0 Purpose of Report**

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

**2.0 Executive Summary**

- 2.1 This application seeks full planning permission for the erection of a guest accommodation block with associated parking, infrastructure and landscaping works at The Gardeners Arms, Selsfield Road, Ardingly.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.3 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 Ardingly Neighbourhood Plan.
- 2.4 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.
- 2.5 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.
- 2.6 Weighing in favour of the scheme is that the development will provide 12 guest rooms resulting in a small scale tourist related development within a rural location and would also support the rural economy by providing employment for 15 full time employees. The proposal would also result in additional employment during construction and would result in additional local spending.
- 2.7 The proposal is considered to be of an appropriate design, size and scale that is both in-keeping with the character of the countryside and that of the surrounding development, it is also considered to preserve the character of the wider AONB.
- 2.8 It is not considered that the proposal would cause significant harm to the amenities of existing occupiers around the site. The impact on the Ashdown Forest has been secured by a legal agreement. Furthermore, the proposal is considered acceptable in relation to highways, access and parking, drainage and sustainable construction.

- 2.9 Weighing against the proposal is the loss of the existing established trees along the frontage and the less than substantial harm to the setting of the Listed Building.
- 2.10 Owing to the replacement planting being secured by condition, combined with the economic benefits that the proposal is considered to provide by supporting the local rural economy with the provision of jobs, and increased local spending, it is considered on balance that the public benefits would outweigh the identified harm to the setting of the Listed Building.
- 2.11 For the above reasons, the proposal is deemed to comply with Policies DP1, DP12, DP16, DP17, DP19, DP21, DP26, DP34, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2 and ARD9 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

### **3.0 Recommendation**

- 3.1 It is recommended that planning permission be approved subject to the conditions set in Appendix A.

### **4.0 Summary of Representations**

- 4.1 No third party letters of representation have been received in regards to this application.

### **5.0 Summary of Consultees**

#### **5.1 MSDC Conservation Officer**

Less than substantial harm at around the mid-point of that scale, such that paragraph 202 will apply.

#### **5.2 MSDC Drainage Officer**

No objection subject to condition.

#### **5.3 WSCC Highways**

No objection

#### **5.4 Historic Environments Consultant**

No objections

#### **5.5 Southern Water**

Formal application to connection to public foul sewer required

#### **5.6 MSDC Tree Officer**

A number of concerns with the proposal.

## 5.7 **Natural England**

No objection subject to securing appropriate mitigation.

## 6.0 **Town/Parish Council Observations**

6.1 Ardingly Parish Council submits a comment of OBJECTION and would like to echo the comments made by the Conservation Officer against the initial application and make it clear that they strongly feel the application is an overdevelopment of the site which is within an AONB and that the building within the application is disproportionate to the existing premises.

They would also like to comment on the issue of parking, Currently, when busy the existing premises creates additional traffic, and this additional traffic parks on the nearby highway and verges, neighbouring houses also park on the same highway/verges and the Council is concerned that this application will require yet more parking to cater for the additional staff and visitors. If this additional parking is taken from existing spaces this will only push further traffic out onto the highway and this increase will lead to safety issues

Ardingly Parish Council also strongly objects to the removal of the trees adjacent to the main road as it feels their removal is harmful to the rural visual impact of the site

## 7.0 **Introduction**

7.1 This application seeks full planning permission for the erection of a guest accommodation block with associated parking, infrastructure and landscaping works at The Gardeners Arms, Selsfield Road, Ardingly.

## 8.0 **Relevant Planning History**

8.1 AR/005/74: Provision of new toilet block and minor internal alterations. PERMISSION

8.2 AR/001/89: Extension to bar to provide additional restaurant and wc facility and additional accommodation. PERMISSION

8.3 AR/002/89: Extension to bar to provide additional restaurant and wc facility and additional accommodation. PERMISSION

8.4 AR/021/91: Extension to bar to provide additional restaurant and w.c. area, and additional accommodation. PERMISSION

8.5 AR/022/91: Extension to bar to provide additional restaurant and w.c. area, and additional accommodation. PERMISSION

8.6 AR/003/93: Proposed replacement of front porch and erection of side porch together with additional staff parking. PERMISSION

8.7 AR/004/93: Proposed replacement of front porch and erection of side porch together with additional staff parking. PERMISSION

8.8 AR/021/93: Proposed alterations and extension of existing outbuildings to form function room toilets and revisions of previously approved side porch. PERMISSION

- 8.9 AR/022/95: Conversion of ground floor of Jenkins croft to form restaurant and bar ancillary to the adjoining public house restaurant, gardeners arms, retention of upper floor of Jenkins Croft for residential use. PERMISSION
- 8.10 AR/023/95: Conversion of ground floor of Jenkins croft to form restaurant and bar ancillary to the adjoining public house restaurant, gardeners arms, retention of upper floor of Jenkins Croft for residential use. PERMISSION
- 8.11 02/01899/FUL: Demolition of porch. Removal of pergola. Internal alteration to link bar area with function room. Construction of new kitchen, cellar and bottle store. Provision of toilet for disabled. (Amended plans rearranging accommodation) PERMISSION
- 8.12 02/01900/LBC: Demolition of porch. Removal of pergola. Internal alteration to link bar with rear function room. Construction of new kitchen, cellar and bottle store. Provision of toilet for disabled. (Amended plans received rearranging accommodation). PERMISSION
- 8.13 05/02301/FUL: Extensions and internal alterations to form new cellar, disabled toilet, new kitchen and new internal staircase. PERMISSION
- 8.14 05/02302/LBC: Extensions and internal alterations to form new cellar, disabled toilet, new kitchen and new internal staircase. PERMISSION
- 8.15 06/00030/ADV: Two illuminated name signs currently in situ attached to building at first floor level Replacement twin post-mounted illuminated pictorial pub sign. One post-mounted car park board sign. One board sign attached to building at ground floor level. PERMISSION
- 8.16 06/00041/LBC: Two illuminated name signs currently in situ attached to building at first floor level Replacement twin post-mounted illuminated pictorial pub sign. One post-mounted car park board sign. One board sign attached to building at ground floor level. PERMISSION
- 8.17 06/01329/FUL: Retention of mobile Home and 3m high fence. REFUSED
- 8.18 AP/06/0088: Retention of mobile Home and 3m high fence. APPEAL DISMISSED
- 8.19 08/00387/FUL: Refurbishment of existing outbuilding to convert to staff accommodation and relocation of cold room into adjoining building PERMISSION
- 8.20 08/00388/LBC: Refurbishment of existing outbuilding to convert to staff accommodation and relocation of cold room into adjoining building PERMISSION
- 8.21 11/01921/FUL: Retrospective application for metal estate fencing along part of front boundary PERMISSION
- 8.22 11/01934/ADV: Double hanging sign on single pole. PERMISSION
- 8.23 DM/17/1161: Extend front patio area to include demolition of existing lobby and erection of new garden access lobby structure. Replacement of the bow window in the gable end with french doors. PERMISSION

- 8.24 DM/17/1162: Extend front patio area to include demolition of existing lobby and erection of new garden access lobby structure. Replacement of the bow window in the gable end with french doors. PERMISSION
- 8.25 DM/17/5023: Discharge of planning condition nos 4 and 5 relating to planning application DM/17/1161. PERMISSION
- 8.26 DM/17/5025: Discharge of planning condition nos 4 and 5 relating to listed building application DM/17/1162. PERMISSION
- 8.27 DM/22/2953: Various internal and external alterations, including the erection of a single storey south side extension to allocate a new W.C, as well as alternations to access, parking, landscape works, remove existing kerb line and install new radiused kerb, demolish an existing flat roof structure & replacement entrance porch. PENDING CONSIDERATION
- 8.28 DM/22/2954: Various internal and external alterations, including the erection of a single storey south side extension to allocate a new W.C, as well as alternations to access, parking, landscape works, remove existing kerb line and install new radiused kerb, demolish an existing flat roof structure & replacement entrance porch. PENDING CONSIDERATION

## **9.0 Site and Surroundings**

- 9.1 The application site is located to the south of The Gardeners Arms, a Grade II Listed Building, within an area currently used as an overflow car park. With the commercial premises, Little London garage, and the residential dwelling, 3 West View Cottages, to the southern (side). The eastern (rear) of the site backs onto a wooded area, with car parking to the western (front) leading onto Selsfield Road.
- 9.2 The application site is designated within the Mid Sussex District Plan as being within the Countryside, High Weald Area of Outstanding Natural Beauty and within the setting of a Listed Building.

## **10.0 Application Details**

- 10.1 This application seeks full planning permission for the erection of a guest accommodation block with associated parking, infrastructure and landscaping works at The Gardeners Arms, Selsfield Road, Ardingly.
- 10.2 The proposed guest accommodation block is located to the south of The Gardeners Arms and is an 'L' shaped building measuring some 15.5 metres in depth, by 31.8 metres in width, with an eaves height of 5.2 metres and an overall height of 8 metres. The proposal would form 6 guest rooms, plant room, linen room and cleaners cupboard on the ground floor, with 6 guest rooms, linen room and cleaners cupboard on the first floor.
- 10.3 The proposed building is to be constructed with oak framing, timber clad weather boarding walls and a plain clay tilted roof.
- 10.4 The proposal is also seeking to make alterations to the existing car park, providing 10 parking spaces (two of which will be for disabled users) in front of the guest accommodation, together with removing a landscape strip to facilitate 11 car parking spaces, the reduction to the width of the planting strip to the western (front) of the application site, and the removal and re-planting of trees to the frontage. The

changes to the car park will result in the proposal providing a total of 55 parking spaces.

- 10.5 The plans are also showing the removal of the Leylandii trees to the rear of the site and new yard gates and fence to the north of the guest block.

## **11.0 Legal Framework and List of Policies**

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

- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states: *'In dealing with such an application the authority shall have regard to:*

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

- 11.3 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.'*

- 11.4 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.

- 11.5 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.

- 11.6 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 Ardingly Neighbourhood Plan.

- 11.7 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

- 11.8 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

Policy DP1: Sustainable Economic Development

Policy DP12: Protection and Enhancement of the Countryside

Policy DP16: High Weald Area of Outstanding Natural Beauty

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

Policy DP19: Sustainable Tourism  
Policy DP21: Transport  
Policy DP26: Character and Design  
Policy DP34: Listed Buildings and Other Heritage Assets  
Policy DP37: Trees, Woodland and Hedgerows  
Policy DP39: Sustainable Design and Construction  
Policy DP41: Flood Risk and Drainage

#### Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. However, there are no policies relevant to this application.

#### Neighbourhood Plan

- 11.10 Mid Sussex District Council formally 'made' the Ardingly Neighbourhood Plan part of the Local Development Plan for the Ardingly Neighbourhood Plan area as of 19<sup>th</sup> March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Ardingly Neighbourhood Plan area.

Relevant policies:

ARD2: A Spatial Plan for the Parish  
ARD9: Heritage Assets

#### Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.11 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) (July 2021)

- 11.12 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraphs 8, 11, 12, 38, 47, 111, 124, 126, 130, 176 and 194 to 202 are considered to be relevant to this application.

#### National Planning Policy Guidance

#### National Design Guide

#### Ministerial Statement and Design Guide

- 11.13 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.



The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

#### Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.14 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

#### The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

- 11.15 The legal framework for AONBs 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'.

### **12.0 Assessment**

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

- The principle of development;
- The design and visual impact;
- AONB;
- Listed Building and Conservation Area;
- The impact on neighbouring amenity;
- Transport matters;
- Drainage;
- Sustainability;
- The impact on trees;
- Habitats Regulations;

#### Principle of Development

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

- 12.3 The application site is situated within the countryside, as defined by the Mid Sussex District Plan. Policy DP12 of the Mid Sussex District Plan in part 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.'*

12.4 Policy DP1 of the Mid Sussex District Plan allows new, small scale economic development in the countryside, including tourism. A similar ethos is found in Policy DP19 which supports visitor accommodation and in part states:

*'Tourism related development in the countryside (defined as the area outside of the built-up area boundaries on the Policies Map), including extensions to existing facilities, visitor accommodation and the re-use of rural buildings will be permitted provided:*

- *it supports the sustainable growth of the rural economy; and*
- *maintains or where possible enhances the quality of the rural and landscape character of the District, in accordance with Policy DP12: Protection and Enhancement of the Countryside.'*

12.5 Policy DP16 in part also supports economic development and in part states:

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

12.6 While at local level ARD2 seeks to direct economic development to within the built up area boundaries. As such there is conflict between this and the District Plan, as it allows small scale economic development within the countryside. In accordance with planning law, the conflict needs to be resolved in favour of the most recently adopted policy which in this case is the District Plan policies.

12.7 The proposal is small scale and as set out within the application would result in an additional 15 full time employees at the site. It is considered that the proposed guest accommodation is tourism related development which supports sustainable growth of the rural economy, subject to the proposal maintaining the quality of the rural and landscape character and enhancement of the AONB, which is covered in the following sections. The principle of the development is therefore acceptable in accordance with DP1, DP12 and DP19 of the District Plan.

#### Design and visual impact on the character of the area

12.8 The site is located outside of a defined built up area boundary and, as such, is within the countryside. Policy DP12 of the Mid Sussex District Plan seeks to protect the countryside *'in recognition of its intrinsic character and beauty'* and supports new development *'provided it maintains or where possible enhances the quality of the rural and landscape character of the of the District'*.

12.9 Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *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.'*

- 12.10 The Council's adopted Design Guide is a material consideration in the determination of the application. Design Principle DG38 requires good architecture whilst responding appropriately to its context.
- 12.11 The proposal has been designed to appear as a rural agricultural style building, with its oak framing, weatherboarding walls and clay tiled roof, this approach is considered appropriate within this semi-rural location, with the surrounding dwellings having a traditional Sussex vernacular, together with the agricultural style of the commercial premises to the south. The proposed pallet of materials is considered appropriate, and details of the materials can be controlled by a suitable worded condition.
- 12.12 Although the building is fairly substantial, it is considered characteristic of a similar style rural building and given that the proposal is also set to the eastern (rear) of the site, it will be set back from the frontage and appear subservient in its proximity to the highway. The proposal would also result in the removal of a number of leylandii trees which are not a native, and are considered to detract from the rural character of the area.
- 12.13 The alterations to the car park will result in the removal of the trees along the frontage of the site, however, as part of the plans submitted the proposal is seeking to replace these together with a landscaping scheme that will help soften the appearance of the building. Full landscaping details can be controlled by a suitably worded condition.
- 12.14 It is therefore considered that the proposal is of an appropriate design, size and scale that is of a good quality and responds to the rural context in which it is located. The proposal is therefore considered to preserve the character of the countryside while also being in-keeping with that of the surrounding development in accordance with the above mentioned policies.

### Area of Outstanding Natural Beauty

- 12.15 The site is also within the High Weald Area of Outstanding Natural Beauty. Paragraph 176 of the NPPF states that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'*
- 12.16 A similar ethos is found at local level where Policy DP16 of the District Plan, The High Weald Area of Outstanding Natural Beauty Management Plan and Policy ARD2 of the Ardingly Neighbourhood Plan which requires proposals to conserve or enhance the AONB.
- 12.17 Owing to the infill nature of the proposal with The Gardeners Arms to the north and commercial and residential units to the south, the proposal would be viewed in context of these and would not result in an isolated form of development. Furthermore, the proposal is considered to be of an appropriate design, size and scale. Consequently, it is considered to preserve the character of the wider High Weald Area of Outstanding Natural Beauty. The proposal is deemed to comply with Policy DP16 of the District Plan, Policy ARD2 of the Ardingly Neighbourhood Plan, The High Weald Management Plan and Para 176 of the NPPF.

### Listed Building and Conservation Area

- 12.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
- 12.19 Recent case law has stated that:
- 'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*
- 12.20 The Courts further stated on this point *'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one*

*hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

12.21 Policy DP34 of the Mid Sussex District Plan in part states:

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

- 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;*
- 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;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- 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;*
- Special regard is given to protecting the setting of a listed building;*
- 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.'*

12.22 While at local level policy ARD9 of the Ardingly Neighbourhood Plan states:

*'The Neighbourhood Plan requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly.'*

12.23 Paragraphs 197-202 of the NPPF are relevant, as follows:

*'197. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*198. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.*

*199. 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.*

200. 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.

201. 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.

202. 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.'

- 12.24 The Conservation Officer has been consulted on the merits of this application, a copy of the full comments are set out within the appendix B. However, as advised it is considered that the proposal would result in less than substantial harm to the setting of the Listed Building.
- 12.25 This identified 'less than substantial harm' would need to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990. This is clear from recent case law on the subject.
- 12.26 In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 202 of the NPPF is applicable. This states that where a proposed development 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 securing its optimum viable use.
- 12.27 In this case the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report.

#### Impact on neighbouring amenity

- 12.28 In assessing the potential impact of the proposed works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26.

Policy DP26 requires that *'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.'*

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

- 12.29 No third party letters of representation have been received in relation to this application. Furthermore, due to the semi-rural location, with a commercial premises to the north and south, combined with the distances between properties and screening, it is not considered that the proposed relationships would cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. Therefore the proposal is considered to comply with the above mentioned policy.

#### Transport matters

- 12.30 Policy DP21 in the District Plan states:

*'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:*

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside*

*of the district, secured where necessary through appropriate legal agreements;*

- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*
- *Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

- 12.31 The reference to severe impacts reflects paragraph 111 in the NPPF which 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 would be severe.*'
- 12.32 The Local Highway Authority (LHA) has raised no objection to the scheme based on the impact of vehicular movements on the capacity of the highway network which is considered to be very low for a development of this type, with the majority of journeys expected to take place outside of peak hours. The site would utilise the existing vehicular access of Selsfield Road, with the level of parking provision considered acceptable by the LHA. Your Planning Officer has no reason to disagree with the comments of the Highway Authority on these matters.
- 12.33 The Highway Authority are the statutory body responsible for the highway network within the District and their views should be afforded significant weight. The proposal would not have a severe impact on the capacity of the road network and therefore there is no conflict with this element of policy DP21 subject to conditions on cycle parking and a Construction Management Plan.

#### Drainage

- 12.34 Policy DP41 in the DP seeks to ensure that developments are satisfactorily drained and do not increase the risk of flooding off site. The site is within flood zone 1 and is at low fluvial flood risk (from main rivers) and at very low surface water flood risk (although is adjacent to an area of increased surface water flood risk). The Councils Drainage Engineer has advised that they have no objection to the proposal subject to a condition to ensure compliance with policy DP41 in the DP. It is therefore considered that the site can be adequately drainage.

#### Sustainable Design

- 12.35 Policy DP39 of the District Plan states:

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



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

12.36 The application has been supported by a sustainability statement which sets out it will meet level 2 on the energy hierarchy and as such will include:

- High levels of insulation
- Utilising appropriate forms of glazing
- Installing heating controls
- Using energy efficient heating and heat recovery systems
- Adding draught strips on doors, windows, and letter boxes
- Installing zoned low energy lighting and presence sensors
- Using high efficiency condensing boiler
- Using High efficiency heat recover air conditioning systems

12.37 In addition the proposed sustainability statement sets out that the proposal would also include the following water efficiency measures:

- designing surface water drainage systems to take into account
  - future changes in rainfall.
- utilise water efficient facilities in the kitchens and bathrooms such as toilets, washing machines and dish washers.
- sustainable methods of dealing with surface water run-off.

12.38 It is considered the applicants have had regard to policy DP39 in the DP.

#### The impact on trees

12.39 Policy DP37 in the DP states in part that *'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'*

12.40 The proposal will result in the removal of a number of trees, in particular the trees along the frontage of the site in order to enlarge the car park. It is noted that the Council's Tree Officer has raised a number of concerns with the proposal, however, it is also worth noting that the trees in question are not subject to a Tree Preservation Order (TPO) and the site is not within a Conservation Area. As such no formal consent is required in order to remove these trees.

12.41 Nonetheless, the current proposal is seeking to provide replacement planting along the frontage, together with additional landscaping around the proposed guest accommodation, details of the proposed landscaping can be secured by a suitably

worded condition. As such while the loss of the existing trees are regrettable, it is considered that suitable replacements can be provided.

#### Habitats Regulations

- 12.42 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).
- 12.43 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.
- 12.44 A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

#### Recreational disturbance

- 12.45 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.
- 12.46 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.47 The proposed development is within the 7km zone of influence and as such, **mitigation is required.**
- 12.48 An appropriate scale of SAMM mitigation for the proposed development is £14,040, As this is tourist accommodation SANG mitigations is not required.
- 12.49 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM Strategies.
- 12.50 The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities.

- 12.51 The financial contributions for SANG mitigation have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.52 The Planning Obligation securing the SANG contributions has been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.
- 12.53 Natural England has been consulted on the appropriate assessment of this proposed development and have raised no objections subject to securing mitigation.

#### Atmospheric pollution

- 12.54 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.
- 12.55 The proposed development was modelled in the Mid Sussex Transport Study as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

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

### **13.0 Planning Balance and Conclusion**

- 13.1 This application seeks full planning permission for the erection of a guest accommodation block with associated parking, infrastructure and landscaping works at The Gardeners Arms, Selsfield Road, Ardingly.

- 13.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 13.3 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.
- 13.4 Weighing in favour of the scheme is that the development will provide 12 guest rooms resulting in a small scale tourist related development within a rural location and would also support the rural economy by providing employment for 15 full time employees. The proposal would also result in additional employment during construction and would result in additional local spending.
- 13.5 The proposal is considered to be of an appropriate design, size and scale that is both in-keeping with the character of the countryside and that of the surrounding development, it is also considered to preserve the character of the wider AONB.
- 13.6 The proposal is not considered to cause significant harm to the amenities of existing occupiers around the site. The impact on the Ashdown Forest has been secured by a legal agreement. Furthermore, the proposal is considered acceptable in relation to highways, access and parking, drainage and sustainable construction.
- 13.7 Weighing against the proposal is the loss of the existing established trees along the frontage and the less than substantial harm to the setting of the Listed Building.
- 13.8 Owing to the replacement planting being secured by condition, combined with the economic benefits that the proposal is considered to provide, by supporting the local rural economy with the provision of jobs and increased local spending it is considered on balance that the public benefits would outweigh the identified harm to the setting of the Listed Building.
- 13.9 For the above reasons, the proposal is deemed to comply with Policies DP1, DP12, DP16, DP17, DP19, DP21, DP26, DP34, DP37, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2 and ARD9 of the Haywards Heath Neighbourhood Plan, The Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. No development above slab level shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls, fenestration and roofs of the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP26 and DP35 of the Mid Sussex District Plan and Policies ARD9 of the Ardingly Neighbourhood Plan.

3. 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 building shall not be occupied or brought into use, 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 and Policy DP41 of the District Plan (2014 - 2031).

4. **Construction Management Plan**  
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

6. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and details of the replacement planting. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

7. The occupation of the guest accommodation hereby approved shall at all times comply with the following:
  - a) The building shall be used for guest accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
  - b) The building shall not be occupied as a person's sole or main place of residence.
  - c) An up to date register shall be maintained of the names of all guests using the guest accommodation, including names, homes addresses, dates and durations of each stay and the register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday let is not used as a permanent residential unit and to accord with Policies DP12 and DP19 of the Mid Sussex District Plan.

8. The development shall be carried out in accordance with the recommendations set out within the accompanying Ecological Appraisal unless otherwise agreed in writing with the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan.

9. The development shall not be occupied until the sustainability measures set out in the accompanying sustainability statement have been implemented in full.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

10. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

## INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.
3. Please be advised that a formal Sewer Connection (S106) application is required to be completed and approved by Southern Water Services.

## APPENDIX B – CONSULTATIONS

### **MSDC Conservation Officer 20/03/2023**

Further comments on the above application following the receipt of revised plans.

The application has been further revised to show the height of the higher, western portion of the building set down so that the roof ridge runs through on a level with the previously lower portion. Whilst this again slightly reduces the overall volume of the building the resultant loss of the previously proposed step in the roofline removes an element which broke up it's apparent bulk, to the extent that the one effect tends to counterbalance the other. In my opinion, this amendment does not successfully address the various concerns set out in my previous comments, which remain pertinent.

I remain of the opinion that the proposal will detract from the setting and special interest of the listed building for the reasons previously set out.

### **MSDC Conservation Officer 11/01/2023**

Further comments on the above application following the receipt of revised plans. Please read these in conjunction with my previous comments on the scheme, repeated below.

The proposal has been revised to break up the roofline of the proposed new accommodation building, and to reduce the amount of glazing and introduce variety into the form of the fenestration. In my opinion, these amendments do not successfully address the concerns previously raised.

- No significant alteration has been made to the footprint of the building. The alterations to the roof form introduce a step in the long ridgeline of the main range of the building, set down the height of the western wing slightly, and amend the previously gabled ends of the main building to a half hip and a gablet. These alterations at roof form do have the effect of reducing somewhat the high level bulk of the building; however the building remains substantial in size, and the comments previously made in respect of the relationship in scale of the building with the listed public house, and its undue visual prominence in key views of the listed building from Selsfield Road as a result, remain relevant. I note that we have not received the contextual elevation mentioned in the previous comments.
- The elevational treatment of the proposed new building has been amended to reduce the amount of glazing to the front (west) elevation, and introduce more variation to the form of the fenestration. Whilst these amendments do constitute an improvement in design terms over the initial proposal, the building still retains something of a hybrid character, with domesticating elements sitting uncomfortably alongside the pseudo barn typology.
- No amendments have been made to the associated landscaping scheme, and the concerns previously raised in this respect remain pertinent.

For these reasons, although aspects of the revised proposal do represent an improvement in design terms over the initial application, I remain of the opinion that the proposed new accommodation building will be detrimental to the setting of the Gardeners Arms, and hence to its special interest and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, at around the mid-point of that scale, such that paragraph 202 will apply.

### **MSDC Conservation Officer 24/08/2022**

The application site, the Gardeners Arms, is a Grade II listed public house located in a rural position to the north of Ardingly as part of a small group of buildings known as 'Little London'. From the list description the building dates from the 18<sup>th</sup> century or earlier, although the submitted Heritage Statement suggests an earlier construction date of the late 16<sup>th</sup> to 17<sup>th</sup> century. It should be noted however that this dating is based on a limited examination of the building's fabric rather than a full survey and is therefore only speculative. The Statement also speculates that the name 'Little London' suggests that the hamlet of which the building is part originated as a refuge for those escaping the plague and fire that ravaged London in the late 17<sup>th</sup> century, but this theory does not seem to be supported by the survival of other buildings of this period within the group. The Tithe map of 1844 shows that during the early 19<sup>th</sup> century the building was divided into two dwellings. It is not clear whether it was constructed as such or later subdivided. From the time of the 1875 OS map, the southern half of the building was in use as a public house, which at this time had a large garden or orchard to the south, in the area which is now partly used as the car park.



On the basis of the limited information in front of us it is likely that the Gardeners Arms would be considered to possess historical evidential and illustrative value as a good example of a building of its type and period (a rural Sussex building of the late 16<sup>th</sup>/17<sup>th</sup> century), as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

Although the Heritage Statement contains useful, if limited, information on the potential origins and development of the building over time, the assessment of the contribution made by setting to the special interest of the listed building is in my opinion flawed in its conclusions, in that it suggests that the area to the south of the listed building currently makes little contribution to its special interest. Whilst the area is partly occupied by hardstanding providing the car parking area for the pub, this is surrounded and interspersed by grassed areas and trees and other planting, and retains a relatively verdant character. This reflects the garden or orchard previously present in this position, as well as complementing the wider rural/verdant context within which the listed building is viewed, and in my opinion makes a positive contribution to the special interest of the building and the manner in which this is appreciated, particularly those parts of that special interest which are drawn from historical illustrative and aesthetic values.

The Heritage Statement also does not address the potential impact of the current proposal on other nearby heritage assets, which include Mount Pleasant, an early 19<sup>th</sup> century villa located a short distance to the north of the Gardeners Arms on the same side of the road, and Bolney Farm, a 15<sup>th</sup> century farmhouse located just to the south on the opposite side of the road. Both are listed Grade II and the character of the approach to both along Selsfield Road will be impacted by the proposed development. Any revised Statement should be expanded to consider these assets, but on the basis of the information available I would assume that these also will possess historical illustrative and evidential value as good examples of rural Sussex buildings of their varying types and periods as well as aesthetic value which in the case of Bolney Farm will again be based in part on the use of vernacular materials.

The current proposal is for the construction of a substantial, L shaped 2 storey guest accommodation block to the south of the listed building at the eastern edge of the site. The car parking area to the front (east) of this would be enlarged, with a loss of grassed/planted areas and trees within and to the front of the site, although a reduced planted area would be reintroduced to the frontage. An existing line of Leylandii trees across the rear (western) edge of the site would also be removed to make room for the new hotel building. The building itself is shown as having a timber frame with substantial areas of glazing to the front (west) elevation at both floors, and weatherboarding elsewhere and a pitched tiled roof. In my opinion, the proposal raises a number of concerns in terms of the impact through setting on the special interest of the listed building:

- The building is substantial in both footprint and height. Although contextual elevations do not appear to have been provided, the height, bulk and massing of the building are such that in my opinion notwithstanding its rearward position within the site it is likely to appear significantly overscaled in relation to the public house, and unduly visually prominent in key views of the listed building from Selsfield Road as a result.
- The position and footprint of the building are such that it will have a significant impact on the character of the area to the south of the pub, and will, in conjunction with the associated landscaping works including the enlargement of the parking area, have a significant impact on its currently relatively open and verdant character. This will be detrimental to the positive contribution which the area currently makes to the special interest of the listed building, as identified above, and how this is appreciated.

- The associated loss of green space (including grassed areas, trees and other planting) to the rear of the site and within and around the car parking area will likewise detract from the character of the area to the south of the pub and the positive contribution this currently makes to its setting and special interest. The strips and islands of grass and trees/planting within the existing car park would be lost in favour of one, more extensive and largely unrelieved area of hardstanding.
- The design and elevational treatment of the building is in my opinion unsympathetic to the context. Although I appreciate that the intention is for a broadly rural/agricultural aesthetic, in my opinion the form of the building including the high eaves and clearly demarcated two storeys, combined with the extensive glazing to the front elevation, create an uneasy and unsuccessful combination of commercial and pseudo 'barn' typologies which does not represent the high level of sensitive contextual design which we would expect on this location. The extensive glazing is also likely to exacerbate the visual prominence of the building, particularly when lit from within.

For these reasons I consider that the proposal will be detrimental to the setting of the Gardeners Arms, and hence to its special interest and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, at around the mid-high point of that scale, such that paragraph 202 will apply.

In my opinion the proposal, given its scale and visual prominence, and consequent impact on the surviving verdant and rural character of the Selsfield Road, is also likely to detract from the settings of the other nearby listed buildings at The Mount and Bolney Farm, in terms of the affect that it will have on the character of the approaches to these buildings along Selsfield Road. I would place these impacts at less than substantial and towards the lower end of the scale, although this may be amended in light of a fully comprehensive Heritage Statement.

### **MSDC Drainage Officer**

<b>Application Number</b>	<b>DM/22/1680</b>
<b>Response Date</b>	2023-03-16
<b>Site Location</b>	The Gardeners Arms, Selsfield Road, Ardingly
<b>Development Description</b>	Erection of guest accommodation block with associated parking, infrastructure, and landscaping works.
<b>Recommendation<sup>1</sup></b>	<b>No objection subject to condition</b>

### **flood risk**

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

<sup>1</sup> In line with guidance from the Planning Department the Flood Risk and Drainage Team, where considered appropriate, utilise conditions to address detailed drainage design and detailed design of flood mitigation measures.

### **Sewers on site**

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

### **surface water drainage**

#### information

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the [latest climate change guidance](#) from the Environment Agency.

Detailed drainage design calculations should utilise a CV = 1.0.

#### application specific comment

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will utilise a sustainable drainage system to manage surface water drainage on site. No further details have been provided into what such a system would incorporate.

The Flood Risk and Drainage Team advise the applicant that, due to the scale of the development, the surface water drainage system should be designed to cater for the 1 in 100-year, 6-hr storm event, with an allowance for climate change. The design should also follow the drainage hierarchy and prioritise the use of infiltration drainage whenever possible.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

### **foul water drainage**

It is proposed that the development will discharge foul water to the main foul sewer. This is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

## CONDITION recommendation

### C18D - Single Dwelling/unit

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 **building** shall not be occupied or brought into use, 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.

### General detailed drainage design requirement guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

### Surface Water Drainage

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the [Environment Agency's latest climate change allowances](#) and follow the latest [West Sussex Lead Local Flood Authority Policies and Guidance](#).

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Drainage calculations should utilise a CV value of 1.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

### Foul Water Drainage

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest [Environment Agency's General Binding Rules](#).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed **surface water** drainage design requirement summary sheet

Requirement	Information	Location of information / drawing number
<b><i>For all designs</i></b>		
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)		
On-site infiltration test results		
Plans / details of areas to be drained based on finalised development plans		
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events		
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system		
Maintenance and management plan <sup>2</sup>		
<b><i>For soakaways</i></b>		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
<b><i>For discharge to watercourse</i></b>		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>3</sup>		
Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>4</sup> )		
<b><i>For discharge to sewer</i></b>		
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)		
Discharge location and manhole number		
Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>5</sup>		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>6</sup> )		

<sup>2</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>3</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>4</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

<sup>5</sup> Formal approval via S106 etc is not required.

<sup>6</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

Table 2: Detailed **foul water** drainage design requirement summary sheet

Requirement	Summary	Location of information / drawing number
<b><i>For all designs</i></b>		
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location		
Foul flow calculations and confirmation proposed system is sized appropriately		
<b><i>For connection to main foul sewer</i></b>		
Discharge location and manhole number		
Evidence of communication with Water Authority regarding connection <sup>7</sup>		
<b><i>For non-mains system with drainage field</i></b>		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
<b><i>For non-mains system with discharge to open water</i></b>		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
Outfall location and construction details		

<sup>7</sup> Formal approval via S106 etc is not required.

### WSCC Highways 15.03.2023

<b>TO:</b>	Mid Sussex District Council FAO:Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	15 March 2023
<b>LOCATION:</b>	The Gardeners Arms Selsfield Road Ardingly Haywards Heath West Sussex RH17 6TJ
<b>SUBJECT:</b>	DM/22/1680 Erection of guest accommodation block with associated parking, infrastructure and landscaping works.  (Amended plans received 14.02.2023).
<b>DATE OF SITE VISIT:</b>	n/a
<b>RECOMMENDATION:</b>	No Objection
<b>S106 CONTRIBUTION TOTAL:</b>	n/a / £ See below for breakdown.

No objection

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### WSCC Highways 14.12.2022

<b>TO:</b>	Mid Sussex District Council FAO:Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	14 December 2022
<b>LOCATION:</b>	The Gardeners Arms Selsfield Road Ardingly Haywards Heath West Sussex RH17 6TJ
<b>SUBJECT:</b>	DM/22/1680 Erection of guest accommodation block with associated parking, infrastructure and landscaping works.  (Amended plans received 30.11.2022)
<b>DATE OF SITE VISIT:</b>	n/a
<b>RECOMMENDATION:</b>	No Objection
<b>S106 CONTRIBUTION TOTAL:</b>	n/a / £ See below for breakdown.

WSCC as the County Highway Authority (CHA) has considered the amended plans above and do not wish to change or make any new comments associated with the proposal. Please accept our previous comments and conditions as our formal response, No objection is raised.

## **WSCC Highways 19.07.2022**

<b>TO:</b>	Mid Sussex District Council FAO:Joseph Swift
<b>FROM:</b>	WSCC - Highways Authority
<b>DATE:</b>	19 July 2022
<b>LOCATION:</b>	The Gardeners Arms Selsfield Road Ardingly Haywards Heath West Sussex RH17 6TJ
<b>SUBJECT:</b>	DM/22/1680 Erection of guest accommodation block with associated parking, infrastructure and landscaping works.
<b>DATE OF SITE VISIT:</b>	n/a
<b>RECOMMENDATION:</b>	No Objection
<b>S106 CONTRIBUTION TOTAL:</b>	n/a / £ See below for breakdown.

The proposal above has been considered by WSCC as the County Highway Authority (CHA), no objection is raised subject to any conditions attached.

### Access

The site is located to the rear of the existing public house car park and garden and is accessed from the B2028 Selsfield Road, which has a 40mph speed limit. The access is wide enough for two cars to enter and exit simultaneously, and a wide grass verge flanking the carriageway provides good visibility in both directions. WSCC are satisfied the existing access will be suitable for use by the accommodation block.

Prior to any development commencing the applicant should submit a Construction Management Plan to the LPA for approval, this can be managed via a condition; will need to consider how construction vehicles will access the site, how many vehicles will be used, and how the movement of large vehicles will be managed.

### Trips

Trips associated with the accommodation block would be very low. Based on a worst-case scenario with all 12 rooms occupied there could be a daily trip rate of 12 arrivals and 12 departures, with the busiest times being outside of the standard peak hours, therefore WSCC do not consider there to be any highway capacity issues.

### Parking

The block will provide 12 rooms, and to accommodate the visitors will re-arrange the car parking to provide 50 spaces. WSCC car parking standards recommend 1 parking space per bedroom. Therefore 12 spaces should be provided for each of the rooms. It is noted that 2 disabled spaces are provided near to the hotel which is welcomed. The additional parking will be for staff and visitors to the pub and hotel, and the 3 existing disabled spaces provided for this use, will remain creating an overall parking provision of 45 spaces and 5 disabled parking bays.



## Sustainability

Bus stops are located right outside the site and lay-bys are provided on both sides of the road, with footways linking the site to these. These buses provide an opportunity for staff to travel to work in this mode of travel.

A continuous footway is also provided, although in places this is not very wide, and provides a walking route into Ardingly village centre where there are other local amenities. Cycle storage should also be provided as there is an opportunity to encourage staff to cycle to work. The hotel will employ 15 people, which in addition to the existing staff, will create a total of 35 employees. Based on WSCC cycle parking standards it is recommended that for C1 hotels there should be a provision of 1 space per 8 car parking spaces provided, and a minimum of 2 spaces. WSCC would recommend providing 8 spaces, if there is currently no cycle parking provision. This would cover both the existing pub and new accommodation block.

## Summary

The proposal to create a 12-bed hotel at the rear of the Gardner Arms Public House car park would not cause any significant highway safety or capacity issues as such WSCC raise no objection.

### **Alison Meeus West Sussex County Council – Planning Services**

#### Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

#### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

### **Historic Environments Consultant 05/12/2022**

Recommended refusal  
No historic environment objections           **X**  
Recommended Approval subject to attached conditions  
Further information required  
Recommend discharge condition

This office has reviewed the amended plans and believes the proposed development is still unlikely to impact archaeological remains. As such we continue to have no recommendations to make regarding this application. If you have any further questions please do not hesitate to contact me.

### **Historic Environments Consultant 21/07/2022**

Thank you for consulting the Historic Environment Advisor to Mid-Sussex District on the above planning application.

Recommended refusal  
No historic environment objections           **X**  
Recommended Approval subject to attached conditions  
Further information required  
Recommend discharge condition

The proposed development is located some 300m to the east of an Archaeological Notification Area indicating the tentative route of Roman Road through Mid-Sussex (Historic Environment Record DWS8680). However, any activity associated with this historic routeway this is likely to be in closer proximity to the roadside.

The Gardener's Arms is a listed building dating from the 18th century or earlier, but historic mapping shows no earlier associated structures or activity in the location of the proposed accommodation block.

As a result, based on our current knowledge, this office has no archaeological recommendations to make regarding this application. If you have any further questions please do not hesitate to contact me.

### **Southern Water 09/03/2023**

The comments in our response dated 26/07/2022 remain unchanged and valid for the amended details.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

### **Southern Water 22/12/2022**

The comments in our response dated 26/07/2022 remain unchanged and valid for the amended details

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

### **Southern Water 26/07/2022**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDs component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-

compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

### **MSDC Tree Officer**

I have a number of concerns regarding this application.

The trees along the frontage provide important screening and softening of the car park area currently

I am not clear exactly how many trees are to be removed. Please could this be clarified as a start.

There is contradictory information within the tree schedule and the tree constraints plan; one statement describing them as Cat A trees, of 'high quality';, the other describing them as of 'indifferent quality, likely to decline in the future'

The grassed area is currently accommodating the majority of the roots of these trees, this will be considerably reduced and the tree constraints plan advises that the development 'must stay outside the red circles or be carried out without causing tree root damage' . This also seems contradictory as there is significant encroachment within the RPAs of the chestnuts.

It needs to be clarified what percentage of the RPA will be impacted by the hard standing and no method statement has been provided to address this. I am therefore unable to comment in detail on the impact on RPAs.

I am also concerned about future pressure on these trees due to leaf fall, bird excrement etc as the trees will considerably overhang the proposed car parking area.

### **Natural England**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], Ashdown Forest Special Area of Conservation (SAC). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

### **Ardingly Parish Council 21/12/2022**

Ardingly Parish Council submits a comment of OBJECTION and would like to echo the comments made by the Conservation Officer against the initial application and make it clear that they strongly feel the application is an overdevelopment of the site which is within an AONB and that the building within the application is disproportionate to the existing premises.

They would also like to comment on the issue of parking, Currently, when busy the existing premises creates additional traffic, and this additional traffic parks on the nearby highway

and verges, neighbouring houses also park on the same highway/verges and the Council is concerned that this application will require yet more parking to cater for the additional staff and visitors. if this additional parking is taken from existing spaces this will only push further traffic out onto the highway and this increase will lead to safety issues

Ardingly Parish Council also strongly objects to the removal of the trees adjacent to the main road as it feels their removal is harmful to the rural visual impact of the site.

### **Ardingly Parish Council 31/08/2022**

#### **OBJECTION**

Ardingly Parish Council would like to echo the comments made by the Conservation Officer and make it clear that they strongly feel the application is an overdevelopment of the site which is within an AONB and that the building within the application is disproportionate to the existing premises.

They would also like to comment on the issue of parking, Currently, when busy the existing premises creates additional traffic, and this additional traffic parks on the nearby highway and verges, neighbouring houses also park on the same highway/verges and the Council is concerned that this application will require yet more parking to cater for the additional staff and visitors. if this additional parking is taken from existing spaces this will only push further traffic out onto the highway and this increase will lead to safety issues