

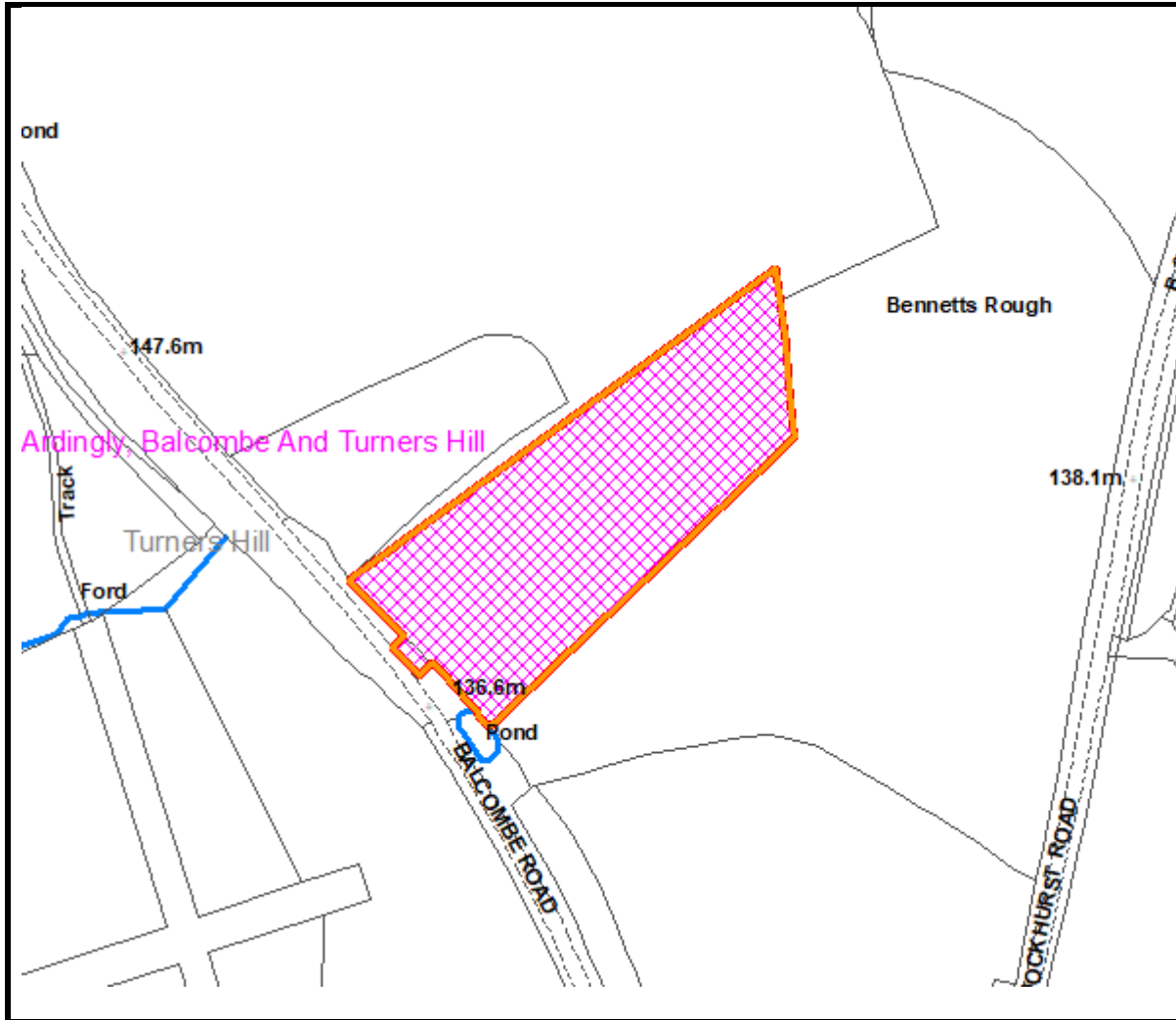
Planning Committee



Recommended for Permission

11th April 2024

DM/24/0230



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Site:	Land To East Of Balcombe Road And South Of M23 Haywards Heath West Sussex
Proposal:	Change of use of agricultural land to use for exercising of dogs including perimeter fence, pathway, shelter, gate and associated parking
Applicant:	Mrs Laura Arden-Brown
Category:	Change of Use
Target Date:	9th April 2024

Parish:	Turners Hill
Ward Members:	Cllr Jenny Edwards / Cllr Gary Marsh /
Case Officer:	Katherine Williams

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S831GIKT04L00>

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 Planning permission is sought for the change of use agricultural land to use for exercising of dogs including perimeter fence, pathway, shelter, gate and associated parking on land to the east of Balcombe Road, within the countryside and the High Weald AONB.

2.2 The application has been called into committee by Cllr Marsh and seconded by Cllr Edwards to consider the potential impact of the proposals on the AONB and the countryside landscape.

2.3 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

2.4 It is considered that this is a modest proposal, supported by planning policy for development in the countryside, would preserve the qualities of the High Weald AONB, would not cause harm to the amenities of neighbouring properties, and is acceptable in terms of the impact on the highway and parking provision. It thus accords with policies of the Development Plan.

3.0 Recommendation

3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

4.1 No letters of representation received.

5.0 Summary of Consultees

5.1 MSDC Environmental Health: No objection, recommend conditions.

5.2 WSCC Highways Authority: No objection, recommend condition.

5.3 Ecological Consultant: No objection, recommend condition.

5.4 MSDC Drainage Engineer: No objection.

6.0 Town/Parish Council Observations

6.1 The Parish Council strongly objects to this application for the following reasons: Turners Hill already has three dog walking fields, and councillors dispute the need for an additional one.

6.2 This would be the loss of an agricultural field which brings no benefit to the village; Turners Hill already has 3 of these businesses and can't support them. The site is outside the built up area of the village.

7.0 Introduction

7.1 The application seeks planning permission for the change of use of agricultural land to use for exercising of dogs including perimeter fence, pathway, a shelter, gate and associated parking.

8.0 Relevant Planning History

8.1 No relevant planning history.

9.0 Site and Surroundings

9.1 The application site is located on the eastern side of Balcombe Road within the countryside and the High Weald AONB.

9.2 The locality is characterised by loose knit sporadic residential properties, which are positioned close to the highway with proportionate curtilages, with large areas of open fields and woodland. The highway is lined by mature hedging and woodland adjacent to the highway, which contributes to the verdant rural character of the area.

9.3 The site comprises a southern section of a larger field having an area of approximately 1.2 hectares and would utilise an existing field entrance onto Balcombe Road. To the east and the south of the application site is an area of Ancient Woodland, with the rest of the open field to the north of the site.

9.4 To the north of the field is Whitely Hill, a private road which includes a public bridleway. This road is located at an elevated position with boundary hedging on either side and the application site at a lower ground level.

10.0 Application Details

10.1 The proposal includes a perimeter deer stock fence and gates with an overall height of approximately 2 metres, which would also extend around the proposed 2 No. vehicle parking area. Within the proposed perimeter fence would be a 1.2 metre wide path with a shelter within the north-east corner.

10.2 The proposed shelter would have a width and depth of some 3.7 metres respectively, a mono pitched roof with an overall height and eaves height of some 2.3 metres and 2 metres. The structure would be constructed in timber.

- 10.3 The site would be for exclusive use for a maximum of 4 No. dogs with operating hours between 07:00 to 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays.
- 10.4 No artificial lighting is proposed.

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 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.
- 11.5 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Turners Hill Neighbourhood Plan and the Site Allocation DPD.
- 11.6 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

- 11.7 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies;
- DP1 - Sustainable economic development
 - DP12 - Protection and enhancement of the countryside
 - DP16 - High Weald AONB
 - DP21 - Transport
 - DP26 - Character and Design
 - DP29 - Noise, Air and light pollution

Site Allocation DPD

- 11.8 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

Turners Hill Neighbourhood Plan

- 11.9 The Turners Hill Neighbourhood Plan was adopted in March 2016. Relevant policy include:

THP8 – Countryside Protection

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

- 11.10 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks. At this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections and therefore only minimal weight can be given to the Plan. As such, this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 – Climate Change

DPS2 – Sustainable Design and Construction

DPN1 – Biodiversity, Geodiversity and Nature Recovery

DPN7 – Noise Impacts

DPC1 – Protection and Enhancement of the Countryside

DPC4 – High Weald Area of Outstanding Natural Beauty

DPB1 – Character and Design

DPT4 – Parking and Electric Vehicle Charging Infrastructure

DPE1 – Sustainable Economic Development

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) (December 2023)

- 11.12 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Other Planning Guidance

- 11.13 High Weald AONB Management Plan 2019-2024

12.0 Assessment

Principal of Development

- 12.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.2 Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), the Turners Hill Neighbourhood Plan and Site Allocation DPD.

- 12.3 Policy DP12 of the Mid Sussex District Plan states in part:

'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 District Plan policy DP1 confirms in part that:

'Provision for new employment land and premises will be made by:

Allowing new small-scale economic development in the countryside, including tourism (in accordance with Development in the Countryside policies).'

- 12.5 Policy DP16 which specifically addresses development in the AONB states in part:

'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 Policy THP8 of the Turners Hill Neighbourhood Plan echoes the ethos of this policy.

12.7 Paragraphs 88 and 89 of the NPPF state:

'88. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

'89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

The proposal would include a maximum of 4 dogs at any time, would include a modest shelter and a small parking area. The 2m boundary fence might be erected under permitted development rights. The proposal is considered to be small in scale and thus the principle of the development within the countryside and AONB accords with the Development Plan and is acceptable.

Design and Character

12.8 Policy DP26 of the Mid Sussex District Plan states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.9 A similar ethos for high quality design and character is found within the Mid Sussex Design Guide SPD.

12.10 As set out within the above sections, the application site consists of a field shelter and perimeter deer fencing which is considered to be of a modest scale and appearance which is considered to reflect the rural character of the locality and the agricultural appearance of the field.

12.11 It is therefore considered that the proposal complies with policy DP26 of the Mid Sussex District Plan.

Impact on the High Weald AONB

12.12 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'.

12.13 Mid Sussex District Plan policy DP16 states:

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

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

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

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

12.14 The ethos of this policies is echoed in policy THP8 of the Turners Hill Neighbourhood Plan.

12.15 Paragraphs 182 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

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

12.17 The proposal would be located within the southern end of the existing field, with direct access onto Balcombe Road, which gives some public views from the highway with the existing mature boundary planting in between. The proposal would not be visible from Whitely Hill and the public bridleway due to the changes in the ground levels in between. The proposal includes perimeter deer fencing and path with a shelter and hardstanding for access and parking for 2 No. vehicles, which are of a modest scale and form which common place within the countryside.

12.18 The perimeter fencing would be largely seen against the areas of woodlands beyond the site along with the boundary along with the boundary planting between the site and the highway. The design of the fencing would not create a solid barrier and would allow views through the site which would further reduce the visual prominence of the fencing. The proposed fencing to the north of the site would face onto the rest of the open field, to further reduce the visibility of the proposal from this aspect a

landscaping condition will be included. Notwithstanding this, the fencing could be erected without requiring planning permission.

- 12.19 Given the design, form, scale and materials of the proposal along with its position within the southern portion of the field with woodland beyond and would be largely viewed against the woodland and would not have an impact on the AONB and would conserve it.

Impact on the amenities of neighbouring properties

12.20DP26 of the Mid Sussex District Plan states:

'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);'

12.21 Policy DP29 of the Mid Sussex District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

...

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

- 12.22 To the north of the application site are No. 34 Whiteley Hill and Woodside. These properties would be at least some 306 metres from the proposal with the open field in between. To the south of the site are Poplar Cottage and Beechfield which would be some 165 metres from the side with areas of woodland in between.

- 12.23 The Council's Environmental Health Officer has been consulted on the application and raised no objection to the proposal. This is due to the maximum number of dogs on the site at anyone time, the hours of operation, the absence of artificial lighting on

the site along with the significant separation distance to the closest neighbouring residential properties. The officer therefore considered that the proposal is unlikely to result in significant adverse impacts on the local residents and recommends conditions restricting the number of dogs on the site at any given time, hours and operation and the submission of a management plan.

- 12.24 Following these comments, a management plan was submitted to address the third suggested condition which is considered acceptable by the Environmental Health Officer and recommends a condition to comply with this management plan.
- 12.25 The application site is located at least 165 metres from the closest neighbouring dwelling, and although it is noted that shelter and fencing may be visible from neighbouring properties the proposal would be a sufficient distance to ensure that the proposal would not cause harm to the amenities of neighbours with the inclusion of the recommended conditions. not have an overbearing impact or result in a loss of outlook.

Impact on highway safety and parking provision

12.26 Policy DP21 of 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.'

- 12.27 West Sussex County Council Highways Authority have commented on the application and raise no objection to the proposal.
- 12.28 The site is located on Balcombe Road, a B-classified road subject to the national speed limit in this location and would utilise the existing vehicular access point which has suitable visibility. There is also no recorded injury accidents attributed to the road layout within the vicinity of the site in the last 5 years. The site will be operated on a booking system with 2 No. parking spaces with sufficient space for on-site turning, which is not considered to result in a significant material intensification of movements on the local highway network.
- 12.29 The Local Highway Authority therefore consider that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 115), and that there are no transport grounds to resist the proposal.
- 12.30 Due to the location of the site it would require the use of private cars. However, due to the modest scale and nature of the proposed use and that the use would require a large secure open space, it is considered appropriate within the countryside. Many proposed business uses considered under policy DP 12 and DP16 would be likely to generate some vehicular movements. This is reflected in para 89 of the NPPF which is set out in full above. The nature of the proposed use would have a relatively local catchment area with the built up areas of Crawley, Balcombe, Handcross and Crawley Down located in relatively close proximity to the site.
- 12.31 The proposal would utilise an existing access onto the public highway and would be limited to 2 No. vehicles on site at any one time. Given this and the above comments, it is considered that the proposal would provide sufficient parking and would not result in a severe impact on the operation of the highway network and is therefore acceptable.

Impact on Biodiversity

12.32 Policy 38 of the Mid Sussex District Council states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.33 Paragraphs 180 and 186 of the NPPF state:

'180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

186. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

- 12.34 A Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) and Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024) have been submitted and relating to the likely impacts of development on designated sites, protected and Priority species and habitats, and identification of proportionate mitigation. The Council's Consultant considers that these mitigation measures should be conditioned to ensure that it is implemented in full.

12.35 The Council's Ecological Consultant has been consulted on the application and raises no objection to the proposal.

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

13.0 Planning Balance and Conclusion

13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

13.2 It is considered that this is a modest proposal, supported by planning policy for development in the countryside, would preserve the qualities of the High Weald AONB, would not cause harm to the amenities of neighbouring properties, and is acceptable in terms of the impact on the highway and parking provision. It thus accords with policies of the Development Plan.

13.3 It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP1, DP12, DP13, DP16, DP21, DP26, DP29 and DP38, policy THP8 of the Turners Hill Neighbourhood Plan and the relevant provisions of the NPPF.

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. 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

3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The use hereby permitted shall operate in accordance with Management Plan submitted 5th March 2024 thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP29 of Mid Sussex District Plan.

5. Hours of Use (operational): no commercial activity is permitted unless within the following hours -

0700 to 2000 hours, Mon - Fri.

0800 to 2000 hours, Sundays and Bank Holidays

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP29 of Mid Sussex District Plan.

6. No more than 4 dogs shall be on-site at any one time.

Reason: To ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the High Weald AONB and to accord with Policy DP16 and DP26 of the Mid Sussex District Plan and policy THP8 of the Turners Hill Neighbourhood Plan.

7. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space for the development.

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) and Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the reptile Precautionary Method Statement in Section 4.4.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance 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).

9. No development shall take place unless and until there full details of both hard and soft landscaping has 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 with 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.

INFORMATIVES

- 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.
Accordingly, you are requested that:

 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.
- In accordance with Article 35 of the 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.
- The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage. Additional information about the licence application process can be found at the following web page:
<http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	10318 -DPA- 09	Fence and Gate	01.02.2024
Location Plan	10318-DPA-03	PR	30.01.2024
Location Plan	10318-DPA-01	EX	30.01.2024
Site Plan	10318-DPA-04	PR	30.01.2024
Proposed Floor Plans	10318-DPA-07	PARKING	30.01.2024

APPENDIX B – CONSULTATIONS

Turners Hill Parish Council

The Parish Council strongly objects to this application for the following reasons:

Turners Hill already has three dog walking fields, and councillors dispute the need for an additional one. This would be the loss of an agricultural field which brings no benefit to the village; Turners Hill already has 3 of these businesses and can't support them.

The site is out of the built up area of the village.

Environmental Health Officer

21.02.2024:

I have reviewed the design and access statement provided.

The proposals look to restrict the number of dogs on-site to a maximum of four at any given time, with bookings required in advance. Furthermore, the applicant has committed to implementing a management plan to address noise complaints, as well as committed to restricting the hours of operation to 7:00 AM to 8:00 PM Monday to Saturday, and 8:00 AM to 8:00 PM on Sundays and bank holidays. Additionally, the absence of artificial lighting on the site will further minimise times of use and potential disturbance, particularly during shorter days when activities will be limited by sunrise and sunset.

Considering the above factors and the significant distance (approximately 170 meters) to the closest resident, I am of the opinion that the proposed development is unlikely to result in significant adverse impacts on the local residents. Therefore, I recommend that the application be approved with the following conditions:

1. The number of dogs on-site must not exceed four at any given time.
2. The hours of operation shall be restricted to 7:00 AM to 8:00 PM Monday to Saturday and 8:00 AM to 8:00 PM on Sundays and bank holidays.
3. The applicant must submit a management plan to the Local Planning Authority (LPA) for approval. This plan should outline the procedures for addressing noise complaints from residents and provide clear information on how residents will be provided with details of who to contact. Upon approval, the applicant is responsible for implementing and enforcing the approved plan. Any proposed changes to the management plan must be submitted to the LPA for review and approval before implementation.

06.03.2024:

Having reviewed the submitted document, I am satisfied with the proposed management plan, provided the times of use on site will be conditioned, and the management plan is conditioned.

Regarding the management plan, it notes that the number of dogs on site will be limited to four at any given time. Additionally, it makes it clear that users who disrupt the peace or cause noise issues will be refused further entry. Finally, it includes contact details for

residents to report any concerns or issues, ensuring residents can report users if there are issues.

Taking all of these factors into consideration, I would recommend approving the management the plan.

WSCC Highway Authority

Summary

This application seeks the change of use of agricultural land to use for exercising of dogs with associated works. The site is located on Balcombe Road, a B-classified road subject to national speed limit in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns, subject to the below comments.

Access and Visibility

The applicant proposes to utilise the existing vehicular access point on Balcombe Road. I would advise that the existing access be formalised by means of a vehicle crossover (VCO), and these works would be subject to a licence obtained through the local Highway Area Office.

From inspection of WSCC mapping, visibility would appear suitable for the anticipated roads speeds in this location. However, I would advise that existing vegetation either side of the access be trimmed and maintained to ensure adequate visibility is retained.

I note that two signs are to be placed either side of this access. The applicant must ensure that these are placed within their own land and not within the maintained highway boundary.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Capacity

The site will operate a booking system with a maximum of two cars per booking. The LHA does not anticipate that such a use would give rise to a significant material intensification of movements on the local highway network.

Parking and Turning

Two car parking spaces are proposed to serve the site, and given that up to two cars will be allowed per appointment slot, this is considered sufficient. From inspection of the plans, the proposed parking area appears suitably sized and on-site turning appears achievable.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative should be applied:

Condition

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Informative

Vehicle Crossover – Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

<http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

Ecological Consultant:

We have reviewed the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) and Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024), supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation.

We note that there are no buildings or trees on site and that the site has negligible bat roost potential (Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024)). We therefore agree that no further surveys for bats are required.

We also note that the site has moderate potential to support foraging reptiles from the adjacent woodland and we therefore support the Precautionary Method Statement for reptiles in Section 4.4.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024). This should be secured by a condition of any consent and implemented in full.

We support the implementation of a 6m buffer between the ancient woodland (Irreplaceable Habitat) to the southeast (Bennetts Rough) and the site (Sections 4.2.2 and 4.2.3 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024)) in accordance with Government Standing Advice. This should be secured by a condition of any consent and implemented in full.

We are satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

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

The mitigation measures identified in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) and Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024) should be secured by a condition of any consent and

implemented in full. This is necessary to conserve and enhance protected and Priority species.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). We note that the specifications, locations and management of the reasonable biodiversity enhancement measures are identified in the Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024). These enhancements should be secured by a condition of any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) and Ecological Design Strategy (Lizard Landscape Design and Ecology, January 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the reptile Precautionary Method Statement in Section 4.4.2 of the Ecological Impact Assessment (Lizard Landscape Design and Ecology, January 2024) which avoids impacts on protected species.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance 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).

Drainage Engineer

Thank you for consulting the Flood Risk and Drainage Team regarding the above application.

We have reviewed the documents submitted and can confirm we have no objection to the proposal.