

MID SUSSEX DISTRICT COUNCIL

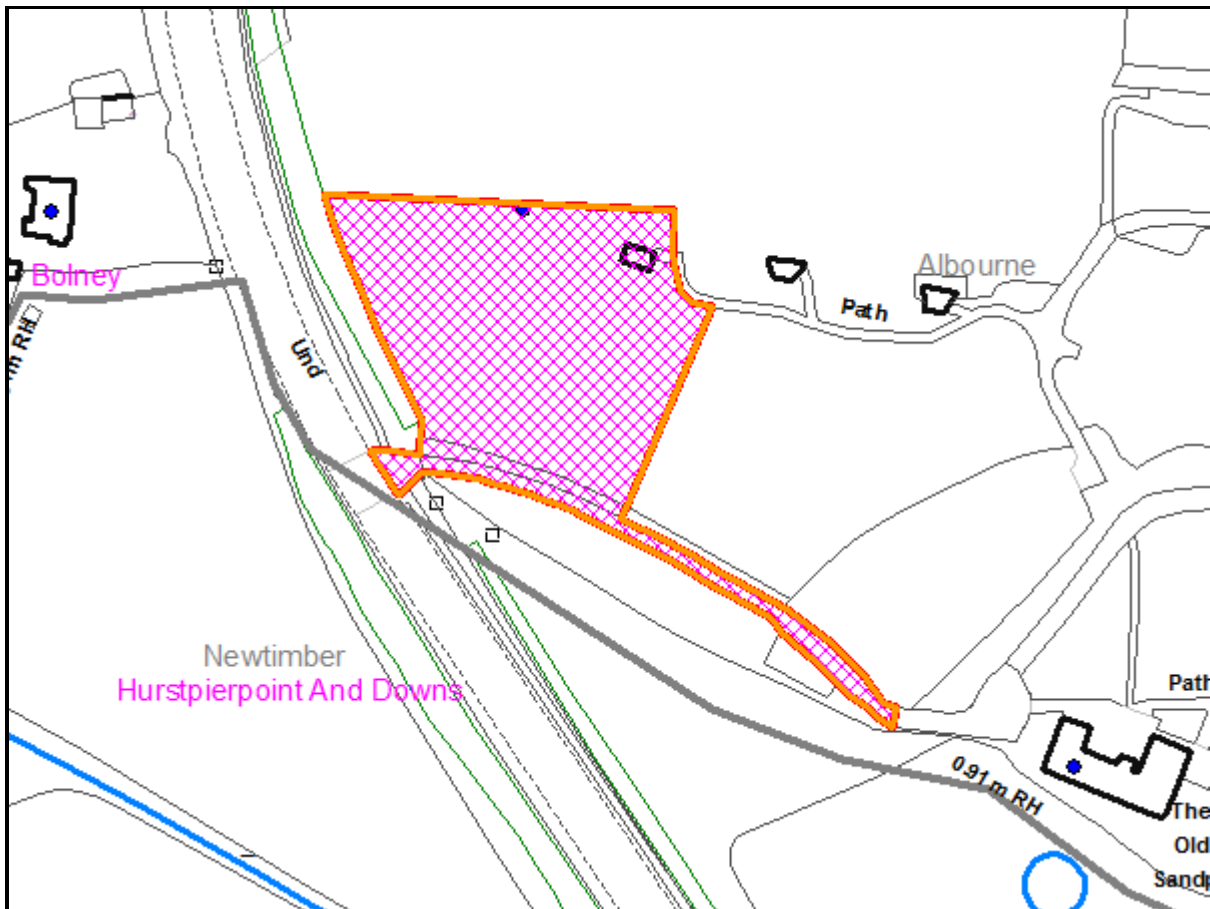
Planning Committee

25 JUL 2019

RECOMMENDED FOR REFUSAL

Albourne

DM/19/1361



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**THE OLD SAND PIT LONDON ROAD ALBOURNE HASSOCKS
PROPOSED TWO STOREY, PARTIALLY BURIED DWELLING (WARDEN
ACCOMMODATION FOR THE WELLBEING OF OVERNIGHT OCCUPANTS
OF 9 ECO PODS AS APPROVED UNDER REF DM/18/1807). NEW
DRIVEWAY ACCESS AND ASSOCIATED HARD AND SOFT
LANDSCAPING.
MR PEACOCK**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 30th July 2019

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for a proposed two storey, partially buried dwelling (warden accommodation for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807). New driveway access and associated hard and soft landscaping.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and Albourne Neighbourhood Plan (ANP).

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to

the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal. There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

Recommendation

It is recommended that planning permission is refused for the following reason:

The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

No highway objection.

Drainage Engineer

No objection subject to conditions.

ALBOURNE PARISH COUNCIL COMMENTS

Albourne Parish Council questions the need for an on-site manager for the proposed eco-huts, and does not accept that this is an essential requirement for running the business. In any event, the Parish Council objects to the proposal for the same reasons, as are set out in respect of previous applications for a dwelling on this site, i.e. it is against relevant District Plan and Albourne Neighbourhood Plan policies. These reasons have previously been accepted by the Planning Authority in rejecting previous proposals, and this stance has been supported on appeal, by a Government Planning Inspector. Further, the property is considered to be oversized,

and excessive for the purposes for which it is claimed it is needed. It is also noted in commenting, that the eco-pods do not appear to have been built yet, and any use of such a property should be tied in by condition.

INTRODUCTION

This application seeks planning permission for a proposed two storey, partially buried dwelling (warden accommodation for the wellbeing of overnight occupants of 9 eco pods as approved under ref DM/18/1807). New driveway access and associated hard and soft landscaping.

RELEVANT PLANNING HISTORY

There have been a number of planning permissions at the site related to the leisure activities that take place here. The site can be used for activities between the hours of 10.00 and 20.00 and between 10.00 and 23.00 for the main building in the site (for functions, post activity entertainment and so on). For 305 days a year the site is limited to a maximum of 90 customers. For the remaining days of the year there is no limit on the number of customers.

The Council refused an application for the erection of a five bedroom subterranean family home at the same site as this application (AE/05/01350/FUL) on 9 August 2005 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

A subsequent application for the erection of a five bedroom subterranean family home at the same site as this application (AE/ 06/01106/FUL) was refused on 18 August 2006 for the following reason:

'The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste the implementation of Policy H6 or for quiet informal recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seek to protect the countryside for its own sake from development which does not need a countryside location.'

These applications were both the subject of appeals that were dismissed by the Planning Inspector on 13 March 2007.

More recently a planning application for a two-storey, partially-buried dwelling, with driveway access and associated hard and soft landscaping (reference DM/17/3123) was refused planning permission on 22 September 2017 for the following reason:

'The proposed dwelling is not considered to be essential to the operation of the rural business on the site. It would be in a relatively isolated location and future residents would be reliant on the private car for transportation. The proposal therefore conflicts with policies C1 and T4 of the Mid Sussex Local Plan and policy DP19 of the Mid Sussex District Plan 2014-2031 Submission Version and the guidance in paragraph 55 of the NPPF.'

SITE AND SURROUNDINGS

Access into the site is via the old A23. There is a driveway into the site that runs along the southern boundary of the site. This leads to the area where the karting track is located. There is a storage building in the site for the applicants quad bikes, karts and other machinery. There is also a building that is used for team building exercises, giving instructions to customers, providing food and so on.

The site of the proposed new dwelling is within a bank in the north-western corner of the site. To the north of this bank the land is laid to grass. To the south of the bank the land is flat and at a lower level and is also laid to grass. To the east there is a group of trees and beyond this is the area where the main activities take place on the site. To the west there is hedge screening to the old A23.

The site is rural in character. The site is within the countryside as defined in the District Plan.

APPLICATION DETAILS

The application seeks consent for the erection of a 3 bedroom dwelling on the western side of the site. This would be designed to take advantage of the change in levels through the site so the north elevation would be cut into the bank. The dwelling would be a contemporary design featuring render, timber boarding and stone with grey colour powder coated frames. The property would be a flat roof building and would feature a roof terrace and roof top lawn area. The dwelling would have undercroft car parking for two cars.

The dwelling would be accessed from the existing access road that serves the business on the site. The design of the proposed dwelling is the same as that which was refused planning permission under reference DM/17/3123.

The applicants have provided a supporting statement with the application. It makes the point that following the last refusal on the site, circumstances have changed as a result of the grant of planning permission for 9 eco pods on the site. The applicants state *'The approval of these eco-pods is considered significant in that it enables up to 24 members of the public to stay on the site overnight. This is considered to represent a significant material change to the business which has not, until now, had permission to host members of the public overnight. In order to effectively manage the pods, and in particular to safeguard the wellbeing of their overnight occupants, it*

is considered essential to employ an on-site warden and to provide him or her with accommodation suitable to that end.' They go on to state that they believe there is a clear management need, a clear need to safeguard the wellbeing of the overnight occupants, a clear need for a permanent house in which a warden can live and there are additional Health & Safety considerations.

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP12 Protection and enhancement of the countryside

DP15 New homes in the countryside

DP18 Setting of the South Downs National Park

DP21 Transport

DP26 Character and Design

DP27 Dwelling space standards

DP29 Noise, air and light pollution

Neighbourhood Plan

Albourne Neighbourhood Plan. Made plan with full weight.

ALC1: Conserving and enhancing character

ALC2: South Downs National Park

ALH1: Housing Development

National Policy and Legislation

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use

the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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 impact of the proposal on the character and appearance of the area
- Transport matters
- Drainage
- Impact on Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Albourne Neighbourhood Plan (ANP).

As the site is within the countryside, policy DP12 in the DP is the starting point for assessing planning applications. Part of the policy 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.'*

As such there is a requirement for development to maintain or enhance the quality of the rural and landscape character and to also be supported by another policy reference in the plan or neighbourhood plan.

In this case policy DP15 is relevant. It states

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

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

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation. Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for

someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.

Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- *the re-use would secure the future of a heritage asset; or*
- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.*

Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- *The residential use has not been abandoned;*
- *Highway, access and parking requirements can be met; and*
- *The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

The NPPF states in paragraph 79 that '*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling;*
or
- e) the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate'*

The Courts have confirmed that the word isolated in this paragraph should be taken as its ordinary objective meaning, namely a dwelling that is physically separate or remote from a settlement. It is considered that the site of the proposed dwelling

would be isolated in terms of paragraph 79 of the NPPF. Therefore paragraph 79 of the NPPF (part a) is relevant to the determination of this application.

The issue in relation to the NPPF is whether it is "essential" for someone to live on the site. There is no further guidance in the NPPF as to what "essential" means: this is left to the judgement of the LPA. Since the refusal of the last planning application for a dwelling on the site, the business has continued to operate and consent has been granted for an indoor shooting range (DM/17/3002) and the eco pods for camping at the site (DM/18/4461). These two consents have yet to be implemented.

On the previous application for a dwelling at the site it was argued that there was a need for an onsite presence to deter thefts. It is recognised that there is a considerable amount of high value equipment on the site. In dismissing the appeals for a dwelling on the site back in 2007 the Inspector stated *'Concerns about theft are likely to arise at many rural establishments, and if dwellings were to be allowed exceptionally at them it would have a very damaging effect on national and local policy which seeks to protect the countryside from unnecessary development.'* She went on to state *'The fact that the business has developed and become well-established without a dwelling on the site adds support to my view that there is no need for one.'*

In refusing the last application for a dwelling on the site in 2017 the officer's report concluded by stating *'It is considered that in terms of the need for the proposed dwelling, it is your officer's view that it can be categorised as being more "desirable" for the business rather than being "essential". Whilst the Council cannot currently demonstrate a 5 year housing land supply and this is a material consideration that merits a modest measure of weight in favour of the appeal proposal, one additional unit would make only a limited contribution to the overall housing supply in the District.'*

Overall it is considered that the proposal does conflict with policies C1 and T4 of the MSLP and policy DP19 of the MSDP. Whilst there would be benefits to the business from the proposal, it is considered that on balance, the conflict with the development plan and the absence of an essential need to live on the site outweigh the benefits of the scheme and therefore the proposal cannot be supported.'

The applicants are no longer advancing a case based on security concerns. The applicants are putting forward a case that the approval of the eco pods is a significant change in circumstances that has meant that there will be an essential need for a staff member to live on site to manage the operation of this part of the business.

It is considered by your officers that there is some merit in the case put forward by the applicants. With the potential for 24 campers being on the site overnight and arriving/leaving at different times, having an onsite presence would allow a quick response should an emergency occur on site or events that require an onsite presence to resolve.

By way of comparison, planning permission was granted at the former Geers Nursery, Brighton Road, Hurstpierpoint under reference DM/15/1799 for the

'Demolition of two existing dwellings, barns, plant nursery outbuildings and greenhouses, erection of 4 dwellings, craft workshops and a camp site with 10 tent pitches, 4 log cabins, manager's accommodation and ablution block/cycle hire/washing building.' This site is some 1.2km to the east of Q Leisure, on the eastern side of the A23.

Whilst the site at the former Geers Nursery was different in that it contained a number of redundant buildings from a former use and was also approved under a different policy context prior to the adoption of the District Plan, it is still the case that the principle of on site managers accommodation for a camping business was accepted by the Local Planning Authority. It is well established that each planning application must be dealt with on its individual merits. It is also well established that consistency within the planning system is important and if similar cases are not determined in the same manner then the reasons for this should be clearly explained by the decision maker.

In this case it is considered that there is a clear difference between this site and the site at Geers Nursery: the difference being the fact that the Geers Nursery site contained a number of redundant structures and glasshouses whereas the site of the proposed house at Q Leisure is an undeveloped part of the site. As such the sites themselves are not directly comparable.

As the applicant's justification for the proposal is that it is required for a manager in association with the recently approved eco pods, the applicants have advised that they would accept a planning condition requiring the dwelling to be occupied by someone employed by Q Leisure to manage the eco pods. Whilst this is noted, the potential problem would arise that the eco pods could be provided on site, the house constructed but then if the eco pods part of the business no longer operated (for example they became unviable), the house would still be in place but the justification on which it was permitted would no longer exist. It would not be reasonable to have a planning condition requiring the removal of a permanent structure such as a house so the dwelling would remain.

For new agricultural units, policy DP15 envisages a temporary dwelling being put on site to allow the new enterprise to become established and to justify the need for on site accommodation. It is considered that this approach would be more aligned with the planning policy than the applicant's proposal for a new permanent dwelling to serve what would be a new part of the Q Leisure business. It is also considered that it is reasonable to suggest that the likely requirement for a manager to live on the site could have been put forward and considered by the applicants when the original applications were made for the eco pods.

Impact on the character of the area

Policy ALC1 of the ANP states

'Development, including formal sports and recreation areas will be supported in the countryside, defined as the areas outside the Built up Area Boundary shown on the policy map where the following criteria are met:

1. *It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
2. *It maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area;*
3. *It is supported by a specific policy reference elsewhere in this Plan.*
4. *It is necessary for essential infrastructure and it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.'*

Policy DP26 in the DP 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.'*

Due to the location of the dwelling, set within the set and set against the north bank of the site, it is not considered that the proposed dwelling would have any significant impact on the wider character of the countryside. In this respect it is not considered that there would be a conflict with the aims of policy ALC1 or policy ALC2 (which seeks to protect the setting of the South Downs National Park). It is considered that as a piece of architecture the proposed dwelling would be a high quality design as required by policy DP26 in the DP. It should be noted that the design of the proposed dwelling is the same as was proposed under application reference DM/17/3123 and

this 2017 application was not refused on matters relating to the design of the building or its impact on the character of the countryside.

It is considered that the proposed dwelling could be appropriately insulated so that there was no adverse impact on future occupiers from road traffic noise from the A23. As such this part of policy DP29 in the DP would be met.

It is not considered that the proposed development would have an adverse impact on local amenity in relation to light pollution. As such this part of policy DP29 in the DP would be met.

Transport matters

Policy DP21 in the DP relates to transport. It seeks to minimise the need for travel, noting there might be circumstances where development needs to be located in the countryside, such as for rural economic uses. It also seeks to ensure that the development protects the safety of road users and pedestrians.

It is considered that in terms of highway safety, there would be no adverse impact from the proposal. The site lines onto the highway are satisfactory and the proposal would add a very limited number of additional movements compared to the comings and goings associated with the business.

The applicants have referred to the site being on a bus route. The 100 bus, operated by Compass Travel, departs Burgess Hill station at 6.40am and there after every hour until 6.05pm, travelling all the way to Pulborough via Albourne, Henfield, Small dole, Bramber, Steyning and Washington and returns again. A similar service operates on Saturdays. Whilst this is recognised, it is still the case that it is likely to be more attractive to occupiers of the dwelling to use the private car rather than the limited public transport that is available. Therefore in terms of its sustainability, it would be in a relatively isolated location. Although a number of trips to and from work could be saved, visits to shops, surgeries, schools, entertainment, leisure and other services would still need to be made from the site and these would outweigh the benefits of reduced journeys to and from work. The fact that prospective occupiers of the dwelling would be reliant on the private car does weigh against the proposal.

However policy DP21 does recognise that '...there might be circumstances where development needs to be located in the countryside, such as rural economic uses'. This reflects national advice in the NPPF. If the principle of having a managers dwelling on site is accepted, this element of policy DP21 would be complied with.

Drainage

It is proposed that surface water would be dealt with by a soak away and foul water would be via a packaged sewerage treatment plant. It is considered that the means of satisfactorily draining the site can be secured by a planning condition thereby complying with policy DP41 of the DP.

Impact on Ashdown Forest

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a

significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

PLANNING BALANCE AND CONCLUSION

To summarise planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and ANP.

The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

It is not considered that it has been demonstrated that it is essential to have this new permanent dwelling to serve the proposed eco pods. As such the proposal would conflict with policy DP15 in the DP. Whilst not pre judging any future application, it is considered that a more policy compliant proposal would be for a temporary dwelling/mobile home to be erected on the site to serve the eco pods for a specified period of time, after which if there was still a need for on site accommodation, a subsequent application could be made for a permanent dwelling on the site. As with the last application on site, it remains the case that prospective occupiers of the new dwelling would be reliant on the private car for access to shops and services. As such there would still be a conflict with policy DP21 in the DP in respect of the aim of seeking to minimise the need for travel and promote alternative means of access to the private car.

It is acknowledged that the proposed dwelling would have a limited impact on the character of the area as it would be cut into the land and would be well screened within the site. There would be no adverse impact on the setting of the South Down National Park. There would be no highway safety issues arising from the proposal. There would also be security benefits to the business arising from having an onsite presence. All of these points weigh in favour of the scheme.

To conclude, it is considered that on balance, it has not been demonstrated that it is essential to the operation of the business for this proposed dwelling to be

constructed. It is therefore felt that the application conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan and the application cannot be supported.

APPENDIX A – REASONS FOR REFUSAL

1. It has not been demonstrated that the proposed new dwelling is essential to the operation of the business. In addition the site is in a relatively isolated location and future residents would be reliant on the private car for transportation. The application therefore conflicts with policies DP12, DP15 and DP21 of the Mid Sussex District Plan 2014-2031 and policy ALC1 of the Albourne Neighbourhood Plan.

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	289.PA001 A		05.04.2019
Survey	16/133/01		25.04.2019
Sections			17.05.2019
Location Plan			29.04.2019
Block Plan			29.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Albourne Parish Council questions the need for an on-site manager for the proposed eco-huts, and does not accept that this is an essential requirement for running the business. In any event, the Parish Council objects to the proposal for the same reasons, as are set out in respect of previous applications for a dwelling on this site, i.e. it is against relevant District Plan and Albourne Neighbourhood Plan policies. These reasons have previously been accepted by the Planning Authority in rejecting previous proposals, and this stance has been supported on appeal, by a Government Planning Inspector. Further, the property is considered to be oversized, and excessive for the purposes for which it is claimed it is needed. It is also noted in commenting, that the eco-pods do not appear to have been built yet, and any use of such a property should be tied in by condition.

Highway Authority

The application is for 1 dwelling with a new vehicular access to be taken from the private driveway to Q Leisure.

The vehicular access from the Public Highway to the private driveway is established and acceptable for use by 1 additional dwelling.

No highway objection.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

It is proposed for foul drainage for this unit and the wider camp site to be managed by contained cesspit. And this would be acceptable.

It is proposed for the warden unit to have surface water run-off be managed by soakaway. This is an acceptable method. The developer needs to know that the soakaway will need to be designed to cater for the 6hr 1 in 100 year storm event and have a half drain time of less than 24 hours.

Moving forward, this proposed development should continue to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will utilise soakaway

Foul Water Drainage Proposals

It is proposed that the development will utilise cesspit

Suggested Conditions

C18D -

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

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

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.