

MID SUSSEX DISTRICT COUNCIL

Planning Committee

6 FEB 2020

RECOMMENDED FOR PERMISSION

West Hoathly

DM/19/4538



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**LAND AT LONG MEADOW STATION ROAD SHARPTHORNE EAST GRINSTEAD**

**ERECTION OF 2NO. DETACHED DWELLINGS WITH GARAGES, WITH ACCESS VIA STATION ROAD (RESUBMISSION OF DM/17/5213).**

**MR IAN ELDRED**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Minerals Local Plan Site (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 27th February 2020

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Susan Dubberley

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road (resubmission of DM/17/5213).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. However, also a material consideration is that an identical application to the current scheme was considered by the Planning Inspectorate in March 2019 (DM/17/5213). While that application was dismissed on appeal, this was due solely to a technicality regarding how mitigation of the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) was to be achieved. A new method of mitigation is now in place. The Inspector considered that the impact of the development on the character of the locality and neighbouring amenity were acceptable.

No development plan policy conflict has been identified to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups. However it is noted that the Planning Inspectorate did not raise this as an issue in allowing the recent appeal.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and there will be no likely significant effect on the Ashdown Forest SPA and SAC' Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

## **RECOMMENDATIONS**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory signed planning obligation to secure the required level of SAMM and SANG contributions and the conditions listed in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing secure the required level of SAMM contributions by 7 May 2020, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP17 of the Mid Sussex District Plan 2014-2031 in respect of the required mitigation by way of a financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.'

## SUMMARY OF REPRESENTATIONS

7 letters of objection, raising the following points:

- Increase in roadside parking;
- Increase in road traffic
- Noise and disturbance from traffic
- Refuse collection will also cause disruption as well as bins being left on the station road from the 2 houses that are already at Long Meadow entrance. So therefore could potentially have 4 or more bins left out on the roadside.
- Noise and disturbance from construction works.
- who will maintain access road
- No turning space within the site so any large vehicles
- Any proposed changes in this reapplication are minor and cosmetic and do not address the conclusion in the previous appeal which
- Significant harm to neighbouring amenity: loss of privacy / overlooking, overbearing impact, loss of outlook, loss of light, disturbance from use of access;
- The height and close proximity of the development would be such that unreasonable overshadowing would occur .
- Another plan, which has been approved, to build 14 dwellings at the bottom of station road ( in Bluebell Lane ) which would add to the traffic in Station Road, and more problematically, on Top Road ( Sharpthorne Road ).
- The houses will be visually overbearing to all the houses at the top end of Hamsey Road
- There have been many applications for the Long Meadow site, for four and three dwellings. - All applications have been refused despite going to appeal. There would be no justification for approving this application, as this application still has not addressed the reasons for the previous refusals.
- The size and character of these dwellings are not in keeping with the properties in this part of the village.
- Out of character with established pattern of road fronting development.
- overlooking
- Surface water runoff;
- -Increase in flood risk
- No streetlights, as per the rest of the village these are not required and will shine in to the houses behind if installed and will affect the wildlife in the Ancient Woodland
- Loss of wildlife
- Approval would lead to further tree felling;
- There is no information on how the houses will be powered. As per the rest of the village, we would assume that the houses would require oil. There are no oil tanks shown in the designs of the proposed development. A completely electric powered house is not only inefficient but also extremely expensive to maintain for a house of that size
- occupants of the proposed dwellings WILL be reliant upon the use of a car. One small corner shop and a two hourly bus service confirms this.
- Site is outside of the built-up area boundary and not included in the West Hoathly Neighbourhood Plan.

- Insufficient sunlight to the property. The sun will rise in front of the proposed houses, being blocked by the trees and the property itself
- Will be years before tree planting grow to become a screen to the new houses.
- The site is within the designated Countryside Area of Development Restraint and also within the designated High Weald Area of Outstanding Beauty
- Site Notice not displayed;

## **SUMMARY OF CONSULTATIONS**

**Natural England:** No objection

**Drainage Engineer:** No objection

**West Sussex County Council:** No objection

**Street Naming and Numbering Officer:** comment

### **Parish Council**

The Parish Council object to this application.

The site is outside the development boundary and even if it was within the development boundary it does not satisfy policy WHP7 of the West Hoathly Neighbourhood Plan that development would generally be permitted provided it had a range of dwelling sizes, in particular 2 and 3 bedroom dwellings. Whilst this is proposed as a 2no 3 bedroom dwellings they are of a size and could be laid out as 4 bedroomed houses.

The site was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan.

The application is for a cramped backland development which would result in loss of both outlook and privacy of adjacent houses in Station Road as well as houses in Hamsey Road.

The site is wholly within the High Weald Area of Outstanding Natural Beauty and adjacent to an area of Ancient Woodland.

## **Introduction**

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road. It is a resubmission of a previous application for an identical development which was refused and dismissed on appeal. The sole ground for dismissal related to a technical point regarding how mitigation to the Ashdown Forest was to be achieved (DM/17/5213). This point has now been overcome.

The application site consists of a driveway leading north from Station Road between two bungalows, through to a hardstanding area with a small garage, a swimming pool with decking, a semi improved grassland area and a collection of woodland-edge trees towards the northern, lower end. The site measures approximately 0.21 hectares.

### **Relevant Planning History**

DM/17/5213 Planning application for the erection of 2 No. detached dwellings with garages. Refused 26.06.2018. Refused for the following reason:

*The proposed development would lack the spaciousness of surrounding properties and be at odds with the prevailing pattern of development, such that it would be harmful to the character and appearance of the area, including the High Weald AONB. The proposed development would be unsustainable in environmental terms and the application is therefore contrary to Policies DP6, DP16 and DP26 of the Mid Sussex District Plan 2014-2031.*

Subsequently dismissed on appeal (AP/18/0078).

DM/16/4274 Outline application to consider the erection of up to 3 no. detached dwellings with garages - REFUSED

DM/16/1491 The erection of 4 no. four bedroom detached dwellings - REFUSED  
08/00839/FUL - Static 35 foot caravan, for the sole ancillary use of parents in connection with Long Meadow - REFUSED

Appeals against these refusals were dismissed in a conjoined decision in August 2017. The appeal references are APP/D3830/W17/3170474 and APP/D3830/W17/3170965

HO.7.86 - Detached bungalow - REFUSED

HO.35.78 - Double garage - PERMITTED

F73/1277 - Outline application for two or three dwellings - REFUSED

F64/263 - Outline application for one or two dwellings - REFUSED

### **Site and Surroundings**

The application site consists of a driveway leading north from Station Road between two bungalows, through to a hardstanding area with a small garage, a swimming pool with decking, a semi improved grassland area and a collection of woodland-edge trees towards the northern, lower end. The site measures approximately 0.21 hectares.

There is a conifer screen along part of the western and southern boundaries; otherwise there is boundary close boarded fencing to neighbouring houses. There is a chain link fence to the boundary with adjoining Ancient Woodland. The land slopes down significantly to the northeast.

Medium-density two storey and detached and semi-detached housing fronting onto Hamsey Road and Station Road is located to the west and south and an area of Ancient Woodland adjoins to the north and northeast. The lawful garden curtilage of

Long Meadow adjoins to the east; the site is the extended curtilage of Long Meadow outside of the built up area, without planning permission. The initial part of the site's access is within the built up area boundary; this demarcation is placed along the rear boundary of adjoining Bramble Cottage to the south and then along the western boundary of the lawful garden curtilage of Long Meadow.

The entire site lies within the High Weald Area of Outstanding Natural Beauty and the majority of the site other than the initial part of the access lies within the countryside as defined by the development plan.

### **Application details**

The proposed plans show the erection of 2 no. large 3 bedroom detached houses with side attached single garages. Access is proposed from an existing dropped kerb and access drive onto Station Road between Long Meadow and Bramble Cottage. Plans indicate this would be widened where adjoining the highway. The houses are of matching form and scale, and are aligned parallel with Bramble Cottage to the south. The existing access is to be extended northwards close to the eastern boundary.

Each house is arranged over two storeys and is 8.2 metres in height with reference to adjoining ground level. The buildings measure 12.4 metres at greatest depth and 12.3 metres at greatest width.

The northern building drops with the slope and so has a ridge height of 1.5 metres lower than the southern building, as seen in the Site Section.

The houses have a front and rear gabled roof design, with a subordinate side gable to the south side. The southern plot shows clay roof riles above timber cladding and brickwork walls and white timber windows. The brickwork for both dwellings features dentil and soldier course detailing.

There is a 4 metres gap between the buildings and an 8.5 metres gap between the full two storey elevations. Rear garden areas vary in depth as the buildings are sited at an angle to the western boundary; measured at the midpoint on the rear elevations the depths are 12.5 metres and 13 metres. The two storey parts are at least 22 metres away from neighbouring dwellings on Hamsey Road.

The proposed development is all located at least 15 metres away from the adjoining Ancient Woodland, with a partially tree covered buffer zone located in between.

Each dwelling has two driveway parking spaces and a garage. A refuse collection area is shown in front of plot 1's driveway; collection lorries would need to reverse into the site in order to access this.

## **LIST OF POLICIES**

### **District Plan**

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

Relevant policies include;

DP4: Housing

DP6: Settlement Hierarchy

DP12: Protection and Enhancement of Countryside

DP15: New Homes in the Countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP17: Ashdown Forest Special Protection Area and Special Area of Conservation

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

Development Infrastructure and Contributions SPD (Consultation Draft - April 2018)

### **West Hoathly Neighbourhood Plan**

Adopted as part of the development plan.

WHP7: Infill Housing

WHP8: Sites for New Homes

### **National Policy and Legislation**

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

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

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

## Planning Practice Guidance

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

*The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019*

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'

## **ASSESSMENT**

### **Principle**

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 in this part of Mid Sussex consists of the District Plan (2018) and West Hoathly Neighbourhood Plan.

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

Policy DP6 of the MSDP relates to Settlement Hierarchy and designates Sharpthorne as a Category 3 Settlement (medium sized villages). It states:

*'Development will be permitted within towns and villages with defined built-up area boundaries.*

*Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement*

*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings, and*
- 2. The site is contiguous with an existing settlement edge, and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The application site is contiguous with the Sharpthorne built up area boundary, the proposal is for 2 dwellings and Sharpthorne has been recognised in the Neighbourhood Plan and Settlement Hierarchy as a sustainable location for a limited amount of residential development. Whilst an Inspector concluded that the earlier applications on the site for 3 and 4 dwellings would be unsustainable due a combination of harm to character and appearance of the area including AONB, harm to neighbouring amenity and potential harm to Ashdown Forest SPA/SAC (paragraph 30 of appeal decisions APP/D3830/W17/3170474 and APP/D3830/W17/3170965), for the reasons set out within this report, the current proposal is not deemed to be unsustainable.

Furthermore, in dismissing the most recent appeal decision on the site in March 2019 for two dwellings (DM/17/5213) and it is relevant that the plans have been submitted for this current application, the Planning Inspector considered that the principle of the development was acceptable stating that:

*I conclude that the proposed development would not harm the character and appearance of the surrounding area, including the landscape and scenic beauty of the High Weald AONB. As such, it would not conflict with Policies DP6, DP16 and DP26 of the DP that seek well designed development that reflects the distinctive character of the towns and villages, including the growth of settlements, where it is contiguous with an existing built up area of the settlement. These policies also state*

*that development should conserve or enhance natural beauty and the character and local distinctiveness, settlement pattern and setting of the AONB.*

While the appeal was dismissed this was due solely to the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) which the Inspector considered to be the main issue in the appeal. This issue is addressed in more detail under the Ashdown Forest section of the report.

Policy DP15 of the MSDP relates to new homes in the countryside and allows for development:

*'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.'*

The special justification requirement is met by the proposal as a result of compliance with policy DP6.

Linked to policy DP15 is policy DP12 of the MSDP which states:

*'The countryside will be protected in recognition of its intrinsic character and beauty.*

*Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

The proposal is supported by a specific policy reference in the MSDP (policy DP6) and thus the principle of residential development on this site is acceptable. Consideration of the proposal's impact on the quality of the rural landscape and character follows below.

The principle must also be considered against the WHNP. This plan seeks to contain housing development within Built Up Area boundaries (Policy WHP7 Infill Housing) and to three allocated sites outside of, but adjoining onto the Built Up Area boundary

of Sharpthorne (Policy WHP8 Sites for New Homes). The principle of residential development on the site is therefore not supported by the WHNP.

In such circumstances it is important to take account of the law and section 38(5) of the Planning and Compulsory Purchase Act 2004 states that 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 - in this case the District Plan which supports the principle of development. Therefore only limited weight can be given to Neighbourhood Plan.

The principle of development is therefore accepted as it is in accordance with District Plan policy and as set out above has also been accepted by a Planning Inspector in considering the most recent appeal decision on the site for the same development.

### **Design and impact on the character of the area including AONB**

Policy DP26 of the MSDP 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.*

Policy DP16 of the MSDP 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 should not adversely affect the views into and out of the AONB by virtue of its location or design.*

Paragraph 115 of the NPPF similarly provides that great weight should be given to conserving landscape and scenic beauty in AONBs.

Objective 2 of the High Weald AONB Management Plan seeks to protect the historic pattern of settlement, for the reason of protecting the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity.

Sharpthorne is a small village within a protected landscape with a traditional mixed housing stock, and the prevailing character of the locality is of single and two storey buildings with road frontages.

In respect of Policy DP26, the back land situation of the site is such that a development upon it can never fully reflect the character of the locality in terms of the general pattern of development. This fact must be weighed into the overall planning balance. The policy does not however expressly prohibit back land type development.

It is appropriate to assess the proposal against the criteria of DP26.

Adjoining detached dwellings to the site 4A and 2 Hamsey Road, Bramble Cottage and Long Meadow are of varying positioning, scale and appearance. 4A was an infill in the late 1980s which has a contrasting front gabled form and recessed positioning, itself inconsistent with those opposing and adjacent semi-detached dwellings on Hamsey Road. It is therefore not the case that there is dominant dwelling type

surrounding the site which the proposed dwellings would contrast with. Whilst the dwellings with attached garages would be of a different design to surrounding properties, they are of a traditional form, are not considered to be excessive in scale and use materials which are compatible with those observed in the locality. The design can therefore be deemed to be of an appropriate quality and the layout is not considered to be unduly cramped, with sufficient space for suitable landscaping and green amenity space.

The second criterion is not applicable to the proposal. The complementary design of the dwellings would provide the small development with a sense of place and it is further considered that the scale of the buildings is not inappropriate to those neighbouring dwellings and the woodland backdrop. The buildings are comfortably spaced away from all boundaries and the Ancient Woodland buffer zone. The falling ground level to the northeast, away from Station Road, further assists the scheme in this respect; views of the development from Station and Hamsey Roads would be only limited. Character impact considerations have been covered above in terms of the back land setting. It can however also be noted that the southern dwelling is now spaced 11.5 metres away from the nearest neighbouring property Bramble Cottage and that there is a 4 metre gap between the dwellings. There is a wide variety of building gap distances surrounding the site and so the scheme is not incongruous in this respect.

The site has some existing development upon it and is not an open space which is considered to contribute in a significant way to the character of the area. The townscape has no special policy designations and there is no issue of settlement coalescence. Impact upon neighbouring amenity is considered later in the report. The parking layout is appropriate for a small development and the scheme could not be described as pedestrian unfriendly. A Sustainability Statement sets out an appropriate approach to sustainability and energy efficiency considerations. Community interaction is not relevant and it is considered that the current two dwelling scheme would be the most suitable intensity of development.

It is therefore considered in an overall sense that the proposal complies with the criteria laid out under policy DP26.

The central aim of policy DP12 is to protect the countryside in recognition of its intrinsic character and beauty. As set out above however, the principle of development on this site is supported by District Plan Policies DP6, DP12 and DP15 and there is no automatic exemption for sites in the AONB.

Development of any countryside site on the edge of a built up area boundary inevitably leads to a change to its character and generally some degree of harm to the landscape; this approach is however part of the spatial growth management strategy of the District Plan and Neighbourhood Plan to meet housing need.

The scheme has been reduced in intensity from earlier proposals and the houses would again be built in response to the site's falling ground level to the northeast. This site is well contained from the wider landscape, being surrounded by existing housing and woodland. The setting is relatively discreet from the public realm. The site is already partially developed at its southern end and its current condition is not

considered to positively contribute in an important way to the character and appearance of the area and AONB landscape.

Appeal decisions APP/D3830/W/17/3170474 and APP/D3830/W/17/3170965 are a material consideration. Paragraphs 8-15 of the decision letter for the conjoined appeals for the previous two applications concern considerations of character and appearance, including AONB. The Inspector noted that both schemes would be at odds with the prevailing pattern of road fronting development (paragraph 9), that both schemes would lack the spaciousness of those dwellings adjoining the site (paragraphs 10 and 11) and that both schemes would fail to enhance the appearance of the AONB, with the northern section's verdant appearance compromised by the northernmost dwellings (paragraph 12). At paragraph 14 the Inspector notes that the schemes would have limited public visibility, yet that this does not provide a justification for development that is not respectful of its surroundings. The Inspector concludes at paragraph 15 that the development would be harmful to the character and appearance of the area, in conflict with saved Local Plan policies B1 and C4 and applicable paragraphs of the NPPF.

When considering the current proposal against the appeal decision assessment, a number of points should be made. Firstly, there is no statutory or policy requirement for development to enhance the appearance of the AONB. The requirement is to conserve or enhance.

Due to the site's positioning, it is clear that the current proposal would again be at odds with the prevailing pattern of road fronting development. Whilst already only limited, public visibility of the scheme would be only further reduced as a result of the reduction to two dwellings. It is now considered that the dwellings would have a similar degree of spaciousness within their plots to those adjoining, with garden depths of 12.5 and 13 metres as measured from the midpoint on the rear elevation, a 4 metre gap between the buildings and more comfortable spacing to the southern boundary. The northern dwelling is also now positioned 5 metres away from edge of the ancient woodland buffer zone, whereas the appeal schemes both positioned the northern dwellings approximately 1 metre from this.

It is therefore considered that the Inspector's conclusion on this issue for the conjoined 2017 appeals should not be simply deemed to equally apply to the current proposal. A number of changes have been made which improve / soften the relationship of the development to its surroundings.

Furthermore there has now been a more recent appeal decision in March 2019 on the site following the refusal of DM/17/5213, which proposed the same scheme as that now under consideration in this current application. The inspector raised no objection to the impact on the AONB stating:

*The proposed dwellings would extend built development beyond the rear gardens of houses fronting Station Road and Hamsley Road and into the countryside surrounding Sharpthorne. The site is bounded to the rear by ancient woodland, such that it is well contained within the landscape, but the proposed dwellings would be separated from it by a small buffer. This means that the proposed dwellings would not affect the landscape and scenic beauty of the AONB.*

*For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, including the landscape and scenic beauty of the High Weald AONB. As such, it would not conflict with Policies DP6, DP16 and DP26 of the DP that seek well designed development that reflects the distinctive character of the towns and villages, including the growth of settlements, where it is contiguous with an existing built up area of the settlement. These policies also state that development should conserve or enhance natural beauty and the character and local distinctiveness, settlement pattern and setting of the AONB.*

In summary, whilst the proposal would result in a change in the character of the land and cannot be seen as fully in keeping with the character and appearance of the area, on an overall assessment officers do not consider there to be compelling conflict with countryside protection and design and character policies of such to justify a reason for refusal. It is further considered that the landscape and scenic beauty of the AONB will be suitably conserved and this was also the conclusion of the Planning Inspectorate in the recent 2019 appeal decision.

### **Residential Amenity**

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

APP/D3830/W/17/3170474 considered the impact of the 4 dwelling proposal on the living condition of neighbours. The appeal did not consider the impact of the 3 dwelling proposal, given this was in outline form. The Inspector noted that the amount of use of the access would have the potential to generate unacceptable noise and disturbance to occupiers of Long Meadow (paragraph 16 and that the potential loss of conifer trees would unacceptable effect the outlook of occupiers of Bramble Cottage together with actual or perceived loss of privacy (paragraph 17). Unacceptable impacts were however not identified to any other neighbouring properties.

The current proposal is now half of the intensity, and it is no longer considered that the likely amount of coming and goings associated with such a development would amount to a significantly harmful degree of noise and disturbance.

The southern dwelling is now sited at a much greater distance away from and at a different angle to Bramble Cottage than that of the appeal scheme. In addition, plans indicate that the existing southern boundary conifer tree screen would be enhanced as part approved landscaping details. The positioning and massing of the dwellings and placement of windows within is considered to be more favourable to neighbouring dwellings on Hamsey Road than the appeal scheme. As a result, it is considered that no neighbouring properties would experience any unacceptable loss of outlook or privacy.

The previous refusal for two houses on the site (DM/17/5213) was not refused on residential amenity grounds and the Planning Inspectorate in the subsequent appeal decision also did not raise this as an issue.

The application therefore complies with Policy DP26 of the Mid Sussex District Plan.

### **Standard of accommodation**

Policy DP26 of MSDP stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. In this case, the standard for a 3 bedroom 6 bedspace dwelling is 102 sq metres. The proposed dwelling would provide a floor area and storage space well in excess of the required standard.

The application therefore complies with Policy DP26 and DP27 of the Mid Sussex District Plan

### **Parking and Highways issues**

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The Inspector raised no highways, access and parking concerns in the appeal decisions.

Whilst in designated countryside, the site's location is not conflict with policy DP21 in so far as the desire to minimise travel for residential development. The site is a short walking distance from the village's services and is thus more sustainably located than surrounding dwellings to the north.

The Local Highway Authority (LHA) has been consulted and as with previous applications, they raise no highway safety, capacity or parking provision concerns, subject to a series of conditions. The LHA's comments are appended in full.

Concern has been expressed in third party representations over the impact of the development (including during its implementation period) on the safety of highway users. The LHA have however raised no such concerns. Planning officers have no evidence to come to any other conclusion than the LHA and so there are not

considered to be any reasons to refuse the scheme in regard to the impact on highway safety, access or parking.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

### **Impact on trees, ancient woodland and ecology**

The Inspector raised no issues in respect of these matters in the preceding appeal decisions.

Policy DP37 of the MSDP states:

*The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.*

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

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

Policy DP38 of the MSDP 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...'*

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

As with preceding proposals, the current application is accompanied by an Arboricultural Method Statement, including Tree Protection Plan, together with a Preliminary Ecological Appraisal.

The Tree Report identifies that the buffer zone trees comprise a mix of mainly Class C, with two Class B's both sited comfortably away from any proposed development.

The trees in the buffer zone identified for retention are not considered to be worthy of a Preservation Order. Methods of protection for retained trees and hedges are detailed in the Tree Report and the applicant has indicated that they would be willing to accept a detailed management condition concerning the buffer zone, to include a defensible boundary treatment to prevent the encroachment of development.

The Council's Tree Officer has not commented on this current application but raised no objection to the previous applications.

The Council's Ecological Consultant has not commented on this application but again did not object to previous applications, subject to a detailed Ancient Woodland Buffer Zone management condition.

In summary therefore, subject to suitably worded conditions and Habitats Regulations Assessment in respect of the Ashdown Forest (see below), it is considered that the application can be deemed compliant with Policies DP37 and DP38.

### **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 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.

This planning application is within the 7km zone of influence and generates a net increase of two dwellings, and as such, mitigation is required. An appropriate scale of SAMM mitigation for the proposed development is £5,256. and if the approved scheme provides for a strategic SANG contribution, this would be £3,382.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The completion of the Planning Obligation securing the SAMM and SANG contributions will secure the mitigation of the recreational impact to the Ashdown Forest. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing the appropriate mitigation.

At the time the last planning application (DM/17/5213) was determined the SANG contribution was secured by attaching a planning condition to an approval to secure the financial contributions required for SANG mitigation. This method was used due to pooling restrictions at that time. Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) previously restricted the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure had been entered into since 6 April 2010 and it is was a type of infrastructure that is capable of being funded by CIL, no more contributions could be collected toward that project. Since SANG was considered to constitute 'infrastructure' for the purposes of Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and because Mid Sussex District Council does not have the Community Infrastructure Levy (CIL) in place, the SANG Condition has been used to collect financial contributions towards SANG since a s106 planning obligation was unable to be used due to the pooling restrictions.

However in considering the appeal the Inspector was of the view that the SANG contribution could not be secured through the use of a condition stating:

*It is likely that the SANG provision would be provided by a financial contribution, but the PPG indicates that no payment of money can be positively required when*

*granting planning permission. Negatively worded conditions may be used to limit the development that can take place until a planning obligation or other agreement has been entered into, but is unlikely to be appropriate in the majority of cases. In exceptional circumstances such a condition may be appropriate in the case of more complex and strategically important development. However, the proposed development could not be considered complex or strategically important and, as a result, I do not consider a condition would be appropriate.*

*The provision of, or contribution toward, a SANG would require a legal agreement to ensure that it is related to the development. As such, it would not be possible to require a SANG contribution by condition.*

A legal agreement would not have complied with the pooling restrictions in place at the time and therefore the inspector also stated:

*A legal agreement may not comply with Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) that restricts the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure have been entered into since 6 April 2010 and it is a type of infrastructure that is capable of being funded by CIL, no more contributions may be collected toward that project. The Council indicate that more than five contributions have been received and do not consider that a legal agreement would comply with Regulation 123(3) of the CIL Regulations.*

Therefore given that the Inspector concluded that the SANG could not be secured by condition or through a legal agreement the Inspector stated:

*I note that Natural England have stated that there would be no adverse effect on the integrity of the site subject to contributions to the SAMM Strategy and SANG measures. For the above reasons, I conclude that the inability to contribute toward SANG provision means that the proposed development would harm the integrity of the SPA.*

The appeal was therefore dismissed as the Inspector concluded that there was no mechanism for the SANG to be paid and therefore while finding that the application:

*would not result in harm to the character and appearance of the area, including the landscape and scenic beauty of the High Weald AONB, that is not sufficient to outweigh the harmful effect the works would have on the integrity of the SPA.*

However, on the 1st September 2019 amendments to the CIL Regulations came into force. One of the changes made was that the pooling restrictions have been lifted. As such, the Council can now use a s106 planning obligation to collect financial contributions towards SANG. This means that both SANG and SAMM mitigation are now secured by way of a s106 planning obligation. Therefore, the Planning Inspectorate consideration as of how the SANG payment could be secured under the previous application is no longer an issue and there is no reason to withhold planning permission on the grounds that the impact on the SPA cannot be mitigated against.

### **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**

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

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

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

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

### **Drainage**

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The Drainage Engineer has considered the drainage information and flood risk assessment that has been submitted with the application and has raised no objection and considers that this matter can be suitably dealt with by condition.

In light of the above it is considered that the application complies with Policy DP41 of the Mid Sussex District Plan.

## **Energy and water conservation (sustainability)**

A Sustainability and Energy Statement accompanies the application. It is considered that the measures proposed, to include energy efficient insulation, lighting, windows and boilers are acceptable and that the proposal is in compliance with the requirements of Policy DP39 of the MSDP.

## **Other issues**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work form part of the recommendation.

It should be noted that in accordance with Paragraph: 029 Reference ID: 15-029-20170728 of the Government's Planning Practice Guidance, there was no statutory requirement to display a site notice for the application, given that following the adoption of the Mid Sussex District Plan on 28 March 2018, the principle of the proposed development is no longer not in accordance with the development plan (see Policy DP6).

## **Planning Balance and Conclusion**

Planning permission is sought for the erection of 2 No. detached dwellings with garages at Long Meadow Station Road Sharpthorne East Grinstead, with access via Station Road (resubmission of DM/17/5213).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the National Planning Policy Framework is an un-tilted one.

This application requires a balanced consideration of a number of issues. The principle of development is not in compliance with the West Hoathly Neighbourhood Plan; however it is in compliance with the more recently adopted Mid Sussex District Plan. In accordance with the law, such conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published - in this case the District Plan.

In August 2017, The Planning Inspectorate dismissed appeals against the Local Planning Authority's refusal of 4-dwelling and 3-dwelling proposals on the site for reasons of character, neighbouring amenity and potential Ashdown Forest impact. This decision is a material consideration. However, also a material consideration is that an identical application to the current scheme was considered by the Planning Inspectorate in March 2019 (DM/17/5213). While that application was dismissed on appeal, this was due solely to a technicality regarding how mitigation of the potential impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of

Conservation (SAC) was to be achieved. A new method of mitigation is now in place. The Inspector considered that the impact of the development on the character of the locality and neighbouring amenity were acceptable.

No development plan policy conflict has been identified to warrant refusal. The proposal would conserve the natural and scenic beauty of the High Weald AONB.

Whilst the proposed dwellings are 3 bedroom properties as favoured by the Neighbourhood Plan for attracting young families and older residents, it is recognised that the floor areas are well in excess in minimum space standards. It is therefore questionable whether the development would be appealing for such groups. However it is noted that the Planning Inspectorate did not raise this as an issue in allowing the recent appeal.

The provision of 2 dwellings on the site will make a minor but positive contribution to the district's housing supply, The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. However, because of the small scale of the development proposed these benefits would be limited.

Subject to conditions and a legal agreement, the proposal will result in an acceptable impact in respect of a number of issues such as drainage and flooding, ecology, highway safety, parking, residential amenity, and there will be no likely significant effect on the Ashdown Forest SPA and SAC' Ashdown Forest impact.

Taking into account the above considerations, the proposal is deemed to be a sustainable form of development and therefore consistent with the overall aims of the National Planning Policy Framework, which include to significantly boost housing supply.

The proposal is deemed to satisfactorily comply with policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan.

Subject to the completion of a S106 Obligation relating to the Ashdown Forest planning permission should be granted.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

2. 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. 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. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031.

4. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 Policy DP26 of the Mid Sussex District Plan 2014-2031.

6. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to comply with Policy DP26 of the Mid Sussex District Plan 2014-2031.

7. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours  
Saturday 09:00 - 13:00 Hours  
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenities of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

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

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

Reason: To ensure safe and neighbourly demolition and construction in the interests of amenity and road safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

9. No development shall be carried out above ground slab level unless and until an enhancement and management plan for the ancient woodland buffer zone has been submitted to, and approved by, the local planning authority. The plan shall include the following:

- proposals for any enhancement planting, including origin and provenance of plants;
- silvicultural management methods;
- baseline survey and monitoring methods;
- provision for dealing with any dumped garden rubbish or other fly-tipping;
- details of who will be responsible for the ongoing management of the area;
- details of how ongoing management will be funded; and
- details of a barrier to prevent encroachment of parked cars.

The approved management plan shall be implemented in full in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect and promote biodiversity, protected species and the adjoining Ancient Woodland and to accord with Policies DP37 and DP38 of the Mid Sussex District Plan 2014-2031.

10. The development shall only proceed in accordance with the full recommendations set out in "Preliminary Ecological Appraisal", March 2018.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and to comply with Policy DP38 of the Mid Sussex District Plan 2014-2031.

11. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: To secure satisfactory standards of access for the proposed development and to comply with Policy DP21 of the Mid Sussex District Plan 2014-2031.

12. The garage buildings shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, to provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan 2014-2031

13. The development shall not be occupied until the vehicle parking and turning spaces serving have been constructed in accordance with the approved plan. These areas shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking and manoeuvring provision is provided and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

14. No development shall be carried out above ground slab level unless and until details of proposed screen walls or fences have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: In the interests of visual amenity and the amenity of future occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

## INFORMATIVES

1. 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.
- 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.

2. 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.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. **Minor Highway Works**  
The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Site Plan	229/P2		31.10.2019
Location and Block Plan	229/P1		31.10.2019
Proposed Site Plan	266-P1		31.10.2019
Proposed Floor Plans	266-P2		31.10.2019
Proposed Elevations	266-P3		31.10.2019
Proposed Floor Plans	266-P4		31.10.2019
Proposed Elevations	266-P5		31.10.2019
Proposed Site Plan	266-P6		31.10.2019
Proposed Sections	266-P7		31.10.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Parish Council object to this application.

The site is outside the development boundary and even if it was within the development boundary it does not satisfy policy WHP7 of the West Hoathly Neighbourhood Plan that development would generally be permitted provided it had a range of dwelling sizes, in particular 2 and 3 bedroom dwellings. Whilst this is proposed as a 2no 3 bedroom dwellings they are of a size and could be laid out as 4 bed roomed houses.

The site was put forward at the time the Neighbourhood Plan was being prepared. It was rejected and is not one of the sites allocated in policy WHP8 of the made West Hoathly Neighbourhood Plan.

The application is for a cramped backland development which would result in loss of both outlook and privacy of adjacent houses in Station Road as well as houses in Hamsey Road. The site is wholly within the High Weald Area of Outstanding Natural Beauty and adjacent to an area of Ancient Woodland.

## **WSCC Highways**

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

### **Summary**

West Sussex County Council was previously consulted on Highway Matters for this location under several planning applications of which the most recent is DM/17/5213 for the erection of 2 No. detached dwellings with garages. The LHA provided its final comments on 19/01/2018 where no highway objections were raised. The application was refused by the Local Planning Authority for other policy reasons; this application was also subject to a Dismissed Appeal. This proposal is for erection of 2no. detached dwellings with garages, with access via Station Road. This application is resubmission of DM/17/5213 and refers to alterations to the interior design. I note that the each garage is now proposed to be attached to the proposed dwellings. The land subject to this application was previously used as curtilage of the adjoining property 'Long Meadow'. The site is situated on Station Road which is an unclassified road subject to 30mph speed limit.

### **Access**

Vehicular access to the proposed dwellings will be utilised through the existing access. Proposed site plan 266-P1 appears to show some widening works on the existing crossover. The applicant is advised that any access works onto the public highway must be implemented under a licence to a specification obtained from WSCC Highways. Comments provided on 19/01/2018 regarding visibility splays are still considered relevant and no visibility concerns have previously been raised at this point of access.

### **Drainage Engineer**

#### **SURFACE WATER DRAINAGE**

It is proposed that the development will attenuate surface water drainage on site before discharging it at 2l/s into a ditch located at the NW corner of the site.

The principle of attenuation and discharge into a watercourse is likely to be acceptable on the site. However, details shall need to be provided as part of a discharge of conditions application, including photographic evidence of the ditch. Areas of the site are within an Ancient Woodland buffer zone. We would advise the applicant to investigate any implications this could have on a proposed drainage scheme prior to detail design.

#### **FOUL WATER DRAINAGE**

It is proposed that the development will discharge to the main foul sewer located on Station Road.

#### **FLOOD RISK**

The proposed development is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The proposed development is within an area identified by the Environment Agency's surface water flood map as having possible surface water (pluvial) flood risk. There are historic records of flooding occurring along Hamsey Road, north of the site.

The applicant has provided a Flood Risk Assessment (FRA) which has further investigated the potential flood risk on the site. This FRA states that a Groundsure Flood report for the site states surface water flood risk is negligible and concludes that the site's flood risk is low.

## SUGGESTED CONDITIONS C18F - MULTIPLE DWELLINGS

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. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved 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.

### **Natural England**

Planning consultation: HRA - Erection of 2 detached dwellings with garages

Location: Land at Long Meadow Station Road, Sharpthorne, East Grinstead RH19 4NY

Thank you for your consultation on the above dated and received by Natural England on 02 January 2020.

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

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

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

### **Street Naming and Numbering Officer**

Date 31/10/19 - 6/11/19

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

## Informative (Info29)

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

## Planning applications requiring SNN informative

DM/19/1256  
DM/19/4180  
DM/19/4175  
DM/19/3401  
DM/19/0260  
DM/19/4538  
DM/19/4414