

31 August 2021

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Owing to continuing public health restrictions, very limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the day prior to the meeting.

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 9TH SEPTEMBER, 2021 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

- |    |  |              |
|----|--|--------------|
| 1. | To receive apologies for absence.  |              |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |              |
| 3. | To confirm the Minutes of the meeting of the Committee held on 12 August 2021.           | <b>3 - 6</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |              |

#### **Items Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/21/2367 - Little Park Farm, Marchants Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9UZ.    | <b>7 - 50</b>  |
| 6. | DM/21/2457 - Lower Sheriff Farm, Hammingden Lane, Ardingly, Haywards Heath, West Sussex, RH17 6SP. | <b>51 - 84</b> |

7. DM/21/2809 - Bachelors Field Recreation Ground, The Street, Bolney, West Sussex.

85 - 96

**Items Recommended for Refusal.**

None.

**Other Matters.**

None.

8. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, B Forbes, S Hatton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee  
held on Thursday, 12th August, 2021  
from 4.00 - 4.24 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

P Brown	R Eggleston	M Pulfer
R Cartwright	B Forbes	D Sweatman
J Dabell	C Phillips	

**Absent:** Councillors E Coe-Gunnell White and N Walker.

**Also Present:** Councillors S Hillier and R Salisbury.

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Cllr Walker.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

Councillor Pulfer declared a personal interest in the application DM/20/4659 - Land at Barn Cottage Haywards Heath as he is a Member of the Haywards Heath Town Council Planning Committee. He confirmed that he comes to the meeting with an open mind to hear representations from Officers, Public Speakers and Members of the Committee.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 15 JULY 2021.**

The minutes of the meeting of the Planning Committees held on 15 July 2021 were agreed as a correct record and signed by the Chairman.

**4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman had no urgent business.

**5 DM/21/1441 - KEMPS HOUSE, LONDON ROAD, BALCOMBE, HAYWARDS HEATH, WEST SUSSEX, RH17 6JH.**

Caroline Grist, Planning Officer, introduced the report which sought temporary planning permission for the retention of two marquees for two years at Kemps House, London Road, Balcombe.

Nikolas Antoniou, Agent of the Applicant, provided a written statement in support to the application which was read in his absence.

The Chairman noted that the application is situated in his Ward and welcomed it being brought forward. He noted that whilst there potentially is harm to the identified listed buildings , he however agreed with the officers that that the proposal would cause less than substantial harm and that the economic benefits outweigh the harm.

The Chairman took Members to a recorded vote on the item, proposed by Councillor Coote and seconded by Councillor Eggleston, which was agreed unanimously.

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
P. Brown	Y		
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

## **RESOLVED**

That permission be granted subject to the conditions as outlined at Appendix A.

### **6 DM/21/1758 - WILLOW TREE PRE SCHOOL, BARN COTTAGE PAVILION, BARN COTTAGE LANE, HAYWARDS HEATH, WEST SUSSEX, RH16 3QW.**

Anna Tidey, Planning Officer, introduced the report which sought planning permission to build a new mixed use purpose-built community centre with use by a day nursery and a joining tunnel to link onto the existing pavilion building at the site, to the western side of the Playing Field off Barn Cottage Lane in Haywards Heath. She noted that the application was reported to committee as MSDC is the landowner. She drew attention to the Agenda Update Sheet which provided amended comments from the Environmental Health Officer, an amendment to the first paragraph on P.35 to outline Policy DP26 of the District Plan in full, amendments to the references of the Mid Sussex Design Guide DG37 on P.94 and DG39 on P.104, an amendment to the final paragraph on P.37 and an amended informative on P.43. She recommended an additional condition 9 requiring details of the proposed fencing around the play area.

Councillor Hillier, Ward Member, spoke in favour of the application. He stated that since being elected a representative of his ward it has long been an aspiration of his to have a genuine community centre in Bentswood. The current building which was built to be a community centre has never effectively been used since it was consistently used by the nursey. With the proposed new building, it is hoped that the nursery will be move in and the existing pavilion will be extended and refurbished. He noted that Ward Members at all tiers are strongly in favour of this as are key partners in the community. Not only providing the community with a facility it deserves, but the presence of the scouting movement will also benefit the young people in the area and with the venue being used every evening will hopefully cease the anti-social behaviour that occurs behind the current pavilion.

A Member supported the comments of the Ward Member and said it would be a welcome addition to the area. He hoped that the centre cuts down on the anti-social

behaviour that occurs in the area and hoped that the Environmental Health Officer would not be too harsh on the fencing as the young people need to see outside of the area when they are playing.

The Chairman noted that the Committee thoroughly supported the application when it was brought forward at a previous meeting.

The Chairman noted that no Member wished to speak so took Members to a recorded vote on the item, proposed by Councillor Coote and seconded by Councillor Pulfer, which was agreed unanimously, including the additional condition 9.

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
P. Brown	Y		
P. Coote	Y		
J. Dabell	Y		
R. Eggleston	Y		
B. Forbes	Y		
G. Marsh	Y		
C. Phillips	Y		
M. Pulfer	Y		
D. Sweatman	Y		

## **RESOLVED**

That permission be granted subject to the conditions as outlined at Appendix A and amendments set out in the Agenda Update Sheet.

## **7 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 4.24 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

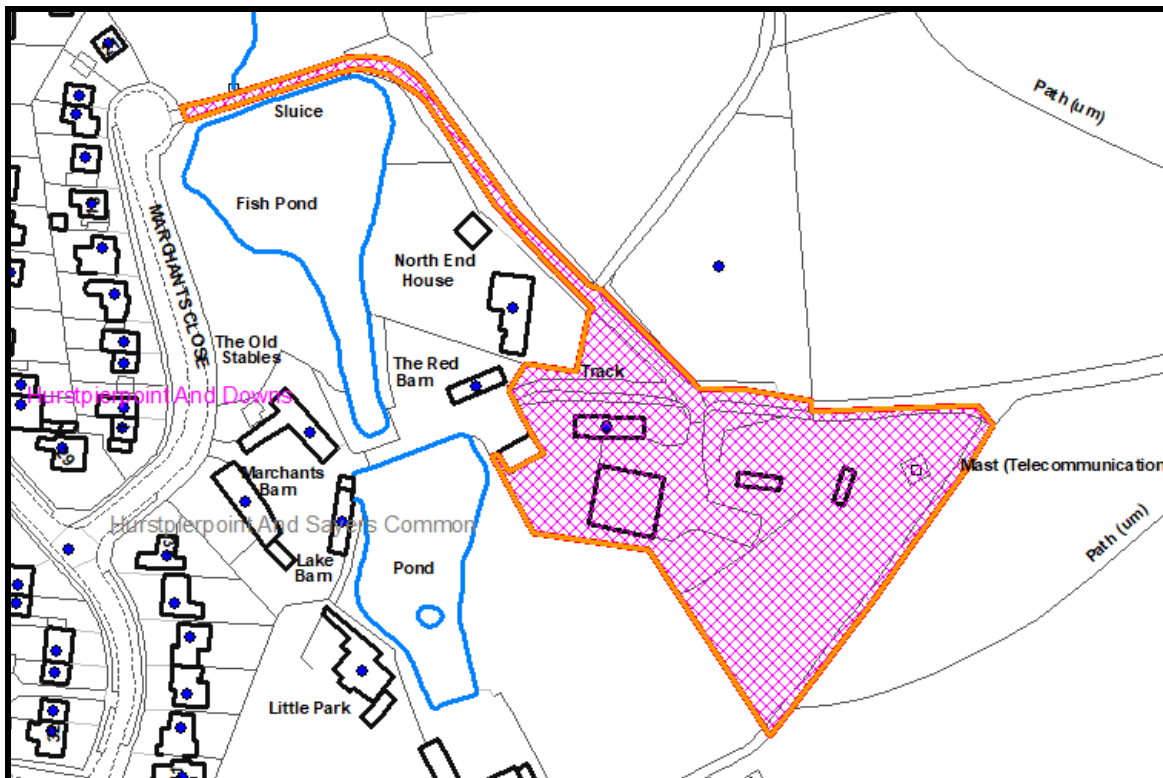
Planning Committee

9 AUG 2021

RECOMMENDED FOR PERMISSION

**Hurstpierpoint And Sayers Common**

DM/21/2367



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**LITTLE PARK FARM MARCHANTS CLOSE HURSTPIERPOINT  
HASSOCKS  
REMOVAL OF AN EXISTING BARN, MOBILE HOME AND OTHER  
OUTBUILDINGS. CONSTRUCTION OF 3 DWELLINGS.  
MR AND MRS JOHN AND LAUREN HOULTON**

POLICY: Ancient Woodland / Area of Special Control of Adverts / Countryside  
Area of Dev. Restraint / Planning Agreement / Planning Obligation /  
Public Right Of Way / Aerodrome Safeguarding (CAA) / SWT Bat  
Survey / Tree Preservation Order / Archaeological Notification Area  
(WSCC) / Highways Agreement (WSCC) / Minerals Local Plan  
Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 19th August 2021

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Anna Tidey

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

This application follows a series of recent applications to redevelop this site, and these are listed in full below. The most recent applications under DM/19/4153 and DM/20/1533 were refused and recently Dismissed at Appeal in May 2021.

The current application seeks full permission for the redevelopment of the site, with all the agricultural buildings and an existing mobile home being demolished and all other structures removed from the site to allow for the construction of three new dwellings with a site access road and parking/turning provision.

The proposed dwellings would be sited in part over the footprint of the disused barns on the site, on the former farmland and yard at Little Park Farm, off Marchants Close in Hurstpierpoint.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists.

The red line of the site is not contiguous with the built up area boundary of Hurstpierpoint and therefore the proposal does not fully comply with District Plan Policy DP15 or the exceptions clause of District Plan Policy DP6.

The proposed development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan by serving to maintain and enhance the quality of the rural landscape character of the area.



It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring properties. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

It is your Planning Officers view that the proposal preserves the setting of the listed buildings in the vicinity of the site and therefore the proposal complies with policy DP34 of the District Plan.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). The proposed development has been considered in terms of energy efficiency and against the issues of the potential sustainability of the reuse of the existing buildings. For reasons including the location of the site and the proposed energy efficiency details of the scheme the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The use of the existing access into the site is being considered by the Highways Authority, and the report will be updated accordingly once an assessment is received.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

The Ecologist's comments have yet to be received. There were no ecological reasons to resist the development in principle under the last application, and so the same assessment is expected for this application. The proposal will be considered against the requirements of Policy DP38 in the District Plan on receipt of the Ecological Advisers assessment.

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposal is supported by the MSDC Drainage section, subject to the submission for approval of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development.

In light of the above it is recommended that the application is approved.

### **RECOMMENDATION**

It is recommended that permission be granted subject to the conditions listed at Appendix A.

## SUMMARY OF REPRESENTATIONS

Eleven representations have been received, which contain the following comments:

- Object to any further development in Little Park farm.
- Marchants Close was a quiet Close and now serves a track being through to the farm and North End House, to replace the original route was past Red Barn.
- With a further 3 properties we can expect much more traffic, along with multiple deliveries.
- Since these applications the track from Idenhust and the Brambles Estate has opened serving 156 houses to access the shops and school. We expect an accident.
- Any further development and Marchants Close will cease to be a Close.
- The area of the proposed development is within the boundaries of the area relating to Policy DP12 of the MSDC District Plan, marked for 'Protection and Enhancement of Countryside'.
- The site is outside the built up area of Hurstpierpoint.
- There is no benefit to the community in terms of social housing, affordable homes or starter homes.
- No long term economic benefits will result to support the local economy.
- There would be permanent damage to the setting of the Grade II\* Listed building at Little Park.
- Whilst the proposed development is not visible from public roads, the proposed site is visible from a public footpath/public land.
- The proposed site borders the portion of Hurst Meadows named "Fifteen Acres", and important habitat.
- The development would urbanise the area, already affected by the development of Bramble Park to the north.
- Access to the site would be via the single-lane farm track situated at the bottom of Marchants Close, meaning that Marchants Close and Marchants Road, will become a through-way for all construction traffic, and the resulting additional residential traffic for the proposed dwellings.
- Safety concerns as Marchants Close and Marchants Road do not lend themselves to the passage of wide or heavy vehicles.
- The additional traffic created by the proposed development would also further the noise and disturbance to residents of both Marchants Close and Marchants Road.
- The proposed access route is now a pedestrian right of way to the public at Hurst Meadows.
- Noise, disturbance and traffic during demolition and construction.
- This is the fourth planning application for residential construction on this agricultural site, all of which have been refused, with any associated appeal being dismissed.
- This is another green area at risk of being built on.
- Hurstpierpoint does not have the infrastructure to cope with further houses, especially ones that were not part of the local plan.
- The area in which this development is planned is the only part that is left of the original farmland.

- This is the fourth application for a development on this site, the others being DM/19/0824 27th Feb 2019 ( refused 20th May 2019), DM/19/4153 3rd October 2019 ( refused 6th January 2020 ); Appeal AP/20/0034 ( Dismissed 20th May 2021 ) and DM/20/1533 (refused 13th October 2020); Appeal AP/21/0013 (Dismissed 20th May 2021). We have provided objections to all the aforementioned applications and appeals.
- The nearby Bramble Park development has already diminished a large acreage of countryside close to the village.
- Loss of a rural area which is a haven for wildlife/biodiversity.
- It will also be easily seen from Hurst Meadows, destroying the continuation of the countryside.
- Allowing the proposed development will increase further the number of vehicles accessing and using the track thereby creating a more dangerous environment for the public, especially children.
- The gta Civils Transport Report compiled for their client (the applicant) is dated 26 September 2019 and is that submitted for a previous similar (failed) application. Being out of date its conclusions are now unsound. It does not recognise the impact of the new right of way and underestimates the likely new traffic movements involved, also overstating the previous agricultural movements from/to the site.
- The report cites examination of accident reports for the 5 year period 2014-18, being 'no incidents'. This data is unsound as it covers a benign period 'as was', not as the risk is now or would be 'as proposed'.
- There is potential for alternative access via existing lanes/tracks/land to the north - the Close need not be the access point for the proposed traffic and this should be explored.
- If granted this would set a precedent for departures anywhere in Hurstpierpoint.
- Support for 3 new dwellings rather than 5.
- The scheme should be approved for new homes for the village.
- The site is scrap land with junk and broken caravans on it.
- As one of the most affected we would rather nothing was built, but as 5 properties have been permitted this application for 3 is preferred.
- Continued objection, following previous refusals and refused Appeal.
- Site is not identified in the Neighbourhood Plan.
- Highway access and access track are not suitable.

## **SUMMARY OF CONSULTEES**

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

### **Conservation Officer**

In summary, although Units B and C are considered to preserve the setting of Little Park, I consider that Unit A for reasons of its poor design quality and overly domestic character will detract from the positive contribution which the site currently makes to the setting of Little Park. This would be contrary to the requirements of District Plan Policy and the Council's adopted Design Guide. In terms of the NPPF I would

consider the harm caused to be less than substantial, such that paragraph 202 would apply.

Notwithstanding the Agent's views on the design merits of the scheme, which I have read and considered, I remain of the opinion that it is poorly conceived and will detract from the setting of Little Park for the reasons set out in my previous response.

#### **MSDC Tree Officer**

To be reported.

#### **WSSC Highways**

To be reported.

#### **Ecological Adviser**

To be reported.

#### **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### **Environmental Health**

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the demolition and construction work which will produce a certain level of noise and dust. Conditions are therefore recommended in order to minimise any adverse impact.

#### **Contaminated Land Officer**

The site has had historical use as agricultural land which may have been used for the storage or disposal of items such as biocides, fuels, animal corpses, etc.

Due to the above, and the sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end-use.

Additionally, a discovery strategy should also be attached so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

## **Drainage**

Recommendation - No objection subject to condition.

## **Southern Water**

To be reported.

## **Street Naming and Numbering Officer**

Recommends an Informative.

## **PARISH COUNCIL OBSERVATIONS**

Our recommendation is that MSDC should give permission subject to a satisfactory traffic management plan being in place. No construction traffic before 9.30am and after 3pm to allow school traffic (vehicular & pedestrian) to clear. Access only southbound from Cuckfield Road then via Marchants Road NOT Trinity Road to keep lorries further away from the village centre and school. No waiting of construction vehicles at any time. Concerns due to the increased use of the farm track by pedestrians to access Bramble Park development and Hurst Meadows.

Permitted Development Rights removed. Satisfactory Conservation Officer report.

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## **INTRODUCTION**

This application seeks full planning permission for the development of three new dwellings on the site to replace an existing barn, dairy building, mobile home and associated structures on the site at Little Park Farm, Marchants Close, Hurstpierpoint.

The application is before committee as it represents a Departure from adopted planning policy.

## **RELEVANT PLANNING HISTORY**

Planning reference: DM/20/1533. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Amended Plans received 16.06.2020. Refused October 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/4153. Removal of an existing barn, mobile home and other outbuildings. Construction of three dwelling, 1x5 bedroom with detached garage, 1 x3 bedroom and 1 x2 bed bedroom. Refused January 2020. Appeal Dismissed May 2021.

Planning reference: DM/19/2344. Application for determination as to whether prior approval is required for the change of use of an agricultural building to 4 dwellinghouses and for associated operational development. Prior approval granted August 2019.

Planning reference: DM/19/0824. Remove existing barn, mobile home and other outbuildings for the construction of 4 dwellings with car ports. Refused May 2019.

Planning reference: 14/00745/LDE. Application to site a caravan for domestic use. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved April 2014.

Planning reference: 08/01417/FUL. Installation of 17.5m telecommunications mast, equipment cabinets and ancillary equipment with 6.5m by 6.5m compound. Approved August 2008.

## **SITE AND SURROUNDINGS**

The 0.81 ha site, known as Little Park Farm, is located off a narrow private access track leading from the end of Marchants Close. This access serves an existing property at North End House, which is located to the north east of the site, and a mobile home in use for residential purposes on the site. This track also serves as a pedestrian route for occupiers of the recently completed houses at Idenhurst (developed as 'Bramble Park'), and also allows public access to Hurst Meadows open space.

An extensive area of land to the east of the site, which stretches east to the Conservation Area at Hurst Whickham, is identified as Hurst A1 Hurst Meadows Public Open Space. This land is now allocated for use as public open space for informal recreation, referred to as Hurst Meadows in the Hurstpierpoint Neighbourhood Plan (Policy Amenities HurstA1: Hurst Meadows). The land is open to public use and a series of desire line pathways within the grassed areas have been created over the area by users.

The District Plan designates the site as countryside area, and outside the designated built up area of Hurstpierpoint. A single storey brick dairy building, which is in a state of disrepair is also located on the site together with a large Dutch barn, in current use for the storage of farm vehicles. Overgrown hardstanding areas are located to the east and north of the barn and an area of overgrown land is located to the west of the barn. Some caravans are parked on the land. A vehicular access gate is located in the site boundary, to the south of the Dutch barn, to allow access to an extended garden area serving the adjacent Grade II\* property known as Little Park. Beyond this there is a large private pond which is in the grounds of that property.

The Adopted Policies Map 15a (Hurstpierpoint) for Draft Submission Site Allocations DPD: Regulation 19 also identifies the site as falling within the allocated 'Protection and Enhancement of Countryside area'.

The line of a public footpath (63HU) passes along the eastern site boundary of the application site, which is screened by mature trees and mixed hedging. Glimpses of the site and the buildings/structures currently on the land are visible through this hedgerow.

The submitted plans illustrate that the site is not immediately adjacent to the built up area boundary. On closer inspection it can be seen that there is no connection between the red line site boundary and the built up area boundary, which tightly follows the garden boundaries of the houses located on the western side of Marchants Close. Whilst not directly connected, the site lies in close proximity to the village centre. The High Street is located some 288m approx. from the southern most point of the site. There is no direct access from the site into the village centre. The only route is via Marchants Close, into Marchants Road and Trinity Road.

## **APPLICATION DETAILS**

The submitted planning application shows the existing single storey brick dairy building, large Dutch barn building with lean to, the current mobile home and all other structures removed from the site to allow a comprehensive redevelopment of the whole area. The land would be divided into three plots and a grassed paddock.

The proposal is for the construction of three new dwellings, labelled Unit A, Unit B and Unit C. The site layout plan indicates that the site will be truncated by an access track serving the extended garden area of Little Park. An existing access track running west to east across the top of the site from The Red Barn towards Hurst Meadows is also shown to be retained. Off these vehicular routes a turning head is proposed, sufficient in size to accommodate turning waste collection and emergency vehicles. A total of 7 parking spaces for each of the new dwellings are shown off the shared access. These are laid out to provide 3 spaces for Unit A and 2 spaces for each of the other Units B and C. The parking and driveways are shown to be finished with Cotswold coloured buff gravel.

The southern boundary of Unit A is shown to consist of a landscaped buffer, with the existing boundary trees than span the boundary to be retained and supplemented with indigenous mature planting. A new indigenous hedge is also shown to be planted between the western end of the dwelling at Unit B and the angled boundary with the neighbouring property and outbuilding at Red Barn to the west of the site. A 1.2m high timber post and rail fence with indigenous hedge planting is shown to divide the grassed garden curtilage of Unit C and the irregular shaped retained paddock space on the south eastern side of the development area. Cycle and bin stores are to be provided for each of the new dwellings.

Unit A is shown to be sited in place of the existing Dutch barn. It consists of a replacement part single storey, part 2 storey building with an oblong footprint. The current barn measures 18.3m long by 16m wide, including the 6.3m wide side lean to addition. The arched roof reaches a maximum of 7.4m in height. The proposed replacement building would be located on the same footprint and would be a part two storey, part single storey four bed house within a garden curtilage with associated parking for three cars.

In detail Unit A, accommodates a floorspace area of approx. 436 square metres. The ground floor would accommodate a large entrance hall, from which an open plan kitchen/breakfast/dining room with attached sitting room would be accommodated on the ground floor, together with a separate study, family room, toilet and utility room.

At first floor four bedrooms, two with ensuites, a laundry room and a family bathroom would be located. The master suite would benefit from an attached dressing room.

The proposed building (Unit A) would measure 18.3m long by 15.4m wide. The proposed roof reaches a maximum height of 7.1m (approx.). Externally the building is shown to be finished with black stained vertical timber boarding. An arched roofline on the main two storey section and a lean to roofline on the side single storey section would be finished in seamed anthracite grey zinc.

Proposed Unit B is a 2 bed unit single storey dwelling located partly over and to the east of the dairy building footprint, orientated east/west. The existing building measures 19.4m long by a maximum of 7.4m wide, with the gabled roof to a height of 4.7m in height (approx.).

The proposed new building (Unit B) would measure 19.5m long by a maximum of 7.1m wide, with a gabled roofline a maximum height of 5.9m (approx.). The Agent has confirmed the external finishes of the building: walls will be timber boarded above a brick plinth, with a clay tile roof and powder coated aluminium windows.

Unit B is a single storey dwelling with an approx. floorspace area of 120 square metres. The unit would be accessed from a front door and hallway on the northern elevation, with a secondary utility room door located in the southern elevation. An open plan kitchen/living room would occupy the western end of the building with two bedrooms and a separate bathroom on the eastern end.

To the east of this is Unit C, which is an L-shaped 3 bed single storey dwelling. Unit C, has a floor space area of 125 square metres, approx. The unit would be accessed from a front door on the western elevation, leading into the kitchen, open plan living room, and three bedrooms, each with an ensuite. The Agent has confirmed the external finishes of the building: the walls will be finished with horizontal timber boarding above a brick plinth, with a clay tile roof and powder coated aluminium windows.

Supporting Design and Access and a Planning and Sustainability statements have been submitted with the application. These can be viewed in full on the planning file. The application has also been supported with evidence from a Structural Engineer to confirm that the dairy building is in a poor structural condition, and should be rebuilt.

In the course of determining the application the applicant's agent has provided additional supporting plans, illustrations and photographs to clarify the external material finishes. The information has been submitted in particular to support the proposed new build Unit A, which reflects the form and scale of the existing Dutch Barn on the site. In detail the plans illustrate the external materials for the roof, walls and windows and rainwater goods. The three rooflights in the southern roofslope have been replaced with smaller sun pipes and the building framework expressed by a slight reduction in the footprint of the building. In addition the external wall cladding for Units B and C has been clarified to be green oak with a stock brick plinth. Photographs of other completed Dutch barn conversions within Horsham District and elsewhere have been provided to show how the proposed elevations would appear, with the framing as a prominent feature on the elevations.



It has also been confirmed that the paddock, which is to remain in agricultural use, is likely to be sold with Unit A, to minimise the likelihood of garden extension for Unit C.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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 and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

Policy DP6: Settlement Hierarchy

Policy DP12: Protection and Enhancement of Countryside  
Policy DP15: New Homes in the Countryside  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP21: Transport  
Policy DP26: Character and Design  
Policy DP27: Space Standards  
Policy DP29 Noise, Air and Light Pollution  
Policy DP34: Listed Buildings and Heritage Assets  
Policy DP37: Trees, Woodland and Hedgerows  
Policy DP39: Sustainable Design and Construction  
Policy DP38: Biodiversity  
Policy DP41: Flood Risk and Drainage

### **Neighbourhood Plan -Hurstpierpoint and Sayers Common Neighbourhood Plan - Made March 2015**

Relevant policies:

HurstC1: Conserving and enhancing character of countryside  
HurstC3 Local Gaps and Preventing Coalescence  
HurstH1: Hurstpierpoint and Sayers Common new housing development  
HurstH7: Affordable Homes

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

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

#### National Planning Policy Framework (NPPF) (July 2021)

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.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*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: 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.

### *Ministerial Statement and Design Guide*

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

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

## **ASSESSMENT**

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

- Principle of development
- Other Material Considerations
- Design
- Impact upon the Listed Building
- Impact on Local Gap
- Highway and Access
- Amenity
- National Space Standards
- Drainage
- Habitats Regulations Assessment for Ashdown Forest
- Ecology
- Trees
- Sustainability
- Affordable housing
- Planning Balance and Conclusion

## Principle of development

Policy DP12 of the District Plan states in part:

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

*and:*

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

The Hurstpierpoint and Sayers Common Neighbourhood Plan contains a similarly worded policy HurstC1 that states:

*'Development, including formal sports and recreation areas, will be permitted in the countryside, where:*

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.*

Policy DP15 of the District Plan relates to new homes in the countryside and allows for development: In part 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.'*

Policy DP6 of the District Plan refers to Settlement Hierarchy and allows for extensions adjacent to defined built up areas, subject to a number of criteria. It states in part:

*'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.'*

In the recent Appeal decision for Appeals A and B, in respect of planning refusals under DM/19/4153 and DM/20/1533 the Planning Inspector considered whether the proposal to build new housing on this site complies with development plan policy regarding the location of new housing.

In his assessment the Inspector referred to Policy DP12 of the District Plan, which *'seeks to protect the countryside in recognition of its intrinsic character and beauty. Development will only be permitted where it maintains or where possible enhances the quality of the rural and landscape character of the District and it is either necessary for the purposes of agriculture or supported by a specific policy reference either elsewhere in the MSDP, a Development Plan Document or relevant Neighbourhood Plan.'*

He also made reference to Policy DP15 of the District Plan. He identified that:

*'Policy DP15 states that new homes in the countryside will be permitted where special justification exists. Of the criteria set out in the policy, the only one of potential relevance is the circumstance where the proposal meets the requirements of MSDP Policy DP6 on Settlement Hierarchy. This supports the expansion of settlements outside of defined built-up area boundaries where the proposed development is for fewer than 10 dwellings. In order to comply with the policy, the site must be contiguous with an existing built-up area of the settlement and the proposal must be demonstrably sustainable, including by reference to the settlement hierarchy.'*

He concluded, with reference to the physical features in the close vicinity of the site, that the land forming the development site *'is physically divorced from the built-up area boundary.'* He therefore concluded that the previous development proposals did conflict with Policies DP12 and DP15. He also found the design of the scheme under Appeal A failed to comply with the aims of District Plan Policy DP12 to maintain the quality of the rural and landscape character of the District.

Referring back to the proposal that is the subject of this application the red line that denotes the site of the planning application remains unchanged relative to the built up area boundary. A consistent assessment has to be taken in regards to Policy DP6. The red line of the site boundary is not contiguous with the built up area boundary of Hurstpierpoint and therefore the proposal therefore does not comply with the terms of District Plan Policy DP6 or the exceptions clause of District Plan Policy DP15.

The proposal has to be considered with reference to DP12. A key criteria in that policy is whether the development maintains or enhances the rural and landscape character of the District.

The end result of the proposal would be the creation of three new homes in the countryside, on a site that is in easy walking distance of the village centre and the services it offers. In accordance with the requirements of Policy DP12, the design of the proposed new dwellings, the limited area of the associated gardens and the designation of a large paddock to the east of the site would enhance the immediate rural setting of the site, and this weighs in favour of the application.

The proposed development of the three new houses represents a comprehensive development of the whole site. It is considered that the form and layout of the proposed development will serve to enhance and improve the current appearance of the site, as seen from public vantage points, will enhance the immediate setting by spacing the development on the site and, as result of the removal of the mobile home and related structures and domestic paraphernalia across the land, positively contribute to the character and appearance of this rural site.

The proposed development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan by serving to maintain and enhance the quality of the rural landscape character of the area.

Under District Plan Policy DP15 it is a requirement that for the approval of new homes in the countryside there must be a "special justification". The proposed scheme necessitates the demolition of the existing Dutch barn, a dairy building that is in a poor state of repair, and the removal of a mobile home and other associated structures and vehicles that are spread across the site. This is a factor in favour of this application.

### **Other Material Considerations**

In accordance with planning law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance the Plan.

In the determination of the Appeals the Inspector was mindful of other material considerations. He made reference to the former Prior Approval for the conversion of the Dutch barn at the site (DM/19/2344 refers) into 4 dwellings. The date of approval of DM/19/2344 was 15th August 2019, and this expires on 15th August 2022. There is a realistic prospect that this fall back proposal could still be implemented and therefore this fall-back position can be afforded substantial weight in the determination of this planning application.

The mobile home benefits from a Lawful Development Certificate and can be retained on the site, or replaced by a larger mobile unit.

The Part Q approval has been referred to as such in the supporting Planning Statement accompanying the current application. Should the extant prior approval granted under DM/19/2344 be implemented the permitted number of dwellings on the site would be a maximum of 5. The extant approval would result in 4 residential units with a total of 398 square metres of living space (in 2 x 1 bed and 2 x 3 bed units located within the converted Dutch barn), providing a total of 8 bed spaces

within the 4 units, alongside the further separate dwelling within the mobile home, if it is retained on the site. The extant permission would result in a more intensive use of the site.

The application now under consideration would provide a total floorspace area of 681 square metres within three new dwellings, containing a total of 9 bedrooms on the site. The approval of this application would result in the comprehensive development of the land and give the Local Planning Authority control of the whole site. This position is favourable to the potential for a future piecemeal approach that the alternative extant prior approval route may create.

As such the fall-back position has significant weight as a material consideration in the determination of this application. Compared to what could be constructed on the site under the extant prior approval it is considered that the current proposal has significant merit as an appropriate alternative development which gives the Council control of the development of the site as a whole for a less intensive development appropriate to its setting.

## **Design**

Policy DP26 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.'*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

The site is in a rural setting, being visually divorced from the detached houses on Marchants Close and some distance from the new houses on the new residential estate to the north. The site is open to public inspection. The newly created pedestrian access from the track leading to the proposed development site has allowed the use of the intervening land, and areas to the east of the site, for open public access, dog walking and leisure and recreation. This means that the site is in an important position on the village margin, and its value is also related to its historic use and close relationship to the adjacent Grade II\* Listed Building at Little Park.

The importance of this site and the surrounding converted barns and ponds at Little Park have been given special consideration in the land designation as an allocated 'Protection and Enhancement of Countryside area', outside the designated built up area.

The design and layout of the proposed development attempts to recreate a farmstead layout. Sussex stock facing brick, plain clay roofing tiles and weather boarding are all traditional Sussex building materials. The retention of a Dutch barn style building with subordinate single storey buildings gives the scheme a rural farmyard character with vernacular references in the construction materials.

The built form of the three proposed dwellings has been carefully positioned on the site to reflect the existing building footprints. Units B and C are of a similar design to the last proposal (DM/20/1533). In the Inspectors opinion the scale of these units *'would be modest, well-proportioned dwellings, their designs being broadly reflective of converted vernacular barns'*. He supported the replacement of the mobile home with a building of the form of Unit C and in this position on the site.

It is considered that the scale and form of the proposed buildings are appropriate to the semi-rural character of the site. The buildings will maintain and reflect the height of the existing structures and the open spaces that currently exist on the site. As such the proposal is considered to accord with Policy DP26 in respect of design and with the Principle DG38 in the Design Guide.

### **Impact upon the Listed Building**

The southern boundary of the application site lies approximately 60 metres to the north east of Little Park, which is a Grade II\* listed building. With this status the ex-farm house building has a high degree of significance, being one category lower than



a Grade I Listed building. Taken together Grade I and Grade II\* Listed buildings account for just 8% of all listed buildings, with Grade II Listed Buildings accounting for 92% of all listed buildings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant in the determination of this application, as it states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

#### *Other Heritage Assets*

*Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'*

The following paragraphs in the NPPF are also relevant, stating:

*194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

*195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

*196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.*

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

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

*Considering potential impacts*

*199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The application has been submitted with an accompanying Heritage Statement. This concludes: *'The proposed development will preserve the significance of Little Park Farmhouse despite the change that will occur within its setting. There will be no direct effect on the architectural, historic, artistic or archaeological interest of the listed building by the proposed new development. The new homes will not be experienced when considering the principal elevations of the listed building where significance is best appreciated from and no views of importance will be harmed through the development.'*

The proposal will change the use of the site and introduce houses with gardens in close proximity to the adjacent garden and vegetable plots serving Little Park, which are located close to the southern site boundary. The means of access that exists currently across the site will be retained to access of the grounds to the north east of Little Park, thereby maintaining the historic farmhouse/farmstead relationship.

The residential development of the site will result in the creation of new gardens for the three dwellings, which will become manicured/domesticated and as such the visual character of the site will change, and the intensity of domestic activities will become concentrated up to the northern and western boundaries of the site. The maintenance of a small paddock to the east and south of Unit C will ensure that structures on the site are cleared and an open area of land is retained to provide a visual break in the development of the site.

The proposed development will impact upon the setting of Little Park. The Council's Conservation Officer is of the opinion that the application site forms *'an open and*

*semi-rural setting'...which ...' is considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated'.*

The site has value as an important part of the wider setting of Little Park. Currently the site has an open, rural character, with low and contained buildings widely set within the available space. There is a good degree of boundary screening, which thickens in the summertime, but allows glimpses of the buildings, structures and the vehicles parked on the site.

The Council's Conservation Officer is of the opinion that whilst Units B and C would preserve the setting of Little Park, Unit A would detract from the positive contribution which the site currently makes to the setting of Little Park, as a result of its poor design quality and overly domestic character. She concludes that this would be contrary to the requirements of District Plan Policy and the Council's adopted Design Guide. In terms of the NPPF the harm caused is assessed to be 'less than substantial', such that paragraph 202 would apply.

Following on from these comments the Applicant's Agent has provided further supporting information, drawings and photographs to support the application and to detail the external finishes for the proposed units, and to justify the quality of the new build proposal. Details relating to the proposed Unit A include comparison drawings to illustrate the proposed elevations compared to the approved Part Q conversion scheme elevations, which represent the extant approval.

In the assessment of the proposal it is important to protect the adjacent listed building and its wider setting, as required by District Plan Policy DP34. National Guidance contained in Paragraphs 194- 202 of the new NPPF is also relevant. In the determination of this application consideration also needs to be given to the fall-back position of the Part Q approval.

The proposed property at Unit A reflects the scale and form of the existing Dutch Barn on the site. As such it is your Planning Officers view that the proposal has a minimal impact upon the scale and relationship of the existing buildings on and adjacent to the site to each other. Given the spacing of the footprint of Unit A and the position of Little Park, some 65m to the south west of the current barn, it is considered that the setting of the Listed Property will be little affected by the proposed new building.

The Conservation Officer raises particular concerns regarding the fenestration details and overall design of Unit A. The plans submitted for this application do not significantly vary from those approved under the Part Q application. The submitted photographs and additional supporting information illustrate that with careful detailing, which can be controlled by planning condition, the design will maintain a 'barn like' appearance in the new build to maintain the historic agricultural appearance of the site, and the existing relationship of the built form on the site to the nearby buildings.

The detailed design comments, and in particular reference to construction materials and fenestration detailing, are matters that can be addressed by appropriately worded planning conditions.

It is your Planning Officers view that the proposal, which includes buildings that relate to the form and position of the existing development on the site, and the maintenance of a small open paddock, will serve to preserve and enhance the setting of the Listed Building at Little Park and will result in an improved overall development for the site. This environmental benefit, together with the public benefit of three new dwellings on this sustainable site weigh in favour of an approval.

### **Impact on Local Gap**

Policy DP13 of the District Plan seeks to prevent coalescence and to retain the separate identity and amenity of settlements. However, as the District Plan does not define strategic gaps on any policy maps it falls to the Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in Policy DP13.

The site lies within the Hurstpierpoint and Hassocks Gap and Policy Hurst C3 in the Neighbourhood Plan states:

*'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:*

- *Hurstpierpoint and Hassocks;*
- *Sayers Common and Albourne;*
- *Hurstpierpoint and Albourne;*
- *Hurstpierpoint and Burgess Hill.'*

It is considered that the scale of the development would not conflict with Policy DP13 of the District Plan.

In terms of Policy Hurst C3 the site lies outside but close to the village built up area boundary. Whilst the proposal represents an edge of settlement development, it would be difficult to consider this would impact significantly upon the wider local gap between Hurstpierpoint and Hassocks, particularly given the immediate proximity of the volume housing development to the north of the site at Idenhurst/Bramble Park. As such the impact on the local gap would not be significant.

### **Highways and Access**

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'.*

Highway safety concerns have been raised in the representations received from local residents, and in particular concerns have been expressed regarding the safety of the site access from Marchants Close for residents, drivers and pedestrians, new users of the access to Hurst Meadows. Comments have also been received regarding the suitability of the access road for increased residential traffic.

WSCC Highways have yet to provide comments on this application, but have previously taken the view that a residential development at this site would not have an unacceptable impact on highway safety and have raised no transport grounds to resist the proposal.

Given the close proximity of the site to the centre of the village of Hurstpierpoint the site is located in a sustainable location. The village High Street is within easy walking and cycling distance of the site, where a range of public services, amenities and employment options are located.

It is considered that the proposal complies with Policy DP21 of the Mid Sussex District Plan, and that the site represents a sustainable site for residential development close to the centre of a Category 2 settlement (a larger village/local service centre).

### **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, and noise, air and light pollution'*.

The immediate neighbouring properties are Red Barn and North End House, sited to the north west of the site.

The rear wall of the proposed house at Unit A is sited approx 15m from the outbuilding at The Red Barn. Unit B is over 20m from Red Barn, which is located on lower land. The internal floorspace layout of Unit A provides two bedrooms at first floor with windows facing west, located in the rear elevation. It is considered that the scale, height and form of the new residential building at Unit A would reflect that of the existing barn. The low roof lines on this building and Units B and C will be screened from the immediate neighbours by the existing and supplemented boundary vegetation, which will also obscure the buildings on the site in wider public views.

North End House will be the most affected neighbour, being sited on the shared access and being sited some 25m from the north western corner of Unit B.

It is considered that given the form and position of the three new units the amenities of the occupiers of Little Park would not be significantly affected, considering its relationship and distance from the site.

Although 3 dwellings at the site will create a greater intensity of residential use and associated activities than the current low key use and activities on the site generated

by the single mobile home, the impact of this development needs to be considered against the extant permissions for the site. The development of the three proposed dwellings would have a less significant impact upon the amenities of the immediate neighbours than the permitted five units, or the intensive reuse of the site for agricultural activities.

It is considered that the proposal represents an acceptable development which would not create significant harm to the amenities of existing nearby residents or the future occupants of the new dwellings. The application can be supported in this case in accordance with the aims of District Plan Policy DP26.

### **National Space Standards**

In March 2015 the Government issued a document containing dwelling space standards, entitled "Technical housing standards- nationally described space standard". The standards are applicable to the proposed development and referred to in District Plan Policy DP27.

Taking each Unit in turn:

Unit A - In the standards a space standard table indicates a two storey 4 bed dwelling could accommodate between 5 and 8 people, requiring between 97 to 124 square metres of internal floor space, with a built in storage area of 3.0 square metres. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a four bed unit, as the floorspace measures approx. 436 square metres.

Unit B - a single storey 2 bed dwelling could accommodate between 3 to 4 people, requiring between 61 to 70 square metres of internal floor space, with a built in storage area of 2 square metres. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 2 bed unit, as the floorspace measures approx. 120 square metres.

Unit C - a single storey 3 bed dwelling could accommodate between 4 to 6 people, requiring between 74 to 95 square metres of internal floor space, with a built in storage area of 2.5 square metres. The proposed size of the property would accord with District Plan Policy DP27, but exceeds the required National Space Standards for a 2 bed unit, as the floorspace measures approx. 125 square metres.

The proposed dwellings would provide one larger 4 bed house and two smaller 2 and 3 bed units of accommodation on the site, and would comply with Policy DP27 of the Mid Sussex District Plan.

### **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 details for the application have been considered by the MSDC Drainage section and they recommend a condition to require details to be submitted for approval prior to the commencement of the development. This will ensure that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

### **Habitats Regulations Assessment for 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 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 was modelled in the Mid Sussex Transport Study as a 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

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.

### **Ecology**

Policy DP38 of the District Plan seeks to ensure that biodiversity will be protected and enhanced.

Paragraph 180 of the revised NPPF states:

*'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

An ecology report has been submitted with the application and the Council's Consultant Ecologist has been consulted to ensure that the proposal complies with Policy DP38 of the Mid Sussex District Plan and the aims of the NPPF.

## **Trees**

The site benefits from a good degree of natural tree and hedgerow screening on the boundaries. The submitted plans show this is to be retained and supplemented in the redevelopment proposal.

Policy DP37 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.'*

The application has been accompanied by an Arboricultural Assessment and Outline Method Statement. To ensure that replacement planting and the retained boundary trees are suitably protected during the construction works a suitably worded planning condition is recommended to accord with District Plan Policy DP37.

## **Sustainability**

Policy DP39 states:

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

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

The Design Guide also refers to Sustainable Design and contains Principle DG37 in Chapter 6, which states:

*'Deliver high quality buildings that minimise their environmental impact*

*The construction industry makes a significant contribution to CO2 emissions utilising substantial volumes of non-renewable resources and generating pollution and waste. The need for sustainable approaches to building design is therefore fundamental if the challenges associated with climate change, resource depletion and pollution are to be addressed, and will be necessary to achieve the Government's Future Homes Standard.*

*The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.*

*Applicants must demonstrate how this has informed their design and should consider in particular:*

- *Orientation and design of buildings and roofs to maximise daylight / sunlight penetration and solar gain, whilst also avoiding overheating;*
- *The use of green roofs or walls to reduce storm water run-off, increase sound-proofing and biodiversity;*
- *The use of materials with low embodied energy (for example, renewably-sourced timber and recycled materials);*
- *The use of sustainable materials that are locally sourced wherever possible;*
- *Incorporating high levels of insulation (in combination with air tightness and temperature control systems) including the use of materials with a high thermal mass, such as stone or brick, which store heat and release it slowly;*
- *Incorporating renewable energy including photovoltaics, solar thermal water heating, ground and air source heat pumps;*
- *The use of low flow technology in water fittings, rainwater harvesting systems and grey water recycling systems to reduce water consumption to 110 litres/person/day (maximum); and*
- *Laying out development to support identified opportunities for decentralised renewable or low carbon energy systems.*

*Further guidance is provided by District Plan Policy DP39: Sustainable Design and Construction.'*

A Sustainability paragraph in the supporting Planning Statement submitted with the application confirms that:

'The scheme proposes a number of energy efficiency and sustainability measures as set out below:

- Rainwater would be recycled where possible to provide grey water supplies.
- Dual flush WC's would be installed.
- Water saving fittings would be used with flow regulators.
- Low energy lighting would be used throughout the building.
- Washing machines/dishwashers would be specified to minimise water usage.
- The development would be built to comply with the Considerate Contractor Scheme.
- Wherever possible materials would be specified from a sustainable source.
- Local materials would be sourced wherever possible.
- Wherever possible, labour would be sourced from the local area thereby supporting the local economy and providing employment opportunities for local tradespeople and businesses.
- Recycling would be encouraged with individual bins being provided for various waste and recycling.

- Sufficient space within the dwelling is provided to offer opportunities for occupiers to work from home, thus reducing traffic movements.
- The specification for insulation would ensure a good sustainability score.'

It is considered that the proposal complies with the relevant criteria District Plan Policy DP39 of the District Plan, the Design Guide principles and the requirements of the NPPF, and consequently the proposal is considered to be acceptable in sustainability terms.

### **Contamination**

The site is located in an area historically in use as a farmyard and as such the Council's Contamination Officer has been consulted regarding the reuse of the land for residential purposes. His comments on this matter are reported above. It is considered that in order for contaminants to be investigated a phased contaminated land condition should be attached to ensure that any residents are protected. As such the proposal could be developed to accord with the requirements of paragraph 183 of the NPPF.

### **Affordable housing**

Reference has been made in the representations that the scheme fails to provide affordable housing on the site. Policy HurstH7 now conflicts with District Plan Policy DP31 and there is no requirement for affordable housing on this scheme.

### **Planning Balance and Conclusion**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

Relevant in consideration of this application is District Plan Policy DP12 which seeks to protect the countryside to ensure new development maintains or enhances the rural landscape and District Plan Policy DP15 which allows approval of new homes in the countryside where special justification exists. A material consideration in the determination of this application is the extant approval which would result in 5 dwellings on this site, of which 4 would be provided under the extant prior approval for the conversion of the existing barn on the site and one in a mobile home.

The proposed development is considered to be appropriate on this site, and its semi-rural setting, being in accordance with the requirement of Policy DP12 of the District Plan. The proposed dwellings would enhance the immediate setting of the site as seen from public vantage points and add to the character and appearance of this rural site.

It is considered that the proposal would not cause a significant loss of residential amenity to the occupiers of the neighbouring properties at Red Barn, North End

House and Little Park. In this regard the proposal is considered to accord with the requirements of Policy DP26 of the District Plan.

As the application site lies close to the Grade II\* Listed Building at Little Park the PLBCAA 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The requirements of this Act are reflected in Policy DP34 of the District Plan. It is your Planning Officers view that the scheme preserves the setting of the nearby listed building and the scheme therefore complies with policy DP34 of the District Plan.

The scheme is for three new dwellings in a sustainable location and there are no grounds to resist the application based on transport matters.

The proposal has been assessed with consideration to District Plan Policy DP39 (Sustainability). For reasons including the location of the site, and the proposed energy efficiency details of the scheme, the proposal has been demonstrated to represent a sustainable development in accordance with District Plan Policy DP39.

The Habitats Regulations Assessment 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 and a full HRA of the proposed development is not required.

There are not considered to be any ecological reasons to resist the development. As such the proposal complies with Policy DP38 in the District Plan.

The proposal will accord with Policy DP41 of the District Plan subject to the submission of details of the proposed foul and surface water drainage and means of disposal and a management and maintenance plan for the lifetime of the development for approval.

In summary, this is a case where it is considered that the proposal complies with some policies within the development plan but conflicts with others. The extant permissions on the site are a relevant material consideration.

To conclude it is your Officer's view that this proposal conflicts with the development plan when read as a whole because it fails to accord with Policies DP6, DP15 and part of DP12. However, this recommendation is for the approval of this proposal as the scheme does comply with policies DP26, DP21, DP38 and DP41. In addition, other material considerations have been taken into account in this positive recommendation, including the extant prior approval, which weighs in favour of this proposal in preference to the fall-back position.

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### Approved plans

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. Notwithstanding the submitted details the development shall not be carried out unless and until samples of materials and finishes to be used for external walls / roofs / fenestration and rainwater goods of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

4. The buildings shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Site Plan 1166-21 02a.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan 2014 - 2031.

6. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided for each of the new dwellings in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

7. No part of the development shall be first occupied until bin stores have been provided for each of the new dwellings in accordance with the approved Site Plan 1166-21 02a.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

8. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the District Plan 2014 - 2031.

9. 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 and Policy DP41 of the District Plan (2014 - 2031).

10. 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 to Friday: 0800-1800 hours  
Saturday: 0900-1300 hours  
Sunday and bank holidays: no work permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

11. Deliveries: deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 0800-1800 hours  
Saturday: 0900-1300 hours  
Sunday and bank holidays: none permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

12. No burning of demolition/construction waste materials shall take place on site.



Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

13. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the District Plan.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling houses hereby approved, whether or not consisting of an addition or alteration to their roofs, nor any other alteration to their roofs, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling houses) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

15. The development hereby permitted shall not be occupied until the species and full details of the landscaping buffer zone planting and indigenous hedge planting, as shown on the Site Plan 1166-21 02a, is approved in writing by the Local Planning Authority and the agreed species have been planted along the site and residential plot boundaries. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

16. The boundary trees and hedgerows shall be retained and protected in accordance with the details in the submitted Tree Protection Plan in the submitted Arboricultural Assessment and Outline Method Statement by Nicholas Jones Consultants Limited, dated 2nd October 2019 before the development commences, for the duration of the development and the trees and hedgerows shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies HurstC1 and Hurst C3 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

17. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos-containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the desktop study by R. Carr Geotechnical services, Ref: 3592/18, dated July 2018, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

18. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation, and details of any remediation undertaken will be produced to the satisfaction of and approved in writing.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## INFORMATIVES

1. 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 identifying matters of concern within the application (as

originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. 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.

### 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
Location and Block Plan	1166-21-03a		18.06.2021
Other	Inspection and Emergence report		24.06.2021
Photographs			18.08.2021
Other	Green oak cladding		18.08.2021
Site Plan	1166-21-02a		18.06.2021
Proposed Floor and Elevations Plan	1166-21-01b	unit A	18.08.2021
Proposed Floor Plans	1166-21-sk03	unit B	18.06.2021
Proposed Elevations	1166-21-sk04	unit B	18.06.2021
Proposed Floor Plans	1166-21-sk05	unit C	18.06.2021
Proposed Elevations	1166-21-sk06		18.06.2021
Tree Survey			18.06.2021
Design and Access Statement			18.06.2021
Drainage Details	Ref: 7523		18.06.2021
Heritage Statement	Ref 4730A		18.06.2021
Heritage Statement	Addendum		18.06.2021
Planning Statement	And Sustainability		18.06.2021
Transport Assessment/Travel Plan	Ref: 7523/2.3		18.06.2021
Drainage Details	1166-21-DS1		18.06.2021
Survey	Ecological Survey		24.06.2021

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Our recommendation is that MSDC should give permission subject to a satisfactory traffic management plan being in place. No construction traffic before 9.30am and after 3pm to allow school traffic (vehicular & pedestrian) to clear. Access only southbound from Cuckfield Road then via Marchants Road NOT Trinity Road to keep lorries further away from the village centre and school. No waiting of construction vehicles at any time. Concerns due to the increased use of the farm track by pedestrians to access Bramble Park development and Hurst Meadows.

Permitted Development Rights removed. Satisfactory Conservation Officer report.

### Conservation Officer – Emily Wade

The significance of the Grade II\* listed former farmhouse at Little Park is considered to lie primarily in its evidential and historical illustrative value as an exceptional example of a surviving high status early-mid 17th century Sussex farmhouse. It also in my opinion has some historical associative value in at least the local context through its former role as the residence of notable Hurstpierpoint families, as well as aesthetic value due to its highly attractive vernacular architecture which is viewed within a semi-rural setting of extensive gardens with fields lying beyond to the east and north east, including a large fishpond and the buildings forming part of the former farmstead. This open and semi-rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building is appreciated.

The application site is an area of open land to the north east of Little Park immediately adjacent to its grounds. It is currently largely undeveloped although there a Dutch barn present as well as a number of smaller structures including a former dairy building and a mobile home. These buildings and structures do not, in my opinion, significantly detract from the prevailing rural character of the land and in the case of the former dairy building, make a modest positive contribution to it. The site forms an important part of the wider setting of Little Park, and its open and rural nature makes a positive contribution to the manner in which the special interest of the building is appreciated.

The current proposal, which follows on from the granting or prior approval for the residential conversion of the barn and the subsequent dismissal, at appeal, of a planning application for the demolition of the existing buildings on the site and the construction of three dwellings, is for a revised scheme for demolition and rebuild to create three dwellings in similar positions to the existing Dutch barn, dairy and mobile home. (An additional parallel appeal in relation to a different scheme for replacement of the Dutch barn and old dairy with a pair of 1½ storey dwellings and the construction of a 5-bed detached house with triple garage block on the eastern part of the site was also dismissed but given the differing nature of the scheme is less relevant to the current proposal.)

In dismissing the recent appeal scheme, the Inspector commented in respect of the site that: 'The appeal site directly adjoins the curtilage of the listed building. Trees along the boundary provide effective screening for large periods of the year, but the site and its buildings are likely to be more exposed whenever the trees are not in leaf. Although the mobile home and other structures have a physical presence, the site is predominantly open and undeveloped and it has a strong rural character which is more akin to countryside than the urban area. This parcel of land is the last remaining linkage between the farmhouse and the fields to the east and north-east and in my opinion, it contributes positively to the manner in which the listed building is appreciated.'

## Unit A:

In both the appeal scheme and the current proposal, the dwelling which is proposed on the site (approximately) of the existing Dutch barn is referred to as Unit A. In respect of the appeal scheme Unit A, the Inspector commented that 'Unit A... would be a tall, bulky building with a long ridgeline. The intention is for this unit to mimic a barn conversion, and the timber clad exterior would follow this theme, but the scale is excessive and the regimented fenestration overly domestic. In my opinion, the dwelling would read as an over-sized, timber-clad house, rather than a former agricultural building. The submitted verified views indicate that the development would be well screened, but these are not representative of the situation in winter when the scale of Unit A would make it unduly prominent from the listed building and its immediate garden. For the reasons I have explained previously, it is not appropriate to rely upon a landscape buffer to make the scheme acceptable.'

Under the current proposal the footprint, orientation and scale of Unit A have been revised to reflect more closely the existing Dutch barn on the site, including its height and scale. This, in my opinion, would address the concerns raised by the appeal Inspector with regard to the excessive scale of the previous proposal.

However, the proposed design of this dwelling is in my opinion in other respects poorly conceived. It appears that the intention is to mimic the appearance of a conversion of the existing Dutch barn for residential use, whilst in fact the dwelling is a new build. The proposed building is a visually awkward 'hybrid' which has the roof form of a Dutch barn but fenestration which is domestic in character and does not relate to the existing characteristically large openings to the sides of the barn, as would be advocated by the relevant Historic England guidance on agricultural conversion schemes. Indeed, the fenestration as shown has very much the 'regimented fenestration' which the Inspector found in relation to the appeal scheme to be 'overly domestic'.

Notwithstanding the existing prior approval, in relation to which it should be noted that the Council retains control over the design and external appearance of the building (which has not been agreed), it is my opinion that a 'faux conversion' of a Dutch barn is an inappropriate approach for a site of this sensitivity. The open sided nature of a Dutch barn does not readily lend itself to an architecturally successful scheme which would retain the character of the existing building as advocated by the Historic England guidance (which suggests reuse of existing openings) while providing practical internal spaces. As the Council has never opposed the principle of the loss of the Dutch barn and the Inspector did not differ from this opinion I see no reason why a replacement building on the site should choose to mimic the form of the existing building where this detracts from the architectural quality of the replacement building. I would suggest a more appropriate and ultimately higher quality scheme could be achieved by a design which is of a similar footprint and height to the existing building, this addressing concerns relating to scale, but with a more traditional agricultural/rural form and treatment similar to that which was proposed as part of the appeal scheme to the remaining two units on the site (Units B and C) with which the Inspector found no argument, and which continues to be proposed in respect of these units within the current proposal. This would not only result potentially in a higher quality building, more appropriate to this sensitive context, but also one which relates better to the other new dwellings on the site.

As it stands I consider that the poor quality and overly domestic character of the design of Unit A is such that it detracts from the positive contribution which the site currently makes to the setting of Little Park, contrary to the requirements of District Plan Policy DP34. It is also in my opinion contrary to the requirements of the Council's adopted Design Guide.

#### Unit B:

Unit B in both the appeal and current proposals is in effect a replacement for the existing former dairy building on the site. In relation to the proposed new dwelling forming part of the appeal scheme the Inspector found that 'Although the (dairy) building makes a modest positive contribution to the wider setting of Little Park Farm, I share the view that its replacement could be justified, were any redevelopment scheme to be acceptable in principle and of an appropriate design quality... Units B and C would be modest, well-proportioned dwellings, their designs broadly reflective of converted vernacular barns.' He therefore raised no objection to this aspect of the appeal proposal.

As the current proposal for Unit B is similar to the appeal scheme, to which no objection was raised by the Council, and given the appeal Inspector's comments, I consider that the current scheme in this respect will preserve the setting of Little Park.

#### Unit C:

Unit C replaces in effect the existing mobile home on the site, which lies to the opposite side of the entrance track to the east of the existing farm buildings on the site. In respect of Unit C within the appeal scheme the Inspector commented that: 'I note that the Conservation Officer remains opposed to the principle of any development to the east of the track entering the site. Unit C is far more modest compared to Plot 1 in Appeal A, tucked into a corner near the site entrance and with its height and proportions reminiscent of a traditional farm building. The curtilage is also drawn more tightly, leaving a significant portion of the site as open paddock. Given that the proposal would secure the removal of the unattractive mobile home, and mindful also that the mobile home could lawfully be replaced by a larger unit without the need for permission, I consider that Unit C would be likely to have a neutral impact on the setting of the listed building.' Given that Unit C within the current scheme is very similar to that forming part of the appeal proposal I see no reason to differ from the Inspector's conclusions in relation to the impact of this part of the proposal on the setting of Little Park.

In summary, although Units B and C are considered to preserve the setting of Little Park, I consider that Unit A for reasons of its poor design quality and overly domestic character will detract from the positive contribution which the site currently makes to the setting of Little Park. This would be contrary to the requirements of District Plan Policy and the Council's adopted Design Guide. In terms of the NPPF I would consider the harm caused to be less than substantial, such that paragraph 202 would apply.

Further comments: In respect to the Prior Approval my comment regarding the Council retaining control over the design and external appearance of the building was, from memory, lifted more or less verbatim from the Inspector's own comments within the appeal decision notice. I will leave it up to you how you interpret this and how much weight is consequently attached to the Prior Approval as you are best placed to do so.

Notwithstanding the Agent's views on the design merits of the scheme, which I have read and considered, I remain of the opinion that it is poorly conceived and will detract from the setting of Little Park for the reasons set out in my previous response.

#### **MSDC Tree Officer**

To be reported.

## **WSCC Highways**

To be reported.

## **Ecological Adviser**

To be reported.

## **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

## **Environmental Health**

Given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the demolition and construction work which will produce a certain level of noise and dust. Conditions are therefore recommended in order to minimise any adverse impact.

1. 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 to Friday: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: no work permitted

Reason: To protect the amenity of local residents

2. Deliveries: deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 0800-1800 hours

Saturday: 0900-1300 hours

Sunday and bank holidays: none permitted

Reason: To protect the amenity of local residents

3. No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents

4. Dust control measures shall be used to prevent, so far as reasonably practicable, the emission of dust from construction, demolition and site preparation activities to off-site residential properties.

Reason: To protect the amenity of local residents

## Contaminated Land Officer

The application looks to remove the existing buildings and construct 3 new dwellings.

The site has had historical use as agricultural land which may have been used for the storage or disposal of items such as biocides, fuels, animal corpses, etc.

Due to the above, and the sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end-use.

Additionally, a discovery strategy should also be attached so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos-containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

and, unless otherwise agreed in writing by the LPA,?

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).? Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be



carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation, and details of any remediation undertaken will be produced to the satisfaction of and approved in writing.

## **Drainage**

Recommendation - No objection subject to condition.

### Flood risk

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible increased surface water (pluvial) flood risk. However, there are areas on increased surface water flood risk within the local area, largely associated with the watercourse and ponds to the west and a natural flow pathway to the east.

There are not any historic records of flooding occurring on this site. However, we do hold records of fluvial flooding occurring within proximity to the development. This fluvial flooding is associated with the watercourse and ponds to the west of the site.

The lack of records of flooding occurring on the site does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

### Surface water drainage

The BGS infiltration potential map shows the site to be in an area with moderate to low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. This will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will manage surface water through attenuation and controlled discharge to a watercourse located at the north-east corner of the site. Attenuation shall be provided beneath permeable paving located within the public realm of the site. Discharge is proposed to be limited to 1l/s via a hydrobrake (Greenfield QBar rate 0.9l/s). The outfall pipe is partially located within the private curtilage of Unit C.

The principle of discharging surface water to the adjacent watercourse is considered acceptable, subject to infiltration test results.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

### Foul water drainage

It is proposed that the development will cater for foul water drainage using a package treatment plant with a land drainage field. Both the package treatment plant and drainage field are shown to be located within public realm.

We would advise the applicant to ensure the drainage field is located an appropriate distance from the watercourse as part of the detailed drainage design. We would also advise that confirmation that infiltration rates are suitable for the drainage field will be required as part of the detailed design.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

### **SUGGESTED CONDITIONS**

#### **C18F - Multiple Dwellings/units**

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.

#### **Southern Water**

To be reported.

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

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.

MID SUSSEX DISTRICT COUNCIL

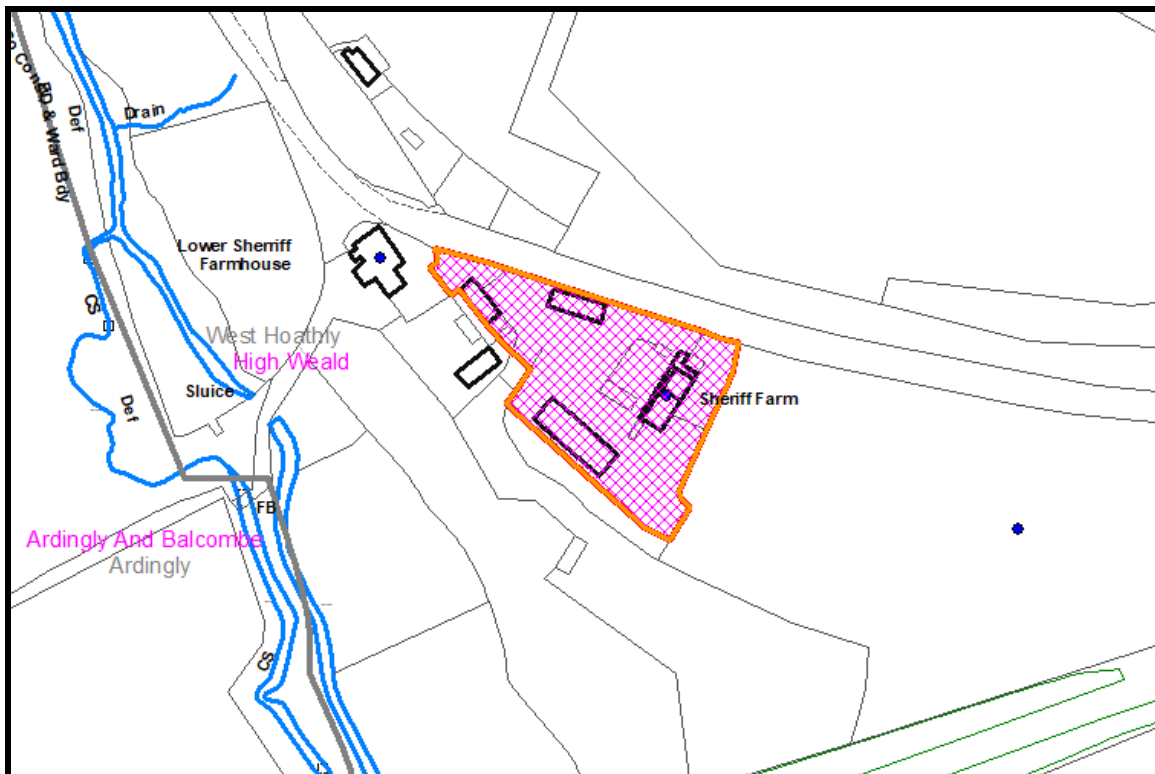
Planning Committee

**9 SEP 2021**

RECOMMENDED FOR PERMISSION

**West Hoathly**

**DM/21/2457**



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**LOWER SHERIFF FARM HAMMINGDEN LANE ARDINGLY HAYWARDS HEATH  
CHANGE OF USE OF FOUR EXISTING FARM BUILDINGS TO AN EVENTS VENUE. SMALL LEAN-TO EXTENSION TO THE NORTHERN SIDE OF THE MAIN BARN.  
MR AND MRS EDWARDS**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Bluebell Railway / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Change of Use

8 WEEK DATE: 16th September 2021

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Anna Tidey

## **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 to change the use of four farm buildings to an events venue and to extend the main barn at Lower Sheriff Farm, Hammingden Lane, Ardingly.

The application is being reported to committee as MSDC as one of the applicants is a District Councillor.

The proposed events venue will allow a diversification of use on the site. The use will allow the refurbishment and repair of the existing buildings on the site and provide multi-functional spaces using the existing 4 barns, with a total area of 308 square metres on a 2100 square metre site. The remainder of the farm unit (14,400 square metres) in the adjacent field is to remain in agricultural use, with the application area limited to the barns and the immediate courtyard area.

The maximum anticipated number of guests for an event is approximately 80-100 people, with a capacity of up to 120 people, although the majority of events are likely to be much smaller. The venue would be open all year round, but it is anticipated that the most popular time for events will be on Saturdays during the Summer months.

Works that are proposed to the buildings include repairs and renovations, and the addition of a 4m wide by 7.7m wide extension on the northern end of the main barn to allow for new toilet provision. This extension is to be constructed in place of existing additions on this end of the building, in disrepair.

The proposal is for the reuse of existing buildings for business purposes in the countryside which is supported by Mid Sussex District Plan Policy DP1, in accordance with the exception for certain rural development in DP12. Consideration has been given to the impact of the proposed use upon neighbouring amenity and in terms of transport generation. The impact upon the AONB has also been considered. No significant concerns have been identified.

The development would diversify the use of the site, from its former agricultural use,

and bring the buildings back into a productive new use and could be of benefit to the local economy.

The proposal would meet the requirements of Policies of the Mid Sussex District Plan and the guidance contained within the NPPF. There are no relevant Neighbourhood Plan Policies.

The application is therefore recommended for conditional approval as set out in full at Appendix A.

### **RECOMMENDATION**

It is recommended that permission be granted subject to the conditions listed at Appendix A

## **Summary of Consultations**

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

### **WSCC Highways Authority**

This is a re-submission of withdrawn planning application DM/20/2996.

Within the previous application there were some outstanding issues relating to the highway which required more information. This has been provided within this submission.

**Access:** The site is currently accessible from Station Approach a 'D' classified rural road with a 60mph speed restriction. Two access points currently connect the site to the highway, but these latest plans will require the western access to be closed, as per WSCC advice, and the eastern access widened and improved to provide visibility splays in line with speed survey data undertaken in application DM/20/2996.

Speed survey data (from previous application) 85th percentile speeds of 36mph westbound and 35mph eastbound were recorded. WSCC are satisfied this data can be used.

**Proposed Visibility:** This recent application has provided details of an improved access with visibility splays of 2.4m x 60m to the west, and 62m to the east. The applicant has also had to widen the access to allow two cars to pass each other. Swept path diagrams have been provided to demonstrate how this can be achieved. As this will require changes to the highway a s278 agreement will need to be progressed, this will include the closure of the western access.

**Car Parking:** Parking has been provided for 30 cars on site. This has been based on the maximum capacity of 120 people and dividing this by 4 (the number of people who can share a car). Given the site will have additional trips such as caterers, florists, live music etc, this level of parking is considered acceptable.

All spaces should be provided at 2.4m x 4.8m, except for disabled spaces which require a larger space at 3m x 6m. Based on a proposal of 30 spaces, 1 to 2 spaces should be larger to accommodate a disabled vehicle.

Electric Vehicle Charging: EVC charging facilities can be provided on a need's basis, given the length of time people will spend here, there could be a need. Using WSCC EVC policy as a guide, a minimum of 20%, could be considered which equates to 6 spaces. The location of these will need to be shown on any further plans.

Cycle Parking: Cycle parking @ 1 space per 4 staff and visitor parking. The applicant will need to consider the level of provision based on staff and provide secure and covered options. WSCC recommend the use of Sheffield stands, as standard. The location of these will need to be shown on any further plans.

Internal Layout: Thought should be given to the layout of the car park, which could be: a one-way system in/out, or creating spaces to minimize the number movements required to enter and exit.

A swept path showing how a minibus can use the site has been provided and shows this can enter turn and exit in forward gear.

Trips & RSA: Given the size of the venue and the maximum number of 120 guests, trips to the site have been previously reviewed and considered to be in the region of 70-80 trips per event, with up to 28 events per year within the months of May to September. The site will see an intensification of use. However, it will not result in a capacity or highway safety issue.

Road Traffic Casualty and Collision Data: The WSCC Road Traffic Casualty and Collision Data shows there have been no recorded incidents in the vicinity of the access within the last 5 years.

Car Park Management: The applicant has stated they will promote the use of car sharing and only offer a pre-booking service for visitors who car share, to manage the traffic on-site. They will also encourage the use of mini-buses and taxis to minimise the number of parking spaces required. As Station approach has no enforceable parking restrictions, and at present no overspill parking provision, there is a chance this could cause highway safety issues within the highway. As such WSCC would suggest the LPA conditions this plan.

### *Summary*

WSCC has considered the above proposal to change the use of the existing agricultural barn and office into a wedding venue with new access and parking. The development does not create an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network would be severe. No objection is raised.

## **Environmental Health Officer**

It is almost inevitable that residents living near to the venue will suffer some degree of disturbance if this permission is granted. However, with the mitigation measures outlined in the acoustic report, put into place, the degree of disturbance can be reduced, particularly the music noise. Customer noise and traffic noise are harder to deal with.

If permission is granted for this development, I would recommend that conditions are used to minimise the potential disturbance as much as possible. The noise management condition below could be used to control noise levels by detailing suitable noise protection measures.

## **MSDC Drainage**

Recommendation: No objection.

## **SURFACE WATER DRAINAGE**

The application has shown that, in principle, surface water drainage can be managed on site. We would advise that the development is considered a change of use with a minor extension and as such is not considered new build in terms of drainage.

The proposed drainage system is considered acceptable subject to detailed design. The details of the drainage system can be managed via Building Control.

## **FOUL WATER DRAINAGE**

It is proposed that the development will manage foul water drainage via a new package treatment plant with an outfall to the watercourse. Due to the commercial kitchen a grease separator shall be utilised prior to foul drainage entering the package treatment plant.

The principle of foul water drainage is considered acceptable. Given this application is a change of use we would advise that the detailed design can be managed via Building control.

We would, however, advise the applicant that the proposed foul drainage system should meet with the Environment Agency's General Binding Rules for non-mains drainage otherwise an Environmental Permit will be required.

## **WSCC FRS Water and Access**

There is a requirement for additional water supply. Conditions are recommended for hydrant provision.

## Trees and Landscape Officer

I have reviewed the AIA (10/5/21) / AMS (10/5/21) / TPP (10/5/21) / Proposed Landscape Design (PL\_00\_120- rev 02) / Design and Access Statement / Drainage Assessment AIA, AMS (10/5/21) / TPP (10/5/21) / Proposed Landscape Design (PL\_00\_120- rev 02) / Design and Access Statement / Drainage Assessment documents.

### Comments:

- The development requires the removal of 6 trees (including 1 x group cat B willow/ 1 x cat C/ 4 x cat U). All trees are of low amenity value and it is accepted that the loss of these trees can be mitigated by the replanting of good quality native trees.
- Incursions into RPAs - The report has given detailed and precise information on the impact the development is likely to have on the RPAs of the impacted trees. The incursions are mainly due to the allocated parking spaces, the access track and maintenance of the current buildings. The mitigation and protection measure detailed are suitable given the proposed (acceptable) incursions. However, it is requested the following points are checked to ensure they reflect the most current proposals and the reports should be updated accordingly if necessary:
  - Allocation of parking spaces (see below)
  - Routing of services within the RPA of trees (see below)
  - Widening of the access track (see below)
- The protection details shown on the TPP are suitable, however the plan particularly in respect of parking spaces does not appear to match the layout shown on the proposed landscape design - please can this be checked and all arboricultural documents be amended accordingly where necessary.
- I believe a wider entrance to the site is proposed to fulfil Highways regulations. If this is the case, please check the reports fully reflect this.
- Details regarding the routing of services is limited within the report. Section 7.5 (and 8.3) refers to 'the use of existing services; and if there is a need for any installation within RPAs this shall be planned to avoid any retained trees RPA'. Given the extension to the north of the main barn is for toilets and it sits within the RPA of T4 (category A oak) please can we have confirmation that no further service routes are to be laid to facilitate this or if they are the impact on any trees along with protection measures (reports should be updated if applicable).
- The resurfacing on site particularly within the RPAs which is to take place at the final landscaping phase of development is considered a sensible option allowing the current surfacing to act as ground protection during construction and avoid damage and relaying of a new surface.

Based on the current details I would be unlikely to object to the proposed development on arboricultural grounds, however I cannot formally confirm this until the points raised above are fully clarified.

## Ecological Adviser

To be reported



## Summary of Representations

Five representations received, which contains the following points:

- Agree to max of 12 weddings (6 in summer June - August)
- Agree to acoustic instruments and background music
- Agree to events finishing by 11pm
- There is likely to be some disturbance from vehicles leaving at 11pm
- No objection to limited culinary events.
- Concern that under future ownership the restrictions may be removed.
- The rural location of the site makes it unsuitable for a commercial venture of this nature
- Concerned by the increased road traffic and increase in background noise
- Concern that proposed parking will cause overspill parking on Hammingden Lane, with resulting highway hazards.
- The area is peaceful and evening noise may result as people leave.
- There should be acoustic screening to the smoking area
- A residential use would have less impact.
- Access from Burstowhill Lane has not been adequately considered.
- There is a serious risk of accidents at the junction.
- There will be an increased risk to cyclists using the lanes
- The roads serving the site are narrow country lanes. In many cases, these lanes have poor visibility due to tight corners and overgrown vegetation.
- There will be a significant increase in transport movements.
- Neighbouring properties will be affected by increased noise and light pollution from this traffic through the day and particularly late at night
- Impact upon wildlife in the area - e.g. herds of deer.
- The development would harm the special qualities of this part of the High Weald AONB.

## Parish Council Observations

The Parish Council had no objections to the proposed use but do have concerns over parking on Hammingden Lane and would therefore like parking on nearby roads to be discouraged.

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## INTRODUCTION

This application seeks planning permission for the development of an events venue at Lower Sheriff Farm, off Hammingden Lane in West Hoathly Parish.

The application is being reported to committee as one of the applicants is a District Councillor.

## **RELEVANT PLANNING HISTORY**

Planning reference: DM/20/2996. Change of use of 4 existing farm buildings to an events venue. Small lean-to extension to the northern side of main barn. Withdrawn November 2020.

Planning reference: 03/01318/COU. Change of use of barns to B1 use. Approved July 2003.

## **SITE AND SURROUNDINGS**

The application site is a largely disused farm yard to the south west of Lower Sheriff Farmhouse on the southern side of Hammingden Lane.

The site is in open countryside and in the High Weald Area of Outstanding Natural Beauty.

The site has two field gateways which provide vehicular access from the lane and accommodates four barns and an open sided Dutch barn set around a central grassed courtyard area.

The land to the south is woodland and there is an associated field to the east. The application details that the intention is to return the farm field areas to agriculture usage through a partnership with a farming group.

## **APPLICATION DETAILS**

The application seeks planning permission for the change of use of four of the barns to form an events venue, with associated repair works and alterations. The barns consist of:

Barn A - The largest barn on the site, constructed in brick with a tiled roof. The building is set at a right angle to Hammingden Lane and faces north east into the site, flanked by Barns C and D.

The building measures approx. 29m wide and 8m deep (approx.) and consists of an open central area with associated stables, lean to sections and open yards to the side. The barn has not been in agricultural use for many years and is currently in use for ancillary domestic storage. The barn is in some disrepair.

The proposal includes renovation works to replace windows, roof lights and doors and retiling the damaged roof. New glazed panels are proposed in the existing openings on the front and rear of the building. A new 4m wide by 7.7m (approx.) wide extension with a crown roof is proposed on the northern end of the main barn to allow for new toilet provision, built in place of an existing dilapidated structure.

It is proposed that this building is used as the main venue for formal ceremonies and events. It has a usable floor area of 162 square metres.

Barn B - This is the next largest barn on the site. It is located with the rear elevation against the boundary hedge on the northern site boundary with Hammingden Lane.

The building measures approx. 17m wide and 6m deep (approx.) and is a simple open fronted pole barn with a timber frame and metal sheet cladding and roof. Part of the barn is in use as a chicken run with the rest in use for ancillary domestic storage. The barn has a rustic appearance and is in some disrepair.

It is proposed that this building is repaired and connected to power and water supplies and used as a flexible space for smaller gatherings or as a smaller food and drink staging area for the warmer months. It has a usable floor area of 94 square metres.

Barn C - This is a 10m wide by 4m deep brick former stable building with a gabled tiled roof, currently in use for ancillary domestic storage. It has a usable floor area of 37 square metres.

Barn D - This is a small brick building with a tiled gabled roof, currently in use for storage purposes. The building is located beneath the canopy of a large oak tree sited adjacent to the northern access gateway, which is to be retained on the site. The building has a usable floor area of 15 square metres.

It is proposed that both Barn C and D are repaired and improved electric and water connections provided. It is proposed that the recycling and waste bins are stored in these buildings.

Dutch Barn and remainder of the site - The open Dutch barn is shown to be utilised for six under cover parking spaces.

The remainder of the central courtyard area is to remain open with new informal landscaping with spaced granite cobble setts and wildflower planting. The proposed parking is shown mainly to be located to the eastern side of the site in a series of tandem and informally arranged parking spaces. Three spaces are indicated by the western end of the open Barn B.

The application has been supported by a Design and Access Statement and a Planning Statement which explain the proposal. In addition the application has been accompanied by an Arboricultural Impact and Method Statements, a drainage assessment, Structural Appraisal Report, Noise Assessment, Transport Note and a Preliminary Ecological Appraisal.

Further information has been sought from the applicant's agent regarding the intended events use, and in particular clarification of the type of events that are proposed to be undertaken at the site, whether this is a new business venture or a relocated local business, the extent of market analysis undertaken to assess the commercial viability of this venture and details of the potential number of staff to be employed and local economic benefits of this use. This information will be added to the Planning File on receipt and reported at the Committee meeting.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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 and the West Hoathly Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

- DP1: Sustainable Economic Development
- DP12: Protection and Enhancement of the Countryside
- DP13: Preventing Coalescence
- DP16: High Weald Area of Outstanding Natural Beauty.

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).  
DP19: Sustainable Tourism  
DP21: Transport  
DP26: Character and Design  
DP29: Noise, Air and Light Pollution  
DP37: Trees, Woodland and Hedgerows  
DP38: Biodiversity  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage

### **West Hoathly Neighbourhood Plan - made on 16 April 2015**

Relevant policies:

WHP4: Visualisations.

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

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

### **National Policy**

#### **National Planning Policy Framework (NPPF - July 2021)**

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 '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*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.

## **ASSESSMENT**

The main issues for consideration in determining the application are:

- Principle of development
- Impact upon the AONB
- Design
- Impact upon residential amenity
- Highway and Parking issues
- Sustainability
- Drainage
- Habitats Regulations Assessment for Ashdown Forest
- Planning Balance and Conclusion

### **Principle of development**

The most relevant policies in considering the principal of this proposal are District Plan Policies DP1 and DP12.

District Plan Policy DP1 states:

total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- Encouraging high quality development of land and premises to meet the needs of 21st century businesses;
- Supporting existing businesses, and allowing them room to expand;
- Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and
- Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.

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

- Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;
- Allocating further sites within the Site Allocations DPD;

- Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and
- Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).

The development of a Science and Technology Park has been proposed to support research and development and provide high quality employment for the wider area. The Coast to Capital Strategic Economic Plan identifies a broad location to the west of Burgess Hill. This broad location is indicated on the Policies Map. The Council would consider any such proposals taking into account:

- how the proposal demonstrates that it would contribute to meeting the overall objectives of this policy;
- how the proposal demonstrates that the development would comprise uses falling within the definition of a 'Science Park' as set out by the UK Science Park Association, alongside appropriate ancillary uses required to serve the development and its employees;
- how the proposal would secure the objectives of policy DP21: Transport, particularly in terms of delivering sustainable transport; and
- the identification of and response to environmental, ecological and landscape constraints on and around the site and how the proposal demonstrates that it would achieve a high quality of design, layout, ecological protection and enhancement, and landscaping to address the objectives of Policies DP26: Character and Design, DP37: Trees, Woodlands and Hedgerows, and DP38: Biodiversity

Effective use of employment land and premises will be made by:

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;
- Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Neighbourhood Plans should:

- Identify the needs of local businesses and their local residents for employment opportunities and any areas requiring economic regeneration, infrastructure provision or environmental enhancement as required by paragraph 21 of the National Planning Policy Framework; and
- Allocate sufficient land within their towns and villages to meet these needs.

If monitoring indicates that there is an insufficient supply of allocated employment sites to meet the District's jobs needs, then the Council will consider allocating sites through a Site Allocations Development Plan Document, produced by the District Council.

District Plan Policy DP12 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.*

*Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.*

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.*

*Economically viable mineral reserves within the district will be safeguarded.*

Also relevant in the determination of this application is the national planning policy advice contained within the NPPF. This refers to the role of planning in supporting a prosperous rural economy at Paragraphs 84-85, which states:

'84.Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.



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

The proposal will seek to maintain and enhance the rural setting of the disused former farm buildings on this site and allow their repair and reuse with a new business use as an events site. District Plan Policy DP1 gives priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Policy DP12 seeks to protect the countryside from inappropriate development but allows development where it is supported by another policy in the District Plan. In this case Policy DP1 is supportive of the reuse of existing buildings for business use in the countryside.

The principle of the reuse of these buildings for commercial purposes is considered to accord with the above policies. It is considered that the proposal represents an appropriate, small-scale diversification proposal for the former agricultural buildings at Lower Sheriff Farm. The remainder of the land is to be returned to agricultural production which also accords with the aims of the policy and it is considered that the size of the site and buildings available to the proposed use will limit the scale of the events that can be held at Lower Sheriff Farm.

As such it is considered that the proposal accords with District Plan Policies DP1, DP12 and the rural development guidance in the revised NPPF.

### **Impact upon the AONB**

The proposed development is located in a remote rural setting within the High Weald AONB. Policy DP16 of the Mid Sussex District Plan seeks to conserve or enhance the natural beauty of the area. The policy 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 176 of the revised NPPF is also relevant. This states:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

The proposal needs to be assessed in terms of the physical changes proposed to the buildings and their setting on the site and in terms of the use and its impact upon the wider environment of the AONB.

The proposed repair and renovations of the four main barns on the site and the associated informal landscaping to the inner farm courtyard area will serve to improve the appearance of the site. The barns are sited in a group and this will be enhanced in the limited public views through the access point off Hammingden Lane. The physical alterations to the buildings and yard would not impinge on wider local views or the character of the area. Consequently, it is considered that the physical alterations will accord with Policy DP16 of the Mid Sussex District Plan and the guidance contained within the High Weald AONB Management Plan 2019-2024 and the overall aims of the NPPF.

In terms of the use of the site, there are associated impacts that could affect the environment of this part of the AONB, many of which have been raised in the representations that have been reported above. Issues such as the frequency and timing of the use, noise, associated traffic and parking, noise and light pollution and ecological impacts will be discussed further below.

## **Design**

Policy DP26 of the District Plan aims for all development to be well designed and to reflect the distinctive character of the towns and villages while being sensitive to the countryside. It 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.'

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

The Design Guide seeks to encourage high quality buildings which minimise environmental impact. Principle DG37 states:

'The construction industry makes a significant contribution to CO2 emissions utilising substantial volumes of non-renewable resources and generating pollution and waste. The need for sustainable approaches to building design is therefore fundamental if the challenges associated with climate change, resource depletion and pollution are to be addressed, and will be necessary to achieve the Government's Future Homes Standard.

The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.

Applicants must demonstrate how this has informed their design and should consider in particular:

- Orientation and design of buildings and roofs to maximise daylight / sunlight penetration and solar gain, whilst also avoiding overheating;
- The use of green roofs or walls to reduce storm water run-off, increase sound-proofing and biodiversity;
- The use of materials with low embodied energy (for example, renewably-sourced timber and recycled materials);
- The use of sustainable materials that are locally sourced wherever possible;
- Incorporating high levels of insulation (in combination with air tightness and temperature control systems) including the use of materials with a high thermal mass, such as stone or brick, which store heat and release it slowly;
- Incorporating renewable energy including photovoltaics, solar thermal water heating, ground and air source heat pumps;
- The use of low flow technology in water fittings, rainwater harvesting systems and grey water recycling systems to reduce water consumption to 110 litres/person/day (maximum); and
- Laying out development to support identified opportunities for decentralised renewable or low carbon energy systems.

Further guidance is provided by District Plan Policy DP39: Sustainable Design and Construction'.

It is considered that the simple approach to the conversion, extension and repair of the existing buildings on the site complement the style of the existing buildings and will not be out of character with the rural setting. Their reuse represents a sustainable approach to secure their future on the site. The new door and window treatments utilise existing openings in the main barn and are appropriate to its character and design.

A planning condition to require any new materials to match the existing buildings is considered appropriate. The proposal is therefore considered to comply with Policy DP26 of the District Plan and the Design Guide Principles.

### **Impact upon residential amenity**

Policy DP26 of the Mid Sussex District Plan states that development should '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'.

In respect of noise, policy DP29 in the District Plan states:

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

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

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

The application has been supported with information to confirm the proposed low key use of the events venue, with measures to ensure that the impact of the proposal upon the wider area and the neighbouring amenities is minimised. The nearest residential units are Lower Sheriff Cottages, some 240m to the east and Burstow Hill Barn 300m to the west. The position of the site is therefore some distance from the immediate properties, with a good degree of intervening woodland.

The Environmental Health Officer has referred to the details of the submitted acoustic report and made comments regarding the potential impact of noise arising from the proposed new use. Appropriate conditions are recommended to minimise the potential disturbance, to include a noise management condition to control noise levels by detailing suitable noise protection measures.

Subject to the imposition of a series of conditions on the use of the new buildings the proposal is considered to accord with District Plan Policy DP26.

### **Highway and Parking issues**

The Highway Authority have been consulted on the application, and they have considered the submitted information regarding the access for the site, the car parking provision and the trip generation of the proposed use. They have raised no objection to the application, subject to the western access being closed and the eastern site access being used and improved by the provision of appropriately laid out visibility splays. The site has a parking layout for 30 vehicles and this level of parking provision has been deemed to be acceptable with disabled parking provision, with additional EV charging and cycle parking provisions, which can be secured by planning conditions. The trip generation levels are accepted by the Highway Authority and are not considered such as to create a highway safety issue.

Subject to conditions requiring the parking provision and the proposed access and visibility splay provision the proposal accords with Policy DP21 of the District Plan and the relevant requirements of the NPPF.

### **Sustainability**

District Plan Policy DP39 is relevant in the determination of this application. This states:

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;

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

In terms of the requirements of DP39 the proposal is not located in a sustainable location, and will create traffic and trips by users and suppliers to the venue. However, the reuse of the buildings that are already present on the site is in itself a sustainable move and as the events use will not be as intrusive to the original building fabric (as a residential conversion, for instance) this is accepted

Paragraph 85 of the NPPF has been highlighted above but it does recognise that sites to meet business needs in the countryside will need to be found in the countryside and is supported by paragraph 84 which states in part:

'Planning policies and decisions should enable:

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

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

It is considered that the proposal has been demonstrated to represent a sustainable development on this site and therefore would accord with the requirements of District Plan Policy DP39 and national planning policy highlighted above.

## **Drainage**

Policy DP41 of the District Plan seeks to ensure that proposals can be properly drained. The proposed development is located within flood zone 1 and is deemed to be at a low risk of fluvial flooding and is not in an area identified as having possible surface water (pluvial) flood risk. The Council's Drainage Officer has commented that as the development is a change of use with a minor extension the detailed design of the surface water drainage and foul water drainage age can be managed via Building Control. As such the proposal will accord with Policy DP41 of the District Plan.

## Habitats Regulations Assessment for 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 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 does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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

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 Conclusions**

This application seeks planning permission to change the use of four farm buildings to an events venue and to extend the main barn at Lower Sheriff Farm, Hammingden Lane, Ardingly.

The proposed events venue will allow a diversification of use on the site. The use will allow the refurbishment and repair of the existing buildings on the site and provide multi-functional spaces using the existing 4 barns, with a total area of 308 square metres on a 2100 square metre site. The remainder of the farm unit (14,400 square metres) in the adjacent field is to remain in agricultural use, with the application area limited to the barns and the immediate courtyard area.

The maximum anticipated number of guests for an event is approximately 80-100 people, with a capacity of up to 120 people, although the majority of events are likely to be much smaller. The venue would be open all year round, but it is anticipated that the most popular time for events will be on Saturdays during the Summer months.

Works that are proposed to the buildings include repairs and renovations, and the addition of a 4m wide by 7.7m wide extension on the northern end of the main barn to allow for new toilet provision. This extension is to be constructed in place of existing additions on this end of the building, in disrepair.

The proposal is for the reuse of existing buildings for business purposes in the countryside which is supported by Mid Sussex District Plan Policy DP1, in accordance with the exception for certain rural development in DP12. Consideration has been given to the impact of the proposed use upon neighbouring amenity and in terms of transport generation. The impact upon the AONB has also been considered. No significant concerns have been identified.

The development would diversify the use of the site, from its former agricultural use, and bring the buildings back into a productive new use and could be of benefit to the local economy.

The proposal would meet the requirements of Policies of the Mid Sussex District Plan and the guidance contained within the NPPF. There are no relevant Neighbourhood Plan Policies.



## 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.

### Approved plans

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

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

3. No development shall be carried out unless and until samples of materials and finishes to be used for external walls / roofs / fenestration for the repair and extension of the barns hereby approved have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

4. The barns and courtyard for events hereby permitted shall not be in operation other than between the hours of 09:00 and 23:00, Monday to Sunday and on Public/Bank holidays (and there shall be no external illumination on the premises except between the above-mentioned hours).

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

5. The venue hereby permitted shall be limited to holding 12 weddings per year, and only 6 weddings will be permitted during the period June to August.

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

6. Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturdays: 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: None permitted.

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

7. The noise rating level of any operational ventilation, refrigeration units, air conditioning plant or machinery to the premises hereby permitted shall be at least 5 dB below the existing background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

If requested by the Local Planning Authority, an assessment shall be carried out with the plant/machinery operating at its maximum setting. To demonstrate compliance, evidence in the form of a report produced by a suitably qualified acoustic consultant shall be submitted to and approved by the Local Planning Authority.

Reason: To safeguard the amenity of residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

8. The development hereby permitted shall not be brought into use as a catering establishment until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason: To safeguard the amenity of residents and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

9. The development shall be not be brought into operation until a suitable Noise Management Plan (NMP) for the commercial units, has been submitted to and approved in writing by the Local Planning Authority. This NMP shall include (but shall not be limited to) noise mitigation measures recommended on page 24 of the acoustic report submitted by Acoustic Associates Sussex Ltd.

The Noise Management Plan as approved by Environmental Health will be in place prior to the first event, and at all times the premises are open the Responsible Person will monitor sound and, if required, adjust the sound output which is under their full control by reducing it below the set agreed sound level.

The Noise Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed annually, if changes are made to the site and/or upon receipt of noise complaints.

Reason: To safeguard the amenity of residents and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

10. No part of the development shall be first occupied until EV charging points, cycle and vehicle and disabled parking and turning spaces have been constructed in accordance with an approved plan, which shall be submitted to and approved by the Local Planning Authority prior to the first use of the events venue hereby permitted. All spaces should be provided at 2.4m x 4.8m, except for disabled spaces which require a larger space at 3m x 6m. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site cycle and car parking and turning space for the development to accord with sustainable transport policies and Policy DP21 of the District Plan (2014 - 2031).

11. No part of the development shall be brought into use until the visibility splays of 2.4m x 60m to the west, and 62m to the east of the eastern access have been constructed in accordance with the approved plan, and the access widen to allow two cars to pass each other.

Reason: To provide adequate on-site cycle and car parking and turning space for the development to accord with sustainable transport policies and Policy DP21 of the District Plan (2014 - 2031).

#### INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. The applicants are advised that the required visibility splays and closure of the western access will result in changes to the highway and therefore a s278 agreement will need to be progressed with West Sussex County Council, Highways.

#### 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
Location and Block Plan	PL_00_050	-	28.06.2021
Existing Floor Plans	PL_00_100	-	28.06.2021
Existing Elevations	PL_00_101	-	28.06.2021
Existing Floor and Elevations Plan	PL_00_105	-	28.06.2021
Existing Floor and Elevations Plan	PL_00_111	-	28.06.2021
Existing Floor and Elevations Plan	PL_00_115	-	28.06.2021
Landscaping Details	PL_00_120	02	28.06.2021

Proposed Floor Plans	PL_00_150	-	28.06.2021
Proposed Elevations	PL_00_151	-	28.06.2021
Proposed Floor and Elevations Plan	PL_00_155	-	28.06.2021

## APPENDIX B – CONSULTATIONS

### Parish Council Consultation

The Parish Council had no objections to the proposed use but do have concerns over parking on Hammingden Lane and would therefore like parking on nearby roads to be discouraged.

### WSCC Highways Authority

This is a re-submission of withdrawn planning application DM-2996-20.

Within the previous application there were some outstanding issues relating to the highway which required more information. This has been provided within this submission and further comments are below.

#### Access

The site is currently accessible from Station Approach a 'D' classified rural road with a 60mph speed restriction. Two access points currently connect the site to the highway, but these latest plans will require the western access to be closed, as per WSCC advice, and the eastern access widened and improved to provide visibility splays in line with speed survey data undertaken in application DM-2996-20.

#### Speed survey data (from previous application)

85th percentile speeds of 36mph westbound and 35mph eastbound were recorded. These were recorded just before the national lockdown due to the Covid Pandemic in March 2020; it is acknowledged whilst trips might be slightly higher when people resume normal trip patterns, the speeds are likely to be the same. WSCC are satisfied this data can be used.

To understand what visibility splay is required for speeds of 37mph, WSCC use SSD figures (stopping sight distances) in Manual for Streets (p91, table 7.1.) 2.4m x 56m is required for a 37mph road.

#### Proposed Visibility

This recent application has provided details of an improved access with visibility splays of 2.4m x 60m to the west, and 62m to the east. The applicant has also had to widen the access to allow two cars to pass each other. Swept path diagrams have been provided to demonstrate how this can be achieved. As this will require changes to the highway a s278 agreement will need to be progressed, this will include the closure of the western access.

#### Car Parking Strategy

WSCC parking standards have been considered and 1 space per 22sqm is the recommended parking standard for sui generis.

328sqm @1 space per 22sqm = 15 spaces.

Parking has been provided for 30 cars on site. This has been based on the maximum capacity of 120 people and dividing this by 4 (the number of people who can share a car).

Given the site will have additional trips such as caterers, florists, live music etc, this level of parking is considered acceptable.

All spaces should be provided at 2.4m x 4.8m, except for disabled spaces which require a larger space at 3m x 6m.

#### Disabled Parking

As per Mfs guidance a minimum 5% of parking for disabled users will be a requirement.

Based on a proposal of 30 spaces, 1 to 2 spaces should be larger to accommodate a disabled vehicle.

EVC charging facilities can be provided on a need's basis, given the length of time people will spend here, there could be a need. Using WSCC EVC policy as a guide, a minimum of 20%, could be considered which equates to 6 spaces. The location of these will need to be shown on any further plans.

#### Cycle Parking

Cycle parking @ 1 space per 4 staff and visitor parking. The applicant will need to consider the level of provision based on staff and provide secure and covered options. WSCC recommend the use of Sheffield stands, as standard. The location of these will need to be shown on any further plans.

#### Internal Layout

Whilst this is not a direct highway issue, as the proposed new access provides enough width and visibility for the speed of the road, WSCC would advise the following: -

The layout of the site is dictated to an extent by the position of the existing buildings. Car parking within the development site is quite tight behind the main barn area and would involve several movements required to access these spaces, including reversing.

Manual for streets fig 8.3.51 p111 provides examples of parking layouts that can make the most of small spaces, with differing aisle widths, whilst still providing useable layouts.

A perpendicular arrangement with an angle to encourage reversing into the parking bays and exiting in forward gear could be considered as an alternative to parallel parking spaces close to the main barn wall. These appear to require a lot of reversing to gain access in or out.

Given the site will have a tidal nature of traffic, some thought should be given to the layout of the car park and how it can be used to its full capacity on whilst keeping reversing manoeuvres to a minimum. Some suggestions could be, a one-way system in/out, or creating spaces to minimize the number movements required to enter and exit.

A swept path showing how a minibus can use the site has been provided and shows this can enter turn and exit in forward gear. It is also able to park in an area which does not affect the other parking spaces.

## Trips & RSA

Given the size of the venue and the maximum number of 120 guests, trips to the site have been previously reviewed and considered to be in the region of 70-80 trips per event, with up to 28 events per year within the months of May to September.

The site will see an intensification of use however it will not result in a capacity or highway safety issue. The applicant will be making improvements to the current access which exceeds the requirement for visibility based on the submitted speed survey results.

It was also agreed with WSCC that a Stage 1 Road Safety Audit was not required due to its minor application status, and the access improvements.

## Road Traffic Casualty and Collision Data

An interrogation of the WSCC Road Traffic Casualty and Collision Data shows there have been no recorded incidents in the vicinity of the access within the last 5 years.

## Car Park Management

The applicant has stated they will promote the use of car sharing and only offer a pre-booking service for visitors who car share, to manage the traffic on-site. They will also encourage the use of mini-buses and taxis to minimise the number of parking spaces required. As Station approach has no enforceable parking restrictions, and at present no overspill parking provision, there is a chance this could cause highway safety issues within the highway. As such WSCC would suggest the LPA conditions this plan.

## Summary

WSCC has considered the above proposal to change the use of the existing agricultural barn and office into a wedding venue with new access and parking. The development does not create an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network would be severe, no objection is raised.

## **Environmental Health Officer**

The applicant seeks to change the use of existing farm buildings to provide a venue for three main purposes, as a wedding venue, to host culinary events with music and to host care events involving challenged or differently abled children taking part in supervised activities.

Given the quiet rural location of this property, I am concerned that there is the potential for the amenity of local residents to be adversely affected however, the acoustic report produced by Acoustic Associates Sussex Ltd dated 28th October 2020 suggests that measures can be taken to mitigate noise and therefore reduce the impact of events to an acceptable level.

Weddings: It is proposed that there will be a maximum of 12 weddings per year with only 6 in the summer months June to August. The applicants have agreed that events will only provide entertainment using acoustic instruments (but no acoustic drums) and through provision of background music. Events will finish by 23:00 hours.

The acoustic report has identified that this venue is not suitable for entertainment to be provided by live bands playing amplified music, or the use of subwoofers. A maximum music level of 76dB(A) LAeq, 1 min to be played inside the barn has been recommended and should be conditioned through inclusion in a suitable Noise Management Plan. It should be

noted that this music level is far below what would normally be considered acceptable by wedding clients, and the applicant should be aware that the music may not provide a satisfactory experience for guests.

In addition, I would like to highlight that the acoustic consultant has compared likely event noise with background noise measured as a 16 hour LAeq rather than using a LA90 measurement which would give a lower sound level. It is therefore possible that the consultant has underestimated the effect of noise on residents likely to be generated by events.

The acoustic report has made various assumptions regarding customer noise when predicting the impact on amenity. Weddings will cater for up to 100 guests who will use both inside and outside areas at the venue. This number of people at a celebration event where alcohol is served is likely to generate significant noise from activities such as loud talking, singing, shouting and laughter. The acoustic report has used computer software to predict the impact on noise sensitive receptors (NSR) of music and customer noise during weddings and has concluded there will be no significant adverse effect. It is worth noting however that customer noise is very difficult to accurately predict, and that the consultant has had to make assumptions regarding the noise likely to be generated by guests attending the wedding.

**Culinary events:** These will be held mainly on weekday evenings, for a maximum of 100 guests and will finish by 23:00 hours. Background music will be played for guests eating either inside the barn or in the courtyard depending upon the weather. Computer software has again been used to predict the impact of music and customer noise on NSR and concluded that this will be low however, similar assumptions regarding customer noise have been made.

**Care events:** These events will only take place on weekdays during the day and will involve no more than 30 individuals. The consultant has again predicted that there will be little impact on NSR due to these events however, noise likely from children engaged in activities is difficult to predict with any certainty and can be difficult to control.

**Traffic noise:** The venue has parking for 30 vehicles. Given up to 100 guests could be expected at weddings and culinary events, the consultant has assumed additional arrivals via taxis could create an extra 20 traffic movements. The submitted acoustic report demonstrates that traffic noise measured in a worst-case scenario of 50 vehicles all leaving the site within an hour, would not breach the World Health Organisation guidelines, and would be well below background levels as measured as an LAeq measured over 16 hours. However, this does not take in to account the individual noise disturbance of each passing vehicle. Up to 50 vehicles on a normally quiet, country lane, passing by a rural property after 23:00 hours over a short period of time, will almost inevitably have an impact the occupiers. Available mitigation is limited, but the effect could be reduced (not eliminated) by use of collective transport, for example for a minibus to deliver and collect guests from the venue. This option could form part of a Noise Management Plan for this venue.

## Summary

It is almost inevitable that residents living near to the venue will suffer some degree of disturbance if this permission is granted. However, with the mitigation measures outlined in the acoustic report, put into place, the degree of disturbance can be reduced, particularly the music noise. Customer noise and traffic noise are harder to deal with.

If permission is granted for this development, I would recommend that conditions are used to minimise the potential disturbance as much as possible. The noise management condition below could be used to control noise levels by detailing suitable noise protection measures.

Conditions:

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

- Monday to Friday: 08:00 - 18:00 hours
- Saturday: 09:00 - 13:00 hours
- Sundays and Bank/Public Holidays: No work permitted.

Deliveries (construction phase): Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hours
- Saturdays: 09:00 - 13:00 hours
- Sundays and Bank/Public Holidays: None permitted.

Hours of use: The barns and courtyard for events hereby permitted shall not be in operation other than between the hours of 09:00 and 23:00, Monday to Sunday.

Operation: The venue hereby permitted shall be limited to holding 12 weddings per year, and only 6 weddings will be permitted during the period June to August.

Deliveries and collections (operational phase): No deliveries or collections of commercial goods or waste shall occur outside the following hours:

- Mon to Fri: 08:00 to 18:00 hours
- Sat: 08:00 to 13:00 hours
- Sundays/bank holidays: None permitted

Plant & Machinery: The noise rating level of any operational ventilation, refrigeration units, air conditioning plant or machinery to the premises hereby permitted shall be at least 5 dB below the existing background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

If requested by the Local Planning Authority, an assessment shall be carried out with the plant/machinery operating at its maximum setting. To demonstrate compliance, evidence in the form of a report produced by a suitably qualified acoustic consultant shall be submitted to and approved by the Local Planning Authority.

Odour: The development hereby permitted shall not be brought into use as a catering establishment until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Noise management: The development shall not be brought into operation until a suitable Noise Management Plan (NMP) for the commercial units, has been submitted to and approved in writing by the Local Planning Authority. This NMP shall include (but shall not be limited to) noise mitigation measures recommended on page 24 of the acoustic report submitted by Acoustic Associates Sussex Ltd.



The Noise Management Plan as approved by Environmental Health will be in place prior to the first event, and at all times the premises are open the Responsible Person will monitor sound and, if required, adjust the sound output which is under their full control by reducing it below the set agreed sound level.

The Noise Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed annually, if changes are made to the site and/or upon receipt of noise complaints.

Informative:

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.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

## **MSDC Drainage**

### **SURFACE WATER DRAINAGE**

The BGS infiltration potential map shows the site to be in an area with moderate infiltration potential. The application is supported by a Foul & SuDS Drainage Assessment which confirms the site has poor infiltration potential.

It is proposed that the development will utilise permeable paving to provide attenuation before discharging surface water into the watercourse at 2l/s. The drainage system is proposed to be designed to cater for the 1 in 100-year storm event with 40% allowance for climate change.

The application has shown that, in principle, surface water drainage can be managed on site. We would advise that the development is considered a change of use with a minor extension and as such is not considered new build in terms of drainage.

The proposed drainage system is considered acceptable subject to detailed design. The details of the drainage system can be managed via Building Control.

### **FOUL WATER DRAINAGE**

It is proposed that the development will manage foul water drainage via a new package treatment plant with an outfall to the watercourse. Due to the commercial kitchen a grease separator shall be utilised prior to foul drainage entering the package treatment plant.

The principle of foul water drainage is considered acceptable. Given this application is a change of use we would advise that the detailed design can be managed via Building control.

We would, however, advise the applicant that the proposed foul drainage system should meet with the Environment Agency's General Binding Rules for non-mains drainage otherwise an Environmental Permit will be required.

## **WSCC FRS Water and Access**

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service 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:

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

*Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.*

## **Trees and Landscape Officer**

I have reviewed the AIA (10/5/21) / AMS (10/5/21) / TPP (10/5/21) / Proposed Landscape Design (PL\_00\_120- rev 02) / Design and Access Statement / Drainage Assessment AIA, AMS (10/5/21) / TPP (10/5/21) / Proposed Landscape Design (PL\_00\_120- rev 02) / Design and Access Statement / Drainage Assessment documents.

Comments:

- The development requires the removal of 6 trees (including 1 x group cat B willow/ 1 x cat C/ 4 x cat U). All trees are of low amenity value and it is accepted that the loss of these trees can be mitigated by the replanting of good quality native trees.
- Incursions into RPAs - The report has given detailed and precise information on the impact the development is likely to have on the RPAs of the impacted trees. The incursions are mainly due to the allocated parking spaces, the access track and maintenance of the current buildings. The mitigation and protection measure detailed are

suitable given the proposed (acceptable) incursions. However, it is requested the following points are checked to ensure they reflect the most current proposals and the reports should be updated accordingly if necessary:

- Allocation of parking spaces (see below)
- Routing of services within the RPA of trees (see below)
- Widening of the access track (see below)
- The protection details shown on the TPP are suitable, however the plan particularly in respect of parking spaces does not appear to match the layout shown on the proposed landscape design - please can this be checked and all arboricultural documents be amended accordingly where necessary.
- I believe a wider entrance to the site is proposed to fulfil Highways regulations. If this is the case, please check the reports fully reflect this.
- Details regarding the routing of services is limited within the report. Section 7.5 (and 8.3) refers to 'the use of existing services; and if there is a need for any installation within RPAs this shall be planned to avoid any retained trees RPA'. Given the extension to the north of the main barn is for toilets and it sits within the RPA of T4 (category A oak) please can we have confirmation that no further service routes are to be laid to facilitate this or if they are the impact on any trees along with protection measures (reports should be updated if applicable).
- The resurfacing on site particularly within the RPAs which is to take place at the final landscaping phase of development is considered a sensible option allowing the current surfacing to act as ground protection during construction and avoid damage and relaying of a new surface.

Based on the current details I would be unlikely to object to the proposed development on arboricultural grounds, however I cannot formally confirm this until the points raised above are fully clarified.

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MID SUSSEX DISTRICT COUNCIL

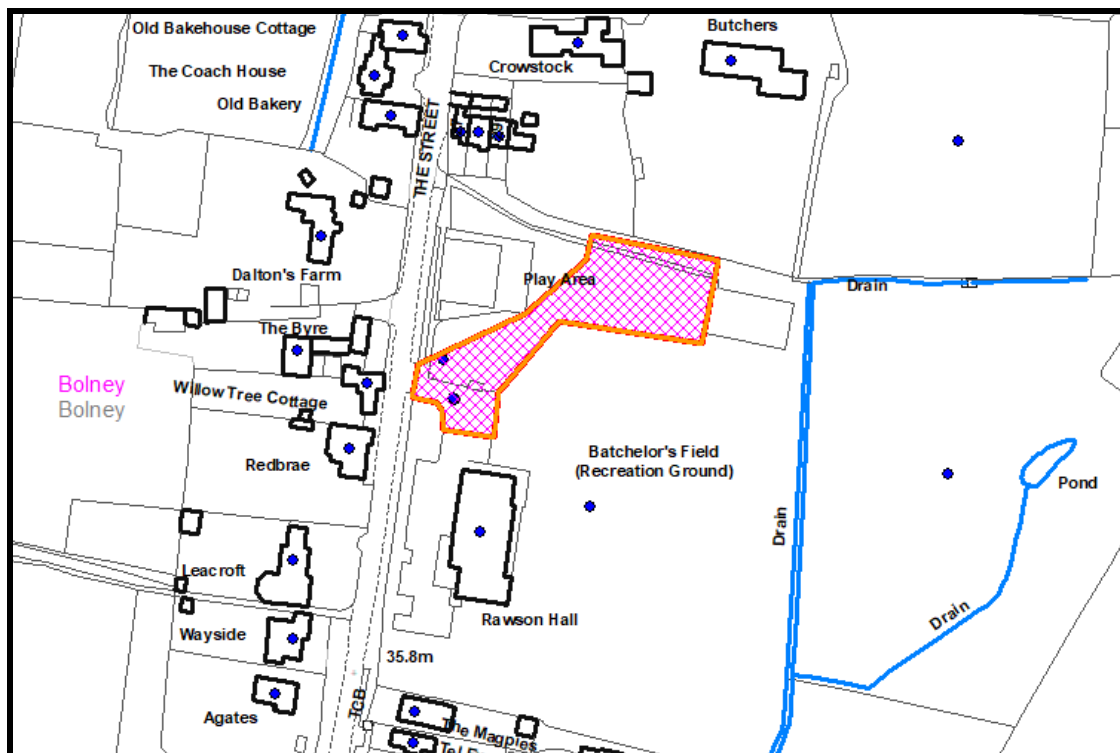
Planning Committee

9 SEP 2021

RECOMMENDED FOR PERMISSION

**Bolney**

**DM/21/2809**



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## **BACHELORS FIELD RECREATION GROUND THE STREET BOLNEY WEST SUSSEX**

**TARMAC SURFACE PUMP TRACK (BIKE TRACK) TO SIT ALONG SIDE EXISTING RECREATION FACILITIES ON BACHELORS FIELD RECREATION GROUND. MAXIMUM HEIGHT 1M, OTHER MOUNDS OF VARIOUS HEIGHTS TO ENABLE USER TO ROLL FROM ONE TO THE NEXT.**

**MR. PETER STUART**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Other  
8 WEEK DATE: 28th September 2021  
WARD MEMBERS: Cllr Judy Llewellyn-Burke /  
CASE OFFICER: Joanne Fisher

### **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 construction of a tarmac surface pump track (bike track) to sit alongside the existing recreation facilities on Batchelors Field Recreation Ground, The Street, Bolney

This application is before committee as the site is located on land owned by Mid Sussex District Council (MSDC).

The proposed pump track is of a design, size and scale which is in proportion and appropriate to the use of the recreation ground. Its positioning within the site would be seen in context with the multi-use games area (MUGA) and children's playground and would be in keeping with the character of the area. In addition, the proposal would not cause significant harm to the amenities of nearby residential properties and would protect the setting of the conservation area.

The proposed development is considered to comply with the requirements of policies DP24, DP26 and DP35 of the Mid Sussex District Plan, policies BOLD1 and BOLA1 of the Bolney Neighbourhood Plan, and the relevant provisions of the NPPF. Accordingly, the application is recommended for approval.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

None received.

### **BOLNEY PARISH COUNCIL**

No objection.

## **INTRODUCTION**

Planning permission is sought for the construction of a tarmac surface pump track (bike track) within Batchelors Field Recreation Ground, The Street, Bolney Recreation Ground.

The application has been referred to Committee because the site is on land owned by the District Council.

### **Relevant Planning History**

05/01167/OUT - New single storey village hall and associated car parking. Approved.

07/00324/REM - New single storey village hall and associated car parking. Amended plans received 2/07/07 showing revised design and orientation of village hall. Approved.

08/02451/NONMAT - Reconfigured secure patio area. Additional external window and door with minor adjustment to other windows and doors. Omit gable to main entrance and introduce glass blocks. Omit timber boarding and substitute with traditional clay tile hanging. Approved.

08/02451/REM - New single storey village hall and associated car parking. Outline approval 05/01167/OUT. New single storey village hall and associated car parking 07/00324/REM. Approved.

08/03111/COND - Variation of condition to permit the new village hall to have opening hours compatible with the hours enjoyed by users of the existing village hall. Approved.

10/02215/EOT - To extend the time limit for implementation of 05/01167/OUT - New single storey village hall and associated car parking. Approved.

10/02215/DCOND - Discharge of planning condition nos. 3, 4, 6, 8, 9 and 16 relating to planning application 10/02215/EOT. Approved.

13/02945/REM - Reserved matters application relating to application 10/02215/EOT (new single storey village hall and associated car parking) concerning the access, external appearance of the building, layout, details of the design and the landscaping of the site. Approved.

## **SITE AND SURROUNDINGS**

Batchelor's Field is situated within the built up area of Bolney and set to the east side of The Street. Within Batchelors Field is a village hall, car park, recreation ground, children's play area, a multi-sport area and a football pitch.

On the northern boundary are trees and vegetation. Immediately adjacent to the east of the application site is an open multi-use games area (MUGA) with an area of

woodland beyond. The land slopes gradually to the south to the rest of the recreation field including football pitches. To the south-west of the recreation ground is the Rawson Hall and car parking. To the east of the site is a fenced play area and hedging on the boundary with the highway. To the north and east of the site is a footpath around the recreation ground.

To the north and east on the opposite side of the highway is the Bolney (north) Conservation Area.

The application site is situated within the built up area of Bolney.

## **APPLICATION DETAILS**

The proposed pump track will sit between the existing children's play area and the MUGA, next to the picnic and BBQ area to the north of the recreation ground.

The bike track is to measure some 30 metres in length, 10 metres by width. The pump track will have a varied selection of jumps, rollers and berms. The riding surface will be tarmac with grass covered earth mounds. The maximum height of the pump track from ground level would be 1 metre in height.

## **LIST OF POLICIES**

### **Mid Sussex District Plan - 2014 - 2031**

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

Relevant policies:

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP35 - Conservation Areas

### **Bolney Neighbourhood Plan**

The Neighbourhood Plan for Bolney was 'made' in September 2016. It forms part of the development plan with full weight.

Relevant policies:

BOLD1 - Design of New Development and Conservation

BOLA1 - Local Green Spaces in the village

### **National Policy**

*National Planning Policy Framework (NPPF)*

*National Planning Policy Guidance (NPPG)*



## ASSESSMENT

### Principle of Development

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

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

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

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

Section 38(6) of the 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 Mid Sussex District Plan and the Bolney Neighbourhood Plan (2016).

Policy DP24 of the Mid Sussex District Plan supports new and enhanced leisure and cultural activities and facilities. This states:

*'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'*

*The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.'*

*Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'*

*Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:*

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

In addition Policy BOLA1 of the Neighbourhood Plan relates to local green spaces in the village. Within this policy Batchelors Field has been identified as a local green space. It states in part:

*'Proposals for built development on these Local Green Spaces will only be permitted if:*

- *the proposal is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available; or*
- *the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space; or*
- *the proposal would result in the development of local community recreational infrastructure.'*

It is considered that the construction of a bike track would support the existing leisure use and recreational infrastructure by the formation of a new facility within the recreation ground.

The proposal is considered to be in accordance with policy DP24 of the Mid Sussex District Plan and Policy BOLA1 of the Neighbourhood Plan and is thus acceptable in principle.

## **Character and Design**

Policy DP26 of the Mid Sussex District Plan states:

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

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

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

Policy BOLD1 of the Neighbourhood Plan relates to design and states:

*'Planning permission for new development will ordinarily be permitted subject to the following criteria:*

*It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;*

- *height, scale, spacing, layout, orientation, design and materials of buildings, and*
- *the scale, design and materials of the public realm (highways, footways, open space and landscape); and*
- *It does not have an unacceptable impact on the setting of any heritage asset; and*
- *It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- *It creates a safe, accessible and well-connected environment that meets the needs of its users; and*
- *It will not result in unacceptable levels of light, noise, air or water pollution, and*
- *Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility.'*

The proposal is considered to be of a design, size and scale which is in proportion and appropriate to the character of the site. The pump track is to be seen in context with the adjacent MUGA set to the east and the playground, picnic and barbeque area set to the west. Whilst the proposal would be visible within the recreation ground it will not be seen from wider views. Due to its surfacing and not being enclosed it is considered that the proposal would be in keeping with the character of the use of the recreation ground.

It is therefore considered that the proposal would not have an adverse impact on the character of the site, or the area generally and thereby complies with Policy DP26 of the District Plan and Policy BOLD1 of the Neighbourhood Plan.

### **Impact on setting of Conservation Area**

The site is situated within the setting of the Bolney (north) Conservation Area.

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

Policy BOLD1 of the Neighbourhood Plan relates to design of new development and conservation. In part it states *'It does not have an unacceptable impact on the setting of any heritage asset'*.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paras 199 - 202 of the NPPF states:

*'199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The design and scale of the pump track is considered sensitive to the use of the recreation ground and other uses on the site. Due to the position of the pump track and the vegetation screening on the boundaries of the site it is considered that the proposal would result in a neutral impact and protect the setting of the Conservation Area.

The proposal thereby complies with Policy DP35 of the District Plan and Policy BOLD1 of the Neighbourhood Plan.

### **Impact on the amenities of neighbouring properties**

Policy DP26 of the District Plan states in part that proposals should '*not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*'.

The proposal is to be sited to the north of the recreation ground between an existing playground and a MUGA. Fairfield Community Centre and car park set within the recreation ground. Whilst there are residential properties to the north of the site there is dense vegetation and tree screening on the boundary with these and their gardens beyond. Due to the use of the recreation ground, it is not considered that the proposal would harm the amenities of neighbouring properties to any significant degree.

The proposal thereby complies with policy DP26 of the District Plan.

### **PLANNING BALANCE AND CONCLUSION**

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

The proposal would improve the existing community and leisure facility of the recreation ground. The proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of nearby neighbouring properties. In addition the proposal is considered to protect the setting of the Bolney (north) Conservation Area.

The application is thereby considered to comply with policies DP24, DP26 and DP35 of the Mid Sussex District Plan, policies BOLD1 and BOLA1 of the Bolney Neighbourhood Plan and the relevant provisions of the NPPF.

## APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

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

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

### 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.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

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.

### **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			03.08.2021
Existing Site Plan			03.08.2021
Site Plan	BAF/PL/102		03.08.2021
Location Plan	BAF/PL/002		03.08.2021
Proposed Elevations	BAF/PL/103		03.08.2021
Proposed Visual	Aerial View		03.08.2021

### **APPENDIX B – CONSULTATIONS**

#### **Parish Consultation**

No objection.

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