

MID SUSSEX DISTRICT COUNCIL

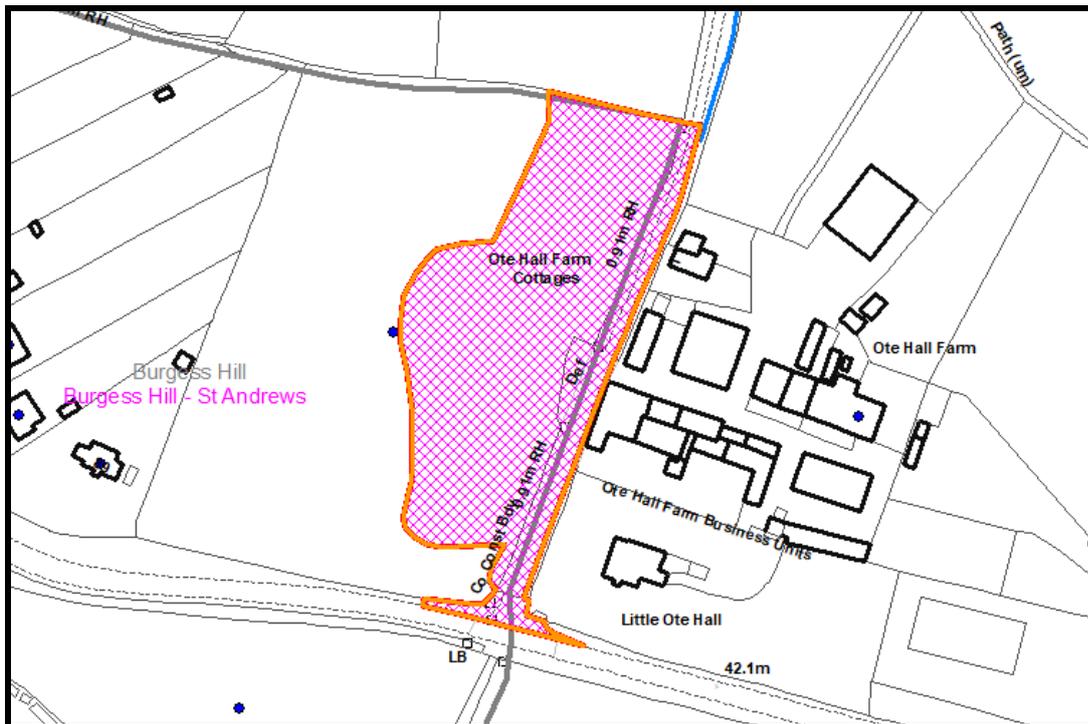
Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/21/3607



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**OTE HALL FARM JANES LANE BURGESS HILL WEST SUSSEX
A PROPOSED NEW FARM SHOP AND CAFÉ/TEA ROOM. (AMENDED
PLANS RECEIVED 7/12/2021).
OTE HALL FARM**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev.
Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding
(CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Other

8 WEEK DATE: 10th December 2021

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

This application seeks a planning permission for the erection of a farm shop and café/tea room buildings at Ote Hall Farm, Janes Lane, Burgess Hill.

It proposes a smaller development to that which was recently considered and approved by the planning committee on the 21/1/21 and thus the planning issues are very similar (DM/20/3780).

The applicants confirm that the proposed farm shop would sell high-quality, artisan products and will include a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station. In addition 20 per cent of the produce will be produced on the farm, 30 per cent will be produced locally (30 miles), 30 per cent will be regionally produced (60 miles) and 20 percent will be nationally produced.

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.

National planning policy states that planning should be genuinely plan led. The District Plan is up to date and the Council is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The application site is designated within the Mid Sussex District Plan as being within the Countryside and subject to policy DP12. This policy requires that there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. DP12 states that 'development will be permitted in the countryside, provided it maintains or where possible enhances the quality of the rural and landscape character of the District.' At the national level the aim of protecting the character of an area is found in the NPPF at para 174 where it states that planning policies and decisions should recognise 'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits'.

The proposed retail and coffee shop development is not one of those development types that can be considered as an exception to the policy of restraint within DP12 i.e. it is not for the purpose of agriculture or fully supported by a specific policy

elsewhere in the development plan. There is thus conflict with DP12 in this respect.

The planning history is a very important material consideration in this case as there is an extant permission for a larger farm shop, café/tea room and car park within the same location that was approved under application DM/20/3780.

In respect of landscape effects, owing to the application site being located between dwellings off Janes Lane to the east and the existing agricultural building to the west it is considered that this is more of an infill plot that would not extend built development into the wider countryside. It is considered that the rural character of the area would be maintained.

Policy DP1 of the District Plan allows for small-scale economic development within the countryside, including tourism (in accordance with the Development in the Countryside policies). A similar ethos is found within DP14 of the Mid Sussex District Plan which supports new small scale development in the countryside, provided it supports sustainable growth and the vitality of the rural economy, where possible utilises previously developed land, is of a scale consistent with the farm holding and would not prejudice the agricultural use.

In respect of DP14, due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale and as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm. The proposal would not, however, prejudice the agricultural use of the unit and would support the rural economy, The proposal is therefore not considered to be fully compliant with Policy DP14 of development plan.

At the national level Para 84 of the NPPF seeks to support a prosperous rural economy whilst Para 85 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

The site lies within the setting of the grade I listed Great Ote Hall. In this case it is considered that less than substantial harm will occur to this designated heritage asset.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 201 of the NPPF is applicable. This states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The less than substantial harm derives from the fact that the proposal will be extending into an undeveloped field that contributes to the rural approach to Great Ote Hall a grade I Listed Building. The Conservation Officer has confirmed that they considered the harm is towards the low- to mid range of the scale of 'less than

substantial'.

Within the planning statement it sets out that the proposal is anticipated to create 20 full time jobs, it will improve access to the grounds of Great Ote Hall, a 'Godman Foundation' will be set up promoting education, training and mentoring of young people, including those with learning difficulties, by setting aside a percentage of the profits from this new business, the proposal will also be used for local community events. These public benefits are considered to outweigh the less than substantial harm to the setting of the listed building.

In addition the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside. The proposal subject to appropriate conditions is also deemed acceptable in regards to neighbours amenities, highways, flood risk and drainage, the Ashdown Forest SPA and SAC and land contamination.

Therefore, taking all the points in this report into account it is considered that whilst there is some conflict with elements of the the Development Plan there are also significant benefits and on balance it is considered that the development can be supported.

The application is thereby considered to comply with policies DP12, DP17, DP21, DP26, DP34 and DP41 of the District Plan, Planning (Listed Building and Conservation Areas) Act 1990, The Mid Sussex Design and the requirements of the NPPF. it is therefore the Officers recommendation that the application is approved subject to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

RECOMMENDATION

Recommendation A:

It is recommended that planning permission be approved subject to the conditions set in Appendix A and to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

Recommendation B:

It is recommended that if the applicants have not submitted a satisfactory signed Unilateral Undertaking securing the Travel Plan Monitoring fees by 13th April 2022, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application Fails to comply with Policy DP21 of the Mid Sussex District Plan and the requirements of the NPPF to promote sustainable transport modes.

CONSULTATION RESPONSES

Burgess Hill Town Council:

Recommend Approval

Additional comments on the amended plans to be reported.

WSCC Highways:

No Objections

Additional comments on the amended plans to be reported.

WSCC Fire and Rescue:

Hydrant condition

Additional comments on the amended plans to be reported.

Environmental Protection:

Recommended conditions

Additional comments on the amended plans to be reported.

Drainage Officer:

No objections subject to conditions

Additional comments on the amended plans to be reported.

Historic England:

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 195 in particular of the NPPF.

Additional comments on amended plans:

Historic England has no objection to the application on heritage grounds.

Street Naming and Numbering Officer:

Info 29

Additional comments on the amended plans to be reported.

Lewes District Council:

No Comments received

Additional comments on the amended plans to be reported.

Conservation Officer:

In terms of the NPPF I would consider that the proposal would cause less than substantial harm to the special interest of the Hall, at the low-mid range of that scale, although it is accepted that the revised scheme now under consideration will have somewhat less impact than that which was approved in 2020 and that the level of less than substantial harm caused will be correspondingly slightly lower. The criteria set out in paragraph 202 of the NPPF would therefore apply.

Additional comments on the amended plans to be reported.

INTRODUCTION

This application seeks planning permission for a proposed new farm shop and café/tea room at Ote Hall Farm, Janes Lane, Burgess Hill.

REPRESENTATION

23 Third party letters of representation have been received in support of the application for the following reasons:

- Benefit to local community/asset to Burgess Hill
- Secure future of farm estate
- Eco friendly/ selling local produce to local people
- Within easy walking and cycling distance
- Encourage community participation and well being
- Local employment

RELEVANT PLANNING HISTORY

DM/20/3780: Erection of farm shop and café/tea room building and car park.
PERMISSION

SITE AND ITS SURROUNDINGS

The application site is located to the north eastern side of Burgess Hill, the site is currently an undeveloped field to the northern (side) of Janes Lane, with the access road, serving the Ote Hall Farm Business Units, Great Ote Hall, Garage Cottages, No1 and 2 Garden Cottages and Walled Garden Lodge to the eastern (side) boundary, with agricultural land to the northern boundary and with the agricultural field backing onto the rear and side gardens of Nos 89, 87, 85 and 83 Janes Lane to the west.

The boundary with East Sussex County Council/Lewes District Council runs along the eastern (side) and northern (rear) boundaries of the application site, with the site designated within the Mid Sussex District Plan as being within the Countryside. Great Ote Hall, to the north of the site is designated as being a Grade I Listed Building and is located within Lewes District.

APPLICATION DETAILS

Planning permission was previously approved under application DM/20/3780 for the erection of a farm shop and café/tea room buildings and car park. This consent granted permission for a building measuring some 31 metres in width, with a depth of some 39.8 metres, with an eaves height of 3.5 metres and an overall height of 6.25 metres.

The applicant has explained in a covering letter that owing to the rising cost of materials, the Gross Internal Floor area has been reduced from the 913 square metres as previously approved to 528 square metres to make the development more affordable to build. The proposed plans now show that the proposed farm shop would now measure some 26.4 metres in width, with a depth of some 30.8 metres, with an eaves height of 3.29 metres and an overall height of 5.96 metres.

It has been shown that the proposed building is to be constructed of vertical timber cladding walls, with corrugated profile roofing, aluminium framed windows and roof lights and aluminium gutters.

The proposed new building will be 528 sq.m. and will comprise a retail area (175 sq.m.), tea-room area, kitchen and toilets (253 sq.m.) and cold store and delivery area (98 sq. m). There will also be a covered outdoor seating area associated with the tea-room.

The plans also show a car park to the south of the farm shop café which will provide 74. No car park spaces, of these 13 are shown allocated staff parking and 7 are accessible parking spaces. In addition 20 secure cycle spaces are to be provided.

It has been set out within the applicants planning statement that the proposed farm shop would sell high-quality, artisan products and will include a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station. In addition 20 per cent of the produce will be produced on the farm, 30 per cent will be produced locally (30 miles), 30 per cent will be regionally produced (60 miles) and 20 percent will be nationally produced.

During the course of this application amended plans have been submitted to improve the overall design of the scheme, the main changes to the plans include replacing the flat roof with a pitched roof together with changing the external finish of the walls from profiled cementitious cladding to vertical timber cladding. These changes bring the proposal back in line with the design of the original consent (DM/20/3780) which is considered important due to the sensitive nature of the site being within the Countryside and on the approach to a Grade I Listed Building.

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 Burgess Hill 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 2014-2031

Adopted as part of the development plan.

- DP1 Sustainable Economic Development
- DP2 Town Centre Development
- DP12 Protection and Enhancement of Countryside
- DP14 Sustainable Rural Development and the Rural Economy
- DP17 Ashdown Forest
- DP21 Transport
- DP26 Character and Design

DP34 Listed Buildings and Other Heritage Assets
DP41 Flood Risk and Drainage

Burgess Hill Neighbourhood Plan

However, there are no policies which are considered relevant to this application.

National Policy

The **National Planning Policy Framework** (July 2021) is a material consideration

OTHER PLANNING GUIDANCE

Mid Sussex Design Guide Supplementary Planning Document

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.

ASSESSMENT

Principle of development

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

MSDP Policy DP1 concerns the achievement of sustainable economic growth. Relevant parts state:

'The 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;*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

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).'*

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.'*

The proposed retail and coffee shop development is not one of those development types that can be considered as an exception to the policy of restraint and thus conflicts with DP12.

In this case, however, owing to the application site being between dwellings off Janes Lane to the east and the existing agricultural building to the west it is considered that this is more of an infill plot that would not extend built development into the wider countryside. The character of the area would be maintained.

Policy DP14 in part states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.*

Diversification of activities on existing farm units will be permitted provided:

- *they are of a scale which is consistent to the location of the farm holding; and*
- *they would not prejudice the agricultural use of a unit.'*

Paragraph 84 of the NPPF states:

'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.'*

Whilst Para 84 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

From the information provided and due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale. Furthermore, although the proposal would not prejudice the agricultural use of the unit, supports the rural economy and is considered to maintain the character of the countryside, as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm, the site is not previously developed land and owing to the fact that the local farm is only producing 20 per cent of the produce it is considered the farm shop is not of a scale that is consistent with the farm holding. The proposal is therefore not considered to be fully compliant with Policies DP1, DP12 and DP14 of the District Plan.

In addition DP2 in part states:

'A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

- Applications for main town centre uses to be located in town centres; or, if suitable sites are not available*
- In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available*
- At accessible out of centre sites that are well connected to the town centre*

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.

Local Threshold for Retail Impact Assessments

Planning applications proposing the construction of 500m² or more gross floorspace for the sale of convenience or comparison goods outside a town centre must be accompanied by a Retail Impact Assessment in order to demonstrate that they would not have a significant adverse impact on a town centre, either on their own or cumulatively in the area.'

In this case that application site is within a rural location on the outskirts of Burgess Hill, the proposal has not been submitted with a retail statement, however, it is noted that the larger scheme that still has an extant permission was submitted with a retail statement setting out that the sequential test is passed, having undertaken a site assessment. Furthermore, it is accepted that the nature of a farm shop is that it would be located within a rural setting as it is typically located in close proximity to the farm from which produce will be sold through the farm shop. Also, the farm shop element does not meet the threshold of 500 square metres and the applicants have recommended a condition to restrict the sale of good within the farm shop itself. Taking all the above into account it is not considered that a sequential test is required for this application.

The planning history is also a material consideration and in this case there is an extant permission for a larger farm shop, café/tea room and car park within the same location that was approved under application DM/20/3780.

Visual impact

With regards to design and character considerations, 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.'*

A similar ethos is found within the Mid Sussex Design Guide.

The principal aim of Policy DP12 of the District Plan states: *'The countryside will be protected in recognition of its intrinsic character and beauty.'* The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is found in the NPPF at para 174 where it states that planning policies and decisions should recognise 'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits'.

The proposed farm shop and tea room would have a traditional agricultural appearance, with the timber cladding and corrugated roof. The proposal will result in the development of a previously undeveloped green field nonetheless, a large section of the field is to remain, together with the proposal being set down in the land and closely located to the agricultural building to the east of the site. Importantly, therefore, it is not considered that the development would appear as an isolated development nor extend built form into the open countryside. Instead it would appear as more of an infill plot between the dwellings on Janes Lane and the existing agricultural buildings. The proposal also includes landscaping, including sections of grasscrete to the car park, naturalistic shrub planting and a re-graded grass bank that will help soften the proposal. Consequently, the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside in accordance with the above mentioned policies.

Impact upon setting of the listed building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that:

'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'

The Courts further stated on this point 'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

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

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*

- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

A similar ethos is found within DG11 of the Mid Sussex Design Guide.

Historic England have been consulted on this application in summary they have stated:

'As stated in 2020, while Great Ote Hall does not have a designed formal approach, this is nevertheless the historic approach to the hall, and its rural character makes a positive contribution to the hall's significance. Constructing a building and carparking in this field would increase the amount of buildings on the approach to the hall, and remove some of the rural character of this approach, both as seen from Janes Lane and from the approach itself. The field also provides a degree of physical separation between Ote Hall and the modern development of Wivelsfield, which would be slightly eroded by development within this field. We think this would cause less than substantial harm to Great Ote Hall's significance.'

'We consider that the amended design does not minimise the harm as much as the approved 2020 design. The 2020 design proposed pitched roofs to give an agricultural character to the proposal. The flat roof proposed in this amended scheme is not in keeping with the agricultural buildings of the area and causes more harm to Great Ote Hall.'

While the Conservation Officer provided the following comments in part to the original scheme:

'In terms of the NPPF I would consider that the proposal would cause less than substantial harm to the special interest of the Hall, at the low-mid range of that scale, although it is accepted that the revised scheme now under consideration will have somewhat less impact than that which was approved in 2020 and that the level of less than substantial harm caused will be correspondingly slightly lower. The criteria set out in paragraph 202 of the NPPF would therefore apply.'

Following these comments the scheme has been amended to remove the flat roofed element together with improvements to the proposed facing materials. While we have not yet received the Conservation Officer revised comments on the amendments in light of the comments to the original proposal it is considered that the degree of harm would be less than substantial.

Regardless of the degree of harm, this less than substantial harm still needs to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990.

In this case it is necessary to consider whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in final section of the report.

Residential Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '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'.

A similar ethos to DP26 is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The Council's Environmental Protection Team have been consulted on this application and has recommended the same conditions as previously approved on EV charge points, plan noise and deliveries. They have also recommended additional conditions on construction hours and lighting. However, subject to these conditions and owing to the rural location located surrounded by land owned by the applicant and set a significant distance from any residential dwellings it is considered that the proposal would not have a significant harmful impact on neighbouring amenities in terms or overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

Transport matters

Policy DP21 of the Mid Sussex District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport,*

including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 111 of the NPPF, which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

WSSC Highways comments are set out within appendix B however in summary these comments set out:

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.'

It is therefore considered that the proposal complies with policy DP21 of the Mid Sussex District Plan and Paragraph 111 of the NPPF.

It is noted that within the WSCC Highways comments it has recommended:

'The LPA should look to secure a fee of £1500 to secure detail, monitoring and auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.'

The applicants have agreed to the fee and have submitted a unilateral undertaking to WSCC Highways. Therefore, subject to the completion of the Unilateral Undertaking the proposal is considered to comply with the above mentioned policies.

Flood risk and drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and does not increase the risk of flooding elsewhere. Paragraph 167 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

The application has been considered by the Council's Drainage Engineer who has raised no objections subject to a condition, it is therefore considered that subject to the recommended condition that the proposal complies with policy DP41 of the Mid Sussex District Plan and Paragraph 167 of the NPPF.

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 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.

National planning policy states that planning should be genuinely plan led. The District Plan is up to date and the Council is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Due to the size and scale of the proposed farm shop, restaurant and associated infrastructure the proposal is not considered to be small-scale. Furthermore, although the proposal would not prejudice the agricultural use of the unit and supports the rural economy, as set out within the planning statement only 20 per cent of the produce sold at the farm shop would be produced on the farm, the site is not previously developed land and owing to the fact that the local farm is only producing 20 per cent of the produce it is considered the farm shop is not of a scale that is consistent with the farm holding. The proposal is therefore considered to be contrary to the development plan.

The planning history is also a material consideration and in this case there is an extant permission for a larger farm shop, café/tea room and car park within the same location that was approved under application DM/20/3780.

In this case it is considered that less than substantial harm will occur to a designated heritage asset.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 201 of the NPPF is applicable. This states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The less than substantial harm derives from the fact that the proposal will be extending into an undeveloped field that contributes to the rural approach to Great Ote Hall a grade I Listed Building.

Within the planning statement it sets out that the proposal is anticipated to create 20 full time jobs, it will improve access to the grounds of Great Ote Hall, a 'Godman Foundation' will be set up promoting education, training and mentoring of young people, including those with learning difficulties, by setting aside a percentage of the profits from this new business, the proposal will be used for local community events.

In addition the proposal is considered to be of an appropriate design, size and scale that would preserve the character of the countryside. The proposal subject to appropriate conditions is also deemed acceptable in regards to neighbours

amenities, highways, flood risk and drainage, the Ashdown Forest SPA and SAC and land contamination.

When weighing this together, it is considered that the public benefits of the proposal is considered to outweigh the less than substantial to the setting of the Listed Buildings and the economic benefits of the proposal are a material consideration that is considered to overcome the proposal being contrary to the development plan.

The application is thereby considered to comply with policies DP12, DP17, DP21, DP26, DP34 and DP41 of the District Plan, Planning (Listed Building and Conservation Areas) Act 1990, The Mid Sussex Design and the requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. 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.

3. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls and roof of the proposed farm shop/tea room 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

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements Policy DP41 of the District Plan (2014 - 2031).

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

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan.

6. No part of the development shall be first occupied until the vehicular access serving the development has been constructed in accordance with the approved proposed access arrangements plan (numbered P20-0003 Figure 4.1.).

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

7. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided 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 Mid Sussex District Plan.

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

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

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

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

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

10. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with DP21 of the Mid Sussex District Plan.

11. The use hereby permitted shall not come into use until scheme has been submitted to the LPA demonstrating that the noise rating level (L_Ar,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (L_A90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the neighbouring amenities and to accord with Policy DP26 of the Mid Sussex District Plan.

12. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the operating hours proposed in the application:

09:00 - 18:00 Hours Monday - Saturday, and 10:00 - 16:00 on Sundays.

Reason: To protect the neighbouring amenities and to accord with Policy DP26 of the Mid Sussex District Plan.

13. Prior to the occupation of the farm shop and tea room hereby permitted full details of the hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. This shall include details of any boundary treatment and a replacement tree for the one being removed. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031.

14. Prior to the commencement of the development, details showing the proposed location of 1 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 Services. These approvals shall not be unreasonably withheld or delayed.

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 F&RS Act 2004.

15. Prior to the first occupation of the farm shop and tea room the applicant 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.

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 F&RS Act 2004

16. Notwithstanding The Town and Country Planning (Use Classes) Order 2020 (or as amended), and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any succeeding orders, The proposal shall be used solely as a farm shop with an ancillary tea room in connection with Ote Hall Farm, with the farm shop comprising of a butchery counter, deli counter, craft drinks, fresh, frozen and pantry goods, and a 'weigh your own' dry ingredients station of which 20% will be produced on the Farm; 30% will be produced locally (30 miles radius), 30% will be regionally produced (60 miles radius) and 20% will be nationally produced unless the Local Planning Authority has given prior written approval to any variation.

Reason: To protect the character of the countryside and to prevent any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

17. Development shall proceed in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared by CSA Environmental (October 2021) unless otherwise agreed in writing by the local planning authority.

Reason: To protect the ecological value of the site and to accord with policies and DP38 of the Mid Sussex District Plan and para 180 of the NPPF.

18. The use hereby permitted shall be restricted to the areas shown on the floor plan dwg number AP-100 Rev. B.

Reason: To protect the character of the countryside and to prevent any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

19. With 3 months from the date at which trading begins in the farm shop details of the sales figures shall be submitted in writing to the local authority, with figures broken down it to:

- Percentage of goods sold produced on the Farm;
- Percentage of goods sold produced locally (30 miles radius)
- Percentage of goods sold regionally produced (60 miles radius); and
- Percentage of goods sold produced nationally

And thereafter these details will be provided on request of the local planning authority.

Reason: To allow for the percentage of total sales attributable to the holding to be monitored and to assess compliance with condition 16 and to protect the character of the countryside through any intensification of the site through business use within the building as granted and to accord with Policies DP12 and DP14 of the Mid Sussex District Plan 2014 - 2031.

20. All external lighting hereby permitted shall comply with the ILP Guidance Notes for the Reduction of Obtrusive Light. Upon request by the LPA, a report shall be submitted in order to demonstrate compliance. Any non-compliance shall be rectified within 28 days from the date of the report.

Reason: To protect the neighbouring amenities and to accord with Policy DP26 of the Mid Sussex District Plan.

21. 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: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: no work permitted

Reason: To protect the neighbouring amenities and to accord with Policy DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. 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 developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. 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.

4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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
Drainage Details	10536/1100	P2	12.10.2021
Access Plan	Figure 4.1		12.10.2021
Landscaping Details	P20-0003-03C		12.10.2021
Tree Survey	RCo340/01	00	12.10.2021
Location Plan	AL(0)_001	A	12.10.2021
Existing Site Plan	AP(0)_002	A	12.10.2021
Proposed Site Plan	AP(0)_003	D	07.12.2021
Site Plan	AL(0)_004	A	12.10.2021
Proposed Floor Plans	AP-100	B	12.10.2021
Proposed Roof Plan	AP-101	D	07.12.2021
Proposed Elevations	AP-200	D	03.12.2021
Proposed Elevations	AP-201	D	03.12.2021
Existing Sections	AP-300		12.10.2021
Proposed Sections	AP-301	A	12.10.2021
Other	AP-102	C	07.12.2021

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

WSCC Highways

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for farm shop and cafe. The LHA previously provided comment under DM/20/3780 to which no highways objections were raised. The Local Planning Authority (LPA) approved the application.

The current resubmission is for a reduced floor area of 428sqm (253sqm cafe and 175sqm shop) compared to previous total floor area of 733sqm which included 350sqm shop and 383sqm cafe.

Application is supported by Transport Statement (TS). The following comments should be read in conjunction with the response for DM/20/3780.

Access Arrangements

It is understood that the proposed access modification works, including dropped kerb tactile paved uncontrolled crossing of Janes Lane, will be as per previously proposed and commented on. See previous comments:

The existing access road will be widened and a segregated footway link provided, a dropped kerb tactile paved crossing point across Janes Lane will improve provision for existing users

of PROW 4BH on the opposite side of Janes Lane and link to the wider footway network. The proposed access modifications appear to be within WSCC and thus an agreement and technical approval will be required from WSCC Implementation Team.

Visibility splays of 2.4m by 120m to the west has been demonstrated. This would be suitable for a 40mph posted limit. Whilst the access is within the NSL, it is considered that a car observed to the west would be travelling within the 30mph for a portion of this splay. Furthermore, an assessment using WSCC extent of highway boundary mapping appears to indicate that a greater splay of approx. 165m is achievable within publicly maintained highway land. The LHA are therefore satisfied that suitable visibility exists at this established access point, in line with anticipated speeds. Nevertheless, the extent of highway boundary does not appear to be digitised right up to the county boundary. The LPA should consult with East Sussex County Council, as the LHA east of the site, in respect to the eastern visibility splay.

Internal Layout

As per previous comments, full swept path tracking has been provided to demonstrate servicing vehicles can manoeuvre the modified access points and the servicing areas, showing that a turn on site can be performed so that vehicle can exit to the public highway in a forward gear.

The segregated footway will provide an off-road link for pedestrians from the wider area with a crossing across the new car park access linking to the new building. It is advised that the internal segregated footway link be of suitable surface for all users.

Trip Generation & Road Network Capacity

The LHA raised no objection in road network capacity terms to the previous application which estimated 39 x two-way vehicle trips in the AM peak hour and 32 x two-way vehicle trips in the PM peak hour. Whilst the TS states this was around 30 in AM and 24 in PM peak hours, the estimated reduction to 17 in AM and 13 in PM peak hours and likely reduction in peak business hour as a result of reduced floor area means the LHA would maintain no objection in trip generation and road network capacity terms.

Car Parking

Under WSCC Parking Guidance an A1 retail use (new 'E' class - commercial use) could see a demand for 1 x car parking space per 14sqm of floor space and an A3 cafe use could see 1 x car parking space per 5sqm of public area with staff car parking to be clearly designated. On this basis the retail element (175sqm) could see a demand for 13 x spaces and the cafe (253sqm) could see a demand for 51 x spaces. This would result in a total requirement for 64 x spaces. 74 x spaces are shown across the site which is considered appropriate for the use proposed and anticipated proportion of linked trips.

A total 13 x spaces have been allocated to staff and 7 no. spaces are marked with additional access width for disabled parking bays. The LPA may also wish to consider whether a number of electric vehicle charging spaces could be accommodated within the site.

Accessibility & Sustainable Transport

See previous comments to DM/20/3780:

The new footway and crossing will provide a link for pedestrians to the wider footway network on Janes Lane which features dropped kerb crossing points at key locations and to the wider PROW network.

No designated cycleways are present in the vicinity however cycling may be an attractive option to some and cycle parking should be provided in line with WSCC guidance (this can be secured via condition).

With regard to public transport, bus stops are approx. 0.2 mile west of the site access and provides some hourly/ two-hourly services to locations such as Brighton, Crawley and Haywards Heath. Wivelsfield Train Station is approx. 0.7 mile to the west and thus it is considered that travel by rail could make up part of a sustainable journey.

The LHA consider that a Travel Plan Statement should be provided for staff of the new business to promote car sharing and other sustainable transport modes. The LPA should look to secure a fee of £1500 to secure detail, monitoring and auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered P20-0003 Figure 4.1.

Reason: In the interests of road safety.

Car parking space

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

Reason: To provide car-parking space for the use.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided 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.

Construction Management Plan

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

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

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

Cycle parking

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

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

INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

WSSC 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 WSSC 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 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.

Historic England

Thank you for your letter of 21 October 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Constructed in c.1550, with later additions in 1600, Great Ote Hall is a very attractive, timber framed manor house nestled in its agricultural setting on the edge of Wivelsfield, which is approached from the south along Janes Lane. The relationship between the house and the land surrounding is evidenced in the fields, farm buildings, cottages and farmhouse which line the access road to the hall. Great Ote Hall is also of importance as the residence of General Sir William Shirley who was Governor of Massachusetts, New England, and of the Bahama Islands, and from 1761 onwards by Selina Countess of Huntingdon. The house therefore derives its significance from its historical, illustrative and associative values as an excellent example of a 16th century timber framed manor house that retains its relationship with the landscape surrounding it and which was the residence of important historical figures. It is rightly listed at Grade I.

It is proposed to construct a farm shop and café building and associated car park and landscaping in the field adjacent to the approach to the hall. This is an amended scheme following the approval of a slightly larger scheme which included a third pitched roof over the delivery/kitchen area (DM/20/3780). In response to the 2020 application we stated that constructing a building and associated landscape and parking would remove some of the rural character of Great Ote Hall's wider setting, but that the design had been set out to minimise the harm caused.

The amended design includes a reduced footprint and a flat roof over the back of house area.

As stated in 2020, while Great Ote Hall does not have a designed formal approach, this is nevertheless the historic approach to the hall, and its rural character makes a positive contribution to the hall's significance. Constructing a building and carparking in this field

would increase the amount of buildings on the approach to the hall, and remove some of the rural character of this approach, both as seen from Janes Lane and from the approach itself. The field also provides a degree of physical separation between Ote Hall and the modern development of Wivelsfield, which would be slightly eroded by development within this field. We think this would cause less than substantial harm to Great Ote Hall's significance.

We consider that the amended design does not minimise the harm as much as the approved 2020 design. The 2020 design proposed pitched roofs to give an agricultural character to the proposal. The flat roof proposed in this amended scheme is not in keeping with the agricultural buildings of the area and causes more harm to Great Ote Hall.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out policies specific to the historic environment. Paragraph 189 states that heritage assets are "an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"

The NPPF goes on to require that any harm should be avoided or minimised to avoid conflict between the conservation of heritage assets and any aspect of a proposal (paragraph 195). Your Council will need to be satisfied that the remaining harm has clear and convincing justification as required by paragraph 200 before the harm is weighed against the public benefits in the manner described in paragraph 202. In reaching your decision, your Council will need to be mindful of paragraph 199 which sets out the need to give great weight to the conservation of designated heritage assets (and the more important the asset the greater the weight should be). It notes this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.

We think that constructing a building and associated landscape and parking would remove some of the rural character of Great Ote Hall's wider setting, and that this amended design does not minimise the harm as well as the approved scheme. We suggest that if the applicant wishes to construct a smaller café/shop, that the design of the back of house area is amended so that it draws more on the rural character of the area and the surrounding agricultural buildings.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 195 in particular of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic England Additional comments on amended plans

Thank you for your letter of 8th December 2021 regarding amendments on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Background

Historic England provided written advice on the original planning permission application (DM/20/3780) for proposals at the above site on 10th November 2020. At that time, we raised concerns about the heritage harm accruing from the proposed construction of a farm shop and café building, with associated parking, to the significance of the Grade I listed hall through partial erosion of the rural character of its wider setting.

We assessed the level of harm as a low degree of less than substantial and considered that your Planning Authority had to weigh this against the public benefits delivered by the proposals.

Following the granting of planning permission on 25th January 2021, an amended scheme was submitted, and new advice provided by Historic England on 5th November 2021. In our response, we considered that the amended design, which slightly reduced the building's footprint and replaced the previously proposed pitched roof for the kitchen/delivery block with an unsympathetic flat section, failed to minimise the accruing heritage harm as effectively as the approved scheme.

We suggested the applicant to review the amended design to reflect the rural character of the area and the surrounding agricultural buildings.

Historic England Advice

We are content that, following our advice, the current revised scheme has replaced the previously intended flat section on the kitchen/delivery area with a more traditional pitched roof. Matching the profile of the adjoining blocks composing the proposed building and being more sympathetic to the character of the rural natural and built context, the amended plan reflects the design strategy of the original scheme.

Accordingly, the newly amended proposal has not altered the substance of the approved proposals and, therefore, the accruing limited heritage harm to the significance of Ote Hall has not been fully removed. However, we consider that the identified adverse impact has been further minimised thanks to the slightly reduction of the proposed building footprint. The balancing exercise that your Planning Authority carried out on the original scheme - as for paragraph 202 of the NPPF - concluded that the public benefits accruing from that proposal outweighed the limited less than substantial harm entailed by it. Consequently, we consider that, a fortiori, the same conclusion should be drawn on the current, less harmful amended submission.

Recommendation

Historic England has no objection to the application on heritage grounds.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us.

Disability Access-East Grinstead Area

Application Reference: DM/21/3607

Planning Officer: Joseph Swift

Location: Ote Hall Farm, Burgess Hill

Description: Farm shop and cafe/tea room

Access requirements:

Doors and Internal Access

Items 10, 13, 14

Internal Features

Décor, toilets, tables, counter

Items 18, 19, 21, 22, 23

Check List for Access Requirements

Outside and Entrance

1. Designated disabled parking spaces should be provided, adjacent to the main entrance if possible. These should be 3.6 metres in width and 4.8 metres in length.
2. A solid unobstructed route of travel having a width of 1.5 metres should be provided to the entrances of the building from the car park suitably signed and illuminated.
3. The street numbers must be well displayed and in contrasting colours with a minimum height of 200mm.
4. The entrance doors should have a minimum clear opening of 900mm and a clear space of 300mm to the side of the leading edge of the door and preferably fitted with automatic opening devices.
5. Any external intercom or security panel should be positioned a maximum of 1200mm above floor level.
6. The Access Group request the entrances should be covered with a canopy - minimum projection 1m and 1.2m in width.
7. The doors should be provided with kick plates to prevent accidental damage by prams, wheelchairs, buggies, etc.
8. Level access should be provided through the doors to aid wheelchair users, prams, buggies, wheeled deliveries etc.
9. If ramps are required to the entrances, they should be designed in accordance with BS 8300:2009 and have a minimum width of 1.5 metres.

Doors and Internal Access

10. The door handles should be easy to grip i.e. lever handles and should be fitted at maximum height of 1040mm above landing level.

11. Solid doors should incorporate visibility glazing between 900mm-1500mm from the floor level.
12. Glazed doors and display windows should incorporate visual warnings or imaging set between 1050mm and 1650mm from the floor level.
13. The interior corridors should be a minimum 1.5m in width.
14. The internal doorways should be a minimum clear opening of 750mm with a minimum clear space of 300mm to the side of the leading edge of the door.
15. The stairway should be capable of being used by the ambulant disabled and those of impaired sight by the provision of contrasting colours, nosings and handrails on both sides of the flight. Guidance can be obtained from BS 8300:2009.
16. A lift should be provided to the * INSERT*. This should be designed in accordance with Part M or BS8300:2009.

Internal Features

17. Adequate clearance should be provided between shop display units.
18. The décor of walls, doors etc. should preferably be in contrasting colours.
19. Toilet facilities capable of being used by the disabled should be provided and designed in accordance with Part M of the Building Regulations, minimum cubicle size 2200mm by 2200mm. An emergency alarm system should be installed.
20. A hearing enhancement system should be provided to the *INSERT* area.
21. Adequate circulation space should be provided between tables in the *INSERT* area.
22. There should be a clear space (height) under the tables of 750mm and tables should be wide enough to accommodate a wheelchair easily.
23. A portion of the counter/servery should be not more than 750mm above floor level and it should incorporate a hearing enhancement system.
24. Light switches/power sockets etc. should be positioned in a zone 450-1200mm above finished floor level.

ATM/Cash Dispensers

25. (i) There should be a clear space in front of the ATM of at least 1500mm by 1500mm.
 - (ii) Controls should be separated from each other, positive (not touch sensitive) in their action and raised above their background.
 - (iii) Controls to be a maximum height of 1250mm above the adjoining ground level.
 - (iv) All controls to be visible from a height of 1060mm.
 - (v) Controls and their functions to be easily identifiable by colour contrast, together with raised letters and numbers in Braille.

(vi) The screen should be positioned so that it does not become unreadable in bright sunlight.

Showers

26. The showers should be capable of being used by wheelchair users and incorporate the following fixtures and fittings:

- (i) The floor surface should be non-slip, even when wet.
- (ii) The shower controls should be positioned on the wall facing the shower seat to allow for right or left hand use.
- (iii) The shower controls must incorporate a thermostatic mixing valve with an anti-scald setting and the temperature and volume should be controlled separately.
- (iv) The shower head should be readily adjustable and consistent once positioned.
- (v) A tip-up seat, fixed to height of 475mm to allow simple one-handed use should be provided.
- (vi) The soap dispenser should be located within easy reach, close to shower controls.
- (vii) Grab rails should be fitted. These should be non-slip even when wet, e.g. nylon coated, and in a contrasting colour to the surroundings.
- (viii) The wash hand basin should have a clear space under it of 750mm measured from the floor.
- (ix) An emergency alarm system should be installed.

Please note that compliance with the mandatory requirements of the Building Regulations will be assessed when plans are deposited for Building Control purposes

Drainage Officer Comments

APPLICATION DETAILS

Application Number	DM/21/3607
Planning Officer	Joseph Swift
Flood Risk and Drainage Officer	Natalie James
Response Date	08/11/2021
Site Location	Ote Hall Farm, Janes Lane, Burgess Hill
Development Description	A proposed new farm shop and café/tearoom.
Recommendation	No objection subject to condition

FLOOD RISK

A Flood Risk Assessment (FRA) dated October 2021 has been submitted as part of the application.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers).

The FRA states the site is susceptible to flooding from surface water in three areas: along the access road, across the northern boundary and in the centre of the site. The report states that these areas are liable to flood up to a depth of 300mm during a 1 in 1,000-year storm.

The report concludes that the flood risk profile of the site is low, and no flood mitigation measures are proposed.

There are any historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

SEWERS ON SITE

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

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

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with 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 drainage using attenuation storage before discharging to an existing ditch. Attenuation is proposed via a buried attenuation tank below the car park and an attenuation pond.

The drainage system has been designed to cater for the 1 in 100-year storm event, with a 40% allowance for climate change. The proposed discharge rate into the existing ditch is 1.9l/s.

Most of the car park is shown to be surfaced with grasscrete, which when used unlined is considered a permeable surface. However, the drainage strategy shows that the grasscrete would be lined and therefore surface water drainage for those areas of the car park is included within the drainage system.

The proposed means of drainage is considered acceptable in principle. As part of the detailed drainage design, we will require details of the existing ditch, including its condition and its connection to the wider ditch network. This is to ensure surface water is not discharged into an isolated ditch which could increase flood risk elsewhere.

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 utilise a package treatment plant to manage foul water drainage for the site.

We would advise the applicant that under the latest Environment Agency General Binding Rules for Package Treatment Plants 2020 (<https://www.gov.uk/permits-you-need-for-septic-tanks/general-binding-rules>) treated effluent must be discharged into a ditch with constant running water.

As part of the detailed drainage design, we will require evidence that the proposed foul drainage system meets with the General Binding Rules. If the system will not meet with the requirements, then we will require evidence that an Environmental Permit application has been submitted to the Environment Agency.

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

CONDITION RECOMMENDATION

FOUL AND SURFACE WATER DRAINAGE

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.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

SURFACE WATER DRAINAGE

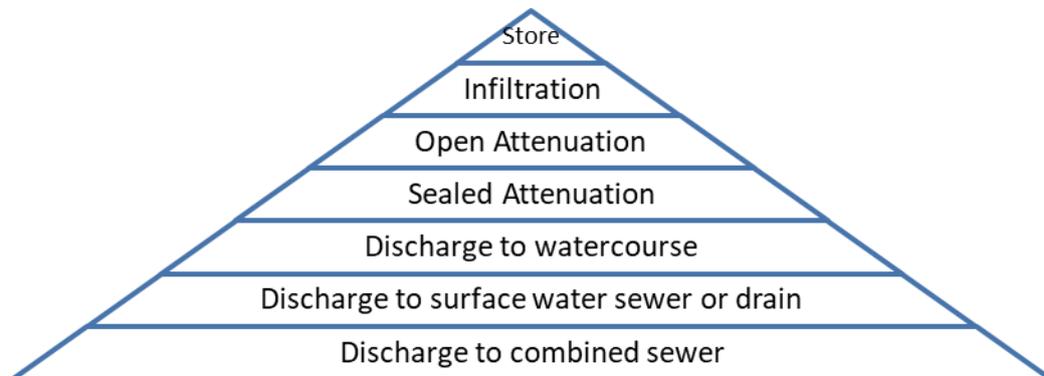
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

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

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



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

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken

from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Conservation Officer Comments:

The proposed development site is a field to the south of Great Ote Hall, a grade I listed building dating originally from c.1550 but extended c.1600 and later. The hall was the country residence of General Sir William Shirley, governor of Massachusetts, New England and the Bahamas during the early 18th century, and from 1761 of Selina, Countess of Huntingdon. There are various buildings associated with the estate, including cottages to the south and south west, and Ote Hall Farm to the south alongside the entrance track from Janes Lane, which was the principal historical approach to the Hall. Although close to the north western edge of Wivelsfield, the building has a rural setting and backdrop, including the principal approach from Janes Lane which is along a track flanked by hedgerows and fields, and stands in distinct separation from the intensive development of the nearby town. Several public rights of way (PROWs) pass close to the Hall, including one leading south-north along the track approaching it from Janes Lane, before forking to run east-west in both directions across the southern edge of the Hall's grounds.

I would consider that Great Ote Hall possesses historical evidential and illustrative value as an exceptional example of a timber framed building of the 16th century, with later extensions and adaptations, including its use during the 18th century and later as a country house of some pretension. It will also possess historical associative value through its links with prominent figures such as General Shirley and the Countess of Huntingdon, as well as aesthetic value which will rely partly on the use of vernacular materials such as timber and Horsham slate, viewed within the landscape from which they were drawn.

In my opinion the rural setting of and approach to the house makes a strong positive contribution to the manner in which its special interest is appreciated, in particular that part of its significance which relies on its historical evidential and aesthetic interest. The sense of rural isolation and separation from nearby Wivelsfield is very important to the character of the setting and the contribution that this makes to the special interest of the Hall.

The current application follows on from the recent granting of planning permission for a similar scheme (DM/20/3607) and is for the construction of a farm shop and café with associated car parking to the eastern side of the field, on the opposite side of the approach to Ote Hall from the existing buildings of Ote Hall Farm. The revised scheme differs from the approval in that the floor space of the proposed shop and café is reduced, with a resultant reduction in the scale (footprint and height) of the proposed buildings, as well as a reduction in the size of the proposed associated parking area.

As was the case with the previous scheme, it is considered that a new building and associated hard landscaping in this location is contentious in principle in terms of its impact on the setting of and principal approach to Ote Hall, including views from Jane's Lane.

Although the scale of the development has been reduced in comparison to the approved scheme, including a reduction in the height of the proposed shop/café building, the development including the associated car parking remains a substantial intrusion into this currently open and verdant part of the setting of the Hall, which will be particularly prominent due to its location just to the north of Janes Lane, and adjacent to the principal approach to the Hall, occupying almost the entire length of the affected field adjacent to the driveway/PROW. The form and design of the development, including the extensive parking area, although incorporating some references to agricultural buildings, have in sum a character and form which is alien to the rural context and will exacerbate the impact of the proposal on the character of the site and area; this will be intensified by the impact of partial regrading of the site on the natural topography of the field. The impact on the hedging along the boundary with the adjacent approach to the Hall, including total loss or replacement of a significant proportion of this established hedgerow, will further increase the impact on the character of the approach to the Hall. The new building and car parking, and the associated increase in noise and busyness from the use of the shop would also adversely affect the sense of rural isolation and separation from the adjacent settlement of Wivelsfield which the Hall currently enjoys.

The proposal would therefore in my opinion detract from the contribution that the setting of the building makes to the special interest of the Hall and the manner in which this is appreciated, including by those viewing the Hall from Janes Lane and those approaching or passing it along the PROWs running past the Hall, including the principal historical approach from Jane's Lane. This would be contrary to the requirements of District Plan Policy DP34.

In terms of the NPPF I would consider that the proposal would cause less than substantial harm to the special interest of the Hall, at the low-mid range of that scale, although it is accepted that the revised scheme now under consideration will have somewhat less impact than that which was approved in 2020 and that the level of less than substantial harm

caused will be correspondingly slightly lower. The criteria set out in paragraph 202 of the NPPF would therefore apply.