

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0200	Case Officer:	Susan Dubberley
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/0736 - To add drawing number 1725_3.017 A and also allow design changes		
Site:	Castle Inn, London Road, Hickstead, Haywards Heath, West Sussex, RH17 5LZ, ,		
Validation Date	27 Jan 2026	Overall Expiry Date:	27 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Jul 2026
Target Date:	24 Mar 2026	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	8 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0200

**Castle Inn, London Road, Hickstead, Haywards Heath, West Sussex, RH17 5LZ,
Variation of condition no 2 relating to planning application DM/25/0736 - To add drawing number
1725_3.017 A and also allow design changes
Mrs Chloe Breen**

LETTERS OF REPRESENTATION

None received

SUMMARY OF CONSULTEES

Conservation Officer:

In summary, the proposal is considered to result in degree of less than substantial harm, through impact on setting, to the special interest of Castle Inn. This requires further justification and potentially amendment of the scale and nature of the array to ensure that the harm is outweighed by public benefits (through increased energy efficiency) and that the harm arising is avoided or minimised.

Twineham Parish Council

No comments received.

INTRODUCTION

This application seeks to amend a planning condition (condition 2) attached to a previous planning permission. The application is for variation of condition no 2 relating to planning application DM/25/0736, to add drawing number 1725_3.017 A and also allow design changes.

RELEVANT PLANNING HISTORY

DM/25/0736 - Erection of new outbuilding, internal and external alterations to Grade II Listed Building. Change of use to allow C1 Use to upper floors. Approved 08/01/2026.

DM/25/0737 - Erection of new outbuilding, internal and external alterations to Grade II Listed Building. Change of use to allow C1 Use to upper floors. Approved 08/01/2026.

DM/25/0735 -.New crossover to South-West of site and addition of new acoustic fence to South-East boundary. Refused 19.03.2025.

SITE AND SURROUNDINGS

The application site comprises The Castle Inn, a Grade II listed building, together with surrounding outbuildings, parking area and garden curtilage. The listed building is part two storey part single storey and is located towards the eastern side of the site. The site is served by two vehicular access points situated along the eastern boundary of the site.

The works approved under DM/25/0736 and DM/25/0737 to change the upper floors of the listed building to bed and breakfast accommodation along with new outbuildings and other internal and external alterations to the building have commenced on site.

To the north is a large field, to the east is the A2300 with the A23 beyond, to the south is Hickstead Lane and to the west is a row of dwellings the first of which is Lanzerac. On the western boundary there is a close boarded timber fence with a trellis on top.

The site is located within the countryside as defined by the development plan.

LEGAL FRAMEWORK AND LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP12 - Protection and Enhancement of Countryside

DP26 - Character and Design

DP34 - Listed buildings and other Heritage Assets

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Twineham Neighbourhood Plan

The Twineham Neighbourhood Plan was made on 24 March 2016.

Relevant policies:

TNP2 (Design)

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPC1 - Protection and Enhancement of the Countryside

DPB1 - Character and Design

DPB2: Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide SPD

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

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy Guidance

ASSESSMENT

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.'

Using this as the starting point the development plan for this site comprises the Mid Sussex District Plan 2014-2031, Site Allocations DPD and the Twineham Neighbourhood Plan.

This application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks to amend condition 2 of a previous planning permission in order to allow design changes through the approval of revised drawings.

Section 73(2) of the Town and Country Planning Act 1990 states *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

As such it is only necessary to consider the specific changes that are proposed to the previously approved development. This application seeks an amendment to condition 2 to vary the list of approved plans to allow an amendment to the design of the approved detached outbuilding, that lies to the rear of the listed building. This auxiliary building is to be used as a staff room, office and store. The proposed amendment is for the introduction of solar PV panels to both east and west facing roof slopes.

As such the main issues are design and impact on the character of the area and countryside and the impact on the setting of the listed building.

Design and Impact on character of the area and countryside

The site is located in the countryside and Policy DP12 of the District Plan 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:

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

While policy DP26 of the District Plan in part 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;*

- 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'

Policy TNP2 of the Neighbourhood Plan states:

'All development should be of good design consisting of the best practice standards for well-designed new homes and neighbourhoods in force at the time, contemporary and innovative design is encouraged where appropriate. This means development should:

- Include energy and water efficiency measures*
- Use quality materials, these should be sustainably and locally sourced where feasible.*
- Apply space standards taking into account the user, circulation space and the need for storage*
- Contribute positively to the local character and rural setting*
- Recognise that architectural integrity is of paramount importance and respond in a coherent way*
- Not be dominated by parking and hard surfacing*
- Utilise appropriate landscaping.'*

The Council's adopted Design Guide is also a material consideration in the determination of the application.

While the solar panels would alter the appearance of the building from that as currently approved, the addition of solar panels on the roof of the single storey outbuilding is considered acceptable, particularly as the panels would be integrated into the roof. It is also relevant that the building is located behind the main listed building in keeping with its' back of house function, so that the front views of the building are largely screened from the main road, (the A23), such that the impact on the countryside and wider area is not considered to be significant.

It is noted that policy TN2 of the neighbourhood plan requires development to include energy and water efficiency measures in their design.

In view of the above it is considered that the proposal would comply with policies DP12 and DP26 of the Mid Sussex District Plan and policy TN2 of the neighbourhood plan, and the provisions of the NPPF.

Impact upon The Castle Inn Grade II listed building

Section 66 (1) 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 or, as the case may be, the Secretary of State 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.'

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty placed on Local Planning Authorities to have special regard to the desirability of preserving a [listed] building or its setting or any features of special architectural or historic interest it possesses.

Policy DP34 of the MSDP 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.'

The following paragraphs of the NPPF are also relevant:

Para 167 which relates to planning for climate change states:

'Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.'

While in relation to heritage assets paras 210, 212 to 215 state:

'210. In determining applications, local planning authorities should take account of:

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

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

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

Substantial harm to or loss of:

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

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

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

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

The Council's Conservation Officer has reviewed the application and in part has commented:

The current proposal relates to this new outbuilding and is for the introduction of solar PV panels to both east and west facing roof slopes.

The new outbuilding as approved is broadly traditional in its form, materials and detailing, reflecting the adjacent existing historic stables building. The solar PV array is extensive and will cover the majority of both roof slopes to the building. This will inevitably have some adverse impact on its appearance and its contribution to the setting of the Inn, resulting in a degree of less than substantial harm, through impact

on setting, to the special interest of the building. I would place this harm at the lower end of the less than substantial spectrum.

In terms of the NPPF, this harm would stand to be weighed against the public benefits, if any, of the proposal. In carrying out this balancing exercise, the Council must also be aware of the requirement of the Framework that great weight must be given to the conservation of heritage assets (paragraph 212), and that any harm to the significance of a heritage asset must require a clear and convincing justification (paragraph 213). This stands to be considered against the requirement of paragraph 167 that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings.

In summary, the Conservation Officer considers that the solar panels would result in degree of less than substantial harm, through impact on setting, to the special interest of Castle Inn. The Conservation Officer therefore stated that further justification and potentially amendment to the scale and nature of the array to ensure that the harm is outweighed by public benefits (through increased energy efficiency) was needed.

Following the comments of the Conservation Officer an energy report has been submitted that sets out how the site, once developed, will operate as an all-electric commercial site comprising a pub/restaurant with full electric kitchen, guest accommodation (B&B), and a farm shop, all served by high-efficiency building services including ground source heat pumps (GSHP), mechanical ventilation with heat recovery (MVHR) and electric cooling. The report shows that the solar panels would generate roughly 22% of the development's annual electricity demand. The benefits are set out in the report as:

'For the site, this translates into materially reduced operating costs, improved resilience against future electricity price rises, and enhanced environmental credentials that will strengthen the commercial appeal of the B&B, farm shop and hospitality offer. From a local infrastructure perspective, on-site generation and storage reduce peak imports and the overall burden on the local electricity network, supporting regional net-zero objectives and potentially mitigating the need for costly grid reinforcement for what is otherwise a high-load, all-electric commercial site.'

In this case it is considered that sufficient justification for the solar panels has been demonstrated to show that there would be significant public benefits from the increase in renewable energy efficiency arising from the development. In addition, it is relevant that the solar panels would be on a curtilage building which is in accordance with Policy DP34 which states that in regard to renewable energy : *'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;'*

Para 167 of the NPPF, which relates to planning for climate change states that Local planning authorities should also give significant weight to the need to support energy efficiency.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

It is therefore necessary to consider whether according to Para 215 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In view of the above, it is considered that in this case that the harm to the setting of the listed building, which would fall into the less than substantial category as defined by the NPPF, is outweighed by public benefits (i.e. through increased energy efficiency) and that the proposal would therefore comply with para 167 of the NPPF.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion it is considered that the proposed introduction of solar panels would not significantly impact on the overall appearance of the buildings, or the development as a whole, and it is considered that any harm to the setting of the listed building is outweighed by public benefits (i.e. through increased energy efficiency).

The proposal is considered to comply with policies DP12 and DP26 of the Mid Sussex District Plan and policy TN2 of the neighbourhood plan and the NPPF. Whilst there is a conflict with policy DP34 of the Mid Sussex District Plan, in light of the above, it is considered that the application complies with the development plan when read as a whole, which is the proper basis for decision making, and the application can therefore be approved.

Decision: Permission

Case Officer: Susan Dubberley