

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1271	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Improvement works to existing dwelling and construction of new outbuilding.		
Site:	Highbrook Cottage, Hammingden Lane, Ardingly, Haywards Heath, West Sussex, RH17 6SS, ,		
Validation Date	21 May 2025	Overall Expiry Date:	1 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Sep 2025
Target Date:	16 Jul 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	10 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1271

**Highbrook Cottage, Hammingden Lane, Ardingly, Haywards Heath, West Sussex, RH17 6SS,
Improvement works to existing dwelling and construction of new outbuilding.
Mrs Hermione Rose Donegan**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is an unlisted detached house located within the Hammingden Conservation Area. The cottage, which appears to date from the second half of the 19th century, is an attractive building retaining several period features which sits in a relatively prominent position at the southern end of the village. Historical map regression suggests that it may have been the schoolmaster's house associated with the adjacent village school (now the village hall), which dates from 1875, although it appears to predate the construction of the school building. The cottage makes a positive contribution to the character and appearance of the Conservation Area.

The cottage is also within the setting of the adjacent listed buildings at Highbrook House, a Grade II listed early 19th century villa located just to the north east, and Hammingden Farm, a Grade II listed 17th century or earlier building which sits within its historic farmstead on the opposite side of Hammingden Lane. As an attractive period property and part of the established village scene, the cottage contributes positively to the settings of these listed buildings.

The current proposal is for alterations to the house including new and altered window and door openings, and removal of a chimney. It is also proposed to remove an existing shed within the rear garden and construct a garden office and store.

The alterations to the fenestration and doors are relatively minor and are considered acceptable subject to detail which could be reserved by condition. The removal of the chimney is however considered contentious. This is one of two chimneys to the property, and appears to be an original feature, although possibly repaired to its upper part. It contributes positively to the character of the house, in particular its roofline interest, and is relatively prominent in views of the cottage from Hammingden Lane. Its removal would detract from the character and appearance of the cottage, and of the wider Conservation Area. I would therefore suggest that the plans are amended to show this feature retained.

The proposed garden office and store is somewhat larger than the existing shed but remains relatively modest in scale. It is discretely located in terms of public views of the site, and of an appropriate form and design, subject to detail which could be reserved by condition. This aspect of the proposal is not considered contentious.

In summary although the majority of the proposal is not considered contentious, the application requires amendment to retain the chimney which it is proposed to remove, as this work is considered detrimental to the character and appearance of the Conservation Area.

MSDC Flood risk and drainage

No objection.

MSDC Tree Officer

No objection.

SOUTHERN WATER

No objection.

NATURE SPACE

No objection.

PARISH COUNCIL OBSERVATIONS

The Parish Council has no objections.

INTRODUCTION

Planning permission is sought for external works to the existing dwelling and the construction of a new outbuilding.

RELEVANT PLANNING HISTORY

07/03866/FUL- Single storey side extension and alterations to the entrance gates and widening of the crossover onto Hammingden Lane. Permission.

08/02597/FUL- Single storey side extension to cottage. Permission.

SITE AND SURROUNDINGS

Highbrook Cottage is a detached two-storey dwelling. The property is constructed of red brick with white timber frame windows and a plain tile roof. The property retains several period features, including two original chimneys.

The application site lies outside the built-up area boundary of Ardingly. The site is located at the southern end of the village and occupies a relatively prominent position on the eastern side of Hammingden Lane. The property is located within the High Weald Area of Outstanding Natural beauty and lies within the Highbrook Conservation Area. The property also lies within the setting of two Grade II Listed Buildings, namely Highbrook House and Hammingden Farm. Neighbouring properties are located to the north and south. Highway is located to the west.

APPLICATION DETAILS

The application seeks to make alterations to existing windows and doors and replace an existing outbuilding.

Firstly, it is proposed to install a timber window on the front (northwestern) elevation. It is also proposed to install a timber door on the front (northwestern) elevation. In addition, it is proposed to install glazed timber doors on the rear (southeastern) elevation. Next, it is proposed to install a rooflight on the side (southwestern) roof pitch.

Furthermore, it is also proposed to replace an existing outbuilding in the eastern corner of the application site. This would measure some 3.5 metres in width and some 5.5 metres in depth. This would have a timber shingle roof with gable, with a height to the ridge of some 3.6 metres and a height to the eaves of some 2.4 metres. This would have a solid oak door on the side (southeastern) elevation, a softwood window and solid oak door on the front (southwestern) elevation and a softwood window on the side (northwestern) elevation.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and West Hoathly Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP35 - Conservation Areas
DP37 - Trees, Woodland and Hedgerows

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.

Neighbourhood Plan

West Hoathly Neighbourhood Plan made in 2015.

Relevant policies:

No relevant policies.

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, 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:

DPC4 - High Weald Area of Outstanding Natural Beauty
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPB3 - Conservation Areas
DPN4 - Trees, Woodland and Hedgerows

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

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

- Impact on Heritage Assets and Character and Appearance
- Impact on the High Weald Area of Outstanding Natural Beauty
- Impact on neighbouring properties
- Impact on trees
- Biodiversity Net Gain

Impact on Heritage Assets and Character and Appearance

The site is located within the Highbrook Conservation Area, as designated in 1990. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.*'

Policy DP35 of the District Plan states:

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area. Development will also protect the setting of the conservation area and in particular views into and out of the area. New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."*

Paragraphs 212 - 215 of the NPPF states:

'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.

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.'

Policy DP26 of the Mid Sussex District Plan relates to design and character 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

The application site, Highbrook Cottage, lies within the Highbrook Conservation Area.

The MSDC Conservation Officer was consulted on the application. The Conservation Officer concludes that the alterations to the fenestration and doors are relatively minor and are not considered contentious. The details of these alterations can be secured by a suitably worded condition. The MSDC Conservation Officer considers that the proposed garden office is relatively modest in scale and would be discretely

located from public views. This aspect is not considered contentious, subject to detail, and this view is shared. The details can be secured by a suitably worded condition. In addition, they concluded that the initial proposal to remove the chimney would be detrimental to the appearance and character of the area and therefore advised to remove this aspect of the proposal. Following their consultation response, revised plans were received which retain the chimney. The Conservation Officer now considers that the application preserves the character and appearance of the Conservation Area. These views are shared and agreed upon from a planning perspective.

The proposal is therefore considered to comply with policy DP34, DP35 and DP26 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Impact on the High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*.

The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*.

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan, which is a material consideration in the determination of planning applications in the AONB, and policy THP8 of the Turners Hill Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

The application relates to an existing building outside the built-up area of Ardingly. As the proposal seeks to undertake works to this building, the proposal would not form an isolated development within the wider landscape. The proposal would not have any adverse impact on the landscape quality of the AONB due to it being viewed in context with existing built form.

Impact on neighbouring properties

Policy DP26, in part, seeks to ensure that development:

"does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);"

To the south of the application site is Highbrook Village Hall. Given that the proposal involves modest alterations to windows and doors and there is a separation distance of some 6.8 metres, it is not considered that the proposal would be harmful to the amenities of this neighbour.

To the east of the application site is Highbrook House. Given the single storey nature of the proposed garden office and the separation distance of some 20 metres from the proposal, it is not considered that the development would cause significant harm to the light or outlook of this neighbour. The proposal includes removing a window and installing a larger window on the side (north-east) elevation of the dwelling. As there is already a window on this elevation, it is not considered that the proposal would give rise to significant overlooking concerns.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above part of policy DP26 of the District Plan.

Impact on trees

Policy DP37 of the Mid Sussex Plan relates to trees and states:

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

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

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

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

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

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

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

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

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

A total of three trees are in proximity of the proposal. The MSDC Tree Officer was consulted on the application and considered the proposal. No objection has been raised providing a condition is included to secure adherence to the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS).

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be appropriate in terms of design, size and scale to the dwellinghouse and locality, and would not cause harm to the amenities of neighbouring properties, the Highbrook Conservation Area or the High Weald AONB.

In conclusion, the proposal complies with Mid Sussex District Plan policies DP16, DP26, DP34, DP35 and DP37, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin