

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2422	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Creation of 7 disabled car parking spaces within the main car park at Nymans Park and Garden.		
Site:	National Trust, Nymans, Staplefield Road, Handcross, Haywards Heath, West Sussex, RH17 6EB,		
Validation Date	24 Sep 2025	Overall Expiry Date:	12 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Nov 2025
Target Date:	19 Nov 2025	Recommending Officer Signature:	Catherine Cardin

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	12 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2422

**National Trust, Nymans, Staplefield Road, Handcross, Haywards Heath, West Sussex, RH17 6EB
Creation of 7 disabled car parking spaces within the main car park at Nymans Park and Garden.
Ms Katy Wiseman**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Tree Officer

No objection.

MSDC Conservation officer

No objection.

Historic England

No comment.

The Gardens Trust

No comment.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Planning permission is sought for the creation of 7 no. disabled car parking spaces within the main car park at Nymans Park and Garden.

RELEVANT PLANNING HISTORY

SV/064/86 - Extension to existing toilet block to provide for the disabled. Granted

SV/018/93 - Visitors facilities, comprising reception, staff offices, nursery shop and enlarged lavatories and tea room. Granted

SV/063/93 - New car park layout (183 car spaces and 5 coach spaces). Granted

SITE AND SURROUNDINGS

The application site is located within the existing carpark of Nymans, which is run by the National Trust, and is within the Conservation Area of Handcross, the Registered Park and Gardens of Nymans (Grade II*) and the setting of Nymans house (Grade II). The site is also within the countryside and the High Weald Area of Outstanding Natural Beauty.

The site is accessed off the eastern side of Staplefield Road, with the built-up area of Handcross located on the eastern side of the road. The site is largely obscured from the highway with mature boundary hedging and trees which also extends around the perimeter of the car park with the visitor reception and

shop located to the south. Within the car park is an existing toilet building which is clad in white weatherboarding.

APPLICATION DETAILS

The proposal relates to the installation of 7 no. disabled parking spaces within the main car park at Nymans Park and Garden. These would be positioned in the southeast corner of the existing car park.

The spaces would measure some 4.8 metres in length and some 2.4 metres in width.

Plans show that it is also proposed to install an area of new tarmac adjacent to the proposed parking spaces.

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) Any 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, Site Allocations Development Plan Document (DPD) and Slaugham 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:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP28 - Accessibility
- DP26 - Character and Design
- DP34 - Listed Buildings and Other Heritage Assets
- DP35 - Conservation Area

Site Allocations DPD

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

Relevant policies.

Neighbourhood Plan

Slaugham Neighbourhood Plan made in 2019.

Relevant policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty

Policy 4 - Conservation Areas

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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:

DPS2 - Sustainable Design and Construction

DPN5 - Historic Parks and Gardens

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable

development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Design and Impact on the Registered Park and Garden, Conservation Area and setting of a Listed Building
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Accessibility
- Biodiversity Net Gain

Design and Impact on the Registered Park and Garden, Conservation Area and setting of a Listed Building

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'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.'

S.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 preserving or enhancing the character or appearance of that area.'

Policy DP34 of the District Plan is relevant and states:

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

o 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;

o 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;

o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;

o 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;

o Special regard is given to protecting the setting of a listed building;

o 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.'

Mid Sussex District Plan policy DP35 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;

o 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.'

Mid Sussex District Plan policy DP36 states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

With regards to design, policy DP26 of the Mid Sussex District Plan states:

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

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 DP27);

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.'*

Policy 4 of Slaugham Neighbourhood Plan echoes the ethos of this policy.

Paras 203, 205-208 of the NPPF state:

'203. 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.*

205. 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.

206. 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.*

207. 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.*

208. 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.'

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- o On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- o In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Historic England has been consulted on the application and state that they do not wish to provide comments on the application.

The Garden Society were also consulted and did not wish to make comments on the application.

The Council's Conservation Officer has provided the following comments on the application:

'The application site, Nymans, is a National trust property centred on Nymans House, is a Grade II listed building which was rebuilt in 1839 incorporating earlier elements including a 15th century hall, but substantially altered in 1890 and again in 1925-30, before being partially destroyed by fire. The house sits in extensive gardens with parkland beyond- this is a II designated Park and Garden, the interest of which lies principally in its nature as a late C19 and early to mid C20 informal and ornamental plantsman's garden, laid out by the Messel family. The northwestern corner of the registered park and garden also lies within the Handcross Conservation Area.*

The current proposal affects the southeastern corner of the public car park, which is some distance to the north of the house, within its wider setting, and within the northwestern part of the registered park and garden. This part of the car park is not within the Conservation Area, the boundary of which is a short distance to the west, but is within its close setting. As existing, the part of the site in question is partly taken up by existing car parking and the associated access road, and partly by a flower bed and grassed areas. The current proposal is for the extension of the parking area to provide seven disabled parking bays. This would involve the loss of a small area of flower bed, and of adjacent grassed areas.

Although the proposal would result in the loss of a small area of soft landscaping, the impact on the character of the area will be relatively minor, and in my opinion the significance of this part of the registered park and garden, and the settings of the Conservation Area or Nymans House will not be adversely affected, subject to confirmation that none of the adjacent trees will be harmed. This meets the requirements of District Plan Policies DP34, DP35 and DP36 as well as the relevant paragraphs of the NPPF.'

The views of the Conservation Officer are shared and agreed upon from a planning perspective. The proposal would be seen within the context of the existing car park and reception area for visitors of Nymans and would be of a modest form and scale. Due to this, and the restricted views of the proposal from the wider area, it is considered that the proposal would be acceptable in design terms and would not have an impact on the character and appearance of the Conservation Area, the special interest of the registered park and garden and would protect the setting of the listed building.

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.

Mid Sussex District Plan policy DP16 states:

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

- 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.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported. Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

The ethos of this policies is echoed in policy 1 of the Slaugham Neighbourhood Plan.

The application relates to providing additional parking spaces in an existing car park and so would not form an isolated development within the AONB. Given the design, form and scale of the proposal in relation to its locality and context, it is considered that the proposal would not have a harmful impact on the AONB and would conserve it.

Impact on the amenities of neighbouring properties

Policy DP26 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);'*

The closest neighbouring properties are No.s 2 and 3 Triangle Cottages would be some 95 metres from the proposal with planting in between. Given this separation distance it is not considered that the proposal would harm the amenities of these neighbours.

Accessibility

Policy DP28 of the District Plan relates to accessibility and states that:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily. This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

The scheme seeks to construct 7 no. disabled car parking spaces within the main parking area at the site. It is considered that this will result in the site becoming more accessible and therefore complies with policy DP28 in the District Plan.

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 is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Slaugham Neighbouring Plan.

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.

In conclusion, the proposal is considered to be appropriate in terms of principle, the impact to the Conservation Area, Historic Park and Garden and would protect the setting of the listed building, conserve the landscape of the High Weald AONB, and would not cause harm the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP26, DP28, DP34, DP35, DP36, policies 1 and 4 of the Slaugham Neighbouring Plan, the relevant provisions of the NPPF,

and the Listed Building and Conservation Area (LBCA) Act 1990. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin