

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0889	Case Officer:	Hamish Evans
Application Type:	Householder Application		
Proposal:	Demolition of existing garage and erection of replacement garage. Erection of ground floor and first floor side extension, alterations to internal and external layout, erection of solar panels and replacement of windows and doors.		
Site:	Culvers, Church Fields, Hurstpierpoint, Hassocks, West Sussex, BN6 9TU, ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	10 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Aug 2025
Target Date:	26 May 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	6 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0889

**Culvers, Church Fields, Hurstpierpoint, Hassocks, West Sussex, BN6 9TU,
Demolition of existing garage and erection of replacement garage. Erection of ground floor and first floor side extension, alterations to internal and external layout, erection of solar panels and replacement of windows and doors.
Mrs Catherine Mulcahy**

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The proposal would preserve the character and appearance of the Conservation Area, and the setting of the adjacent listed building, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

MSDC Tree Officer

No objection subject to conditions.

Newt Officer

No comment.

HURSTPIERPOINT AND SYAERS COMMON PARISH COUNCIL OBSERVATIONS

Recommend permission.

INTRODUCTION

The application seeks planning permission for a replacement garage, a ground floor and first-floor side extension, solar panels and replacement windows and doors at Culvers Church Fields Hurstpierpoint BN6 9TU.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The application site is located with Hurstpierpoint built up area boundary, the Hurstpierpoint Conservation Area and it is considered to be within the setting of three listed buildings. These include Holy Trinity Church, which is II* listed, and Church House, which is a grade II listed 18th century building. Both are located to the east of the site. To the west is a further grade II listed house, Cowdrays.

The application site consists of a two-storey detached dwelling which has a relatively significant curtilage. The existing dwelling is located within the south of the site and is characterised by white render, brown clay hanging tile and bare brown brick work walls, brown clay roof tiles and white uPVC window and door frames. There is an existing single storey garage to the north of the site.

The site is accessed from Church Fields located to the north of the site. Residential properties are located to the north and west of the site, a church and graveyard are located to the east of the site and open countryside is located to the south of the site. There is also a PROW to the south of the site. The surrounding area to the north is residential in its nature and the residential properties within the surrounding area are characterised by external materials that are traditional in their appearance. There are some five off-street parking spaces within the site to the north of the existing dwelling.

APPLICATION DETAILS

The application seeks planning permission for a replacement garage, a ground floor and first-floor side extension, solar panels and replacement windows and doors at Culvers Church Fields Hurstpierpoint. The proposed ground floor and first-floor side extension would replace an existing single storey side extension. The single storey element would measure some 7.5 metres in width, 7.0 metres in depth, 2.9 metres in eaves height and a total height of 4.1 metres. The two-storey element would measure some 4.9 metres in width, 6.2 metres in depth, an eaves height of 5.0 metres and a total height of 6.6 metres. The extension will be characterised by off-white pebble dash rendered and bare brown brick work walls at ground floor level, brown clay hanging tile walls at first floor level and brown clay roof tiles. The proposed extension includes a number of new openings which would be aluminium Crittall style windows and the proposal also seeks to replace all the existing windows with aluminium Crittall style windows.

The proposed replacement garage would measure some 9.9 metres in width, 6.9 metres in depth, an eaves height of 2.5 metres and a total height of 4.6 metres. It would be characterised bare brown brickwork walls, brown clay roof tiles and aluminium Crittall style windows. The proposed garage also includes solar PV panels on the east, west and south roof slopes.

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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

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.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was adopted 19th March 2015.

Relevant policies:

Policy C4 - Conservation Areas

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:

DPB1: Character and Design

DPB3: Conservation Areas

DPB2 - Listed Buildings and Other Heritage Assets

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

Impact on Heritage Assets and Character and Appearance

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): to 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 states (in part):

'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.'*

Holy Trinity Church, High Street is a Grade II* listed building and Church House High Street is a Grade II listed building, both are located to the east of the site. To the west is a further grade II listed house, Cowdrays, Policemans Lane.

The site is located within the Hurstpierpoint Conservation Area, as designated in 1972. 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.'

In terms of the impact on the Hurstpierpoint Conservation 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;*
- 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.'

A similar ethos is contained within policy C4 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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 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;*
- 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.'*

Principle DG49 of the Mid Sussex Design Guide states: *'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'*

Principle DG50 of the Mid Sussex Design Guide states: *'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.'*

Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building. The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Hurstpierpoint Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed development would be pre-dominantly characterised by external materials similar in appearance to those used in the existing dwelling. The main material difference from the existing dwelling is the proposed replacement windows which are changing from white uPVC to Crittall style windows and doors. This replacement is to be a more traditional and sympathetic material. Taking into account the above the proposed external materials are considered to address the character of the surrounding buildings and conservation area. Details can be secured by a suitably worded condition.

The proposed extensions would be of modest scales and would be subordinate in height to the existing dwelling. They would also be of a similar design and form to the existing dwelling, and other extensions within the surrounding area. The proposed replacement garage would be located in a similar position to the existing outbuilding and it would be of a similar footprint and scale to the existing outbuilding it would replace. The proposed solar panels are to be sited on the proposed replacement garage which is of a modest single storey nature. The scale of the proposed solar panels are modest in their nature.

The Council's Conservation Officer has commented on the application and have advised that the proposed garage doors should be side hung timber doors and the proposed rainwater goods and external pipework should be painted metal. Subject to this they have advised that the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of the listed buildings to the east. The agent has confirmed that this would be the case which can be secured by a suitably worded condition.

The Council's Conservation Officer has recommended a number of conditions to secure additional details of the proposal. Given the level of detail that has been provided with the application it is considered that additional details are not required and the recommended conditions are considered to be unnecessary.

Taking into account the above, the proposal is considered to protect the setting of the listed buildings, protect the character and appearance of the Hurstpierpoint Conservation Area and suitably address the character and scale of the surrounding buildings. Therefore the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policy C4 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and principles DG49 and DG50 the Mid Sussex Design Guide SPD.

Neighbouring Amenities

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);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposed works would be set away from the boundaries of the site and they would be subservient in height to the existing dwelling. Due to the existing boundary treatment and the position of the proposed openings they would not have direct views into neighbouring properties private amenity space. The submitted plans do include a number of obscure-glazed windows at first-floor level, this can be secured by a suitably worded condition.

Taking into account the above the proposal would 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. As such the proposal would thereby comply with policy DP26 of the Mid Sussex District Plan in relation to the residential amenities.

Trees, Woodland and Hedgerows

Policy DP37 of the Mid Sussex District Plan in part 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.'

The proposed works do not include the removal or felling of any existing trees. The Tree Officer raises no objection to the proposal and the proposed protection measures are considered acceptable. As such the proposal is considered to sufficiently protect the existing trees and the proposal complies with the above part of policy DP37 of the Mid Sussex 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. 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

In conclusion, the proposal is considered to satisfactorily address the scale and character of the existing and surrounding buildings, protect the setting of the listed buildings to the east and west, preserve the character and appearance of the Hurstpierpoint Conservation Area and not cause significant harm to the amenities of neighbouring occupiers. The proposal would also protect the existing trees on the site. Therefore, the proposal complies with policies DP26, DP34, DP35 and DP37 of the Mid Sussex District Plan, policy C4 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, principles DG49 and DG50 of the Mid Sussex Design Guide SPD, the Planning (Listed Buildings and Conservation Areas) Act 1990 and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans