

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1057	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	External repairs and alterations to openings and internal layout to outbuilding within curtilage of Tanyard Manor		
Site:	Tanyard Manor, Horsted Lane, Sharpthorne, East Grinstead, West Sussex, RH19 4HY, ,		
Validation Date	28 Apr 2026	Overall Expiry Date:	12 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	23 Jun 2026
Target Date:	23 Jun 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	23 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1057

**Tanyard Manor, Horsted Lane, Sharpthorne, East Grinstead, West Sussex, RH19 4HY,
External repairs and alterations to openings and internal layout to outbuilding within curtilage of
Tanyard Manor
Mr And Mrs Hagan**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *'In summary, although some aspects of the proposal are not considered contentious, other aspects including in particular the works internally to the stable block to remove partitions, the proposed new and altered rooflights, and the method of insulation to the roof of the stable block, are considered to result in a degree of less than substantial harm to the special interest of the curtilage listed building, and via setting to the special interest of Tanyard Manor. I would place this harm at low-mid in relation to the outbuilding itself, and low in relation to the Manor. The balancing exercise set out in paragraph 215 of the NPPF would therefore apply.'*

Ecology: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No comment.

INTRODUCTION

The application seeks planning permission for external repairs and alterations to openings together with internal reconfiguration of the building to provide residential accommodation including multiple bedrooms, bathroom facilities and associated living space.

RELEVANT PLANNING HISTORY

03/01209/LBC- Reconstruction following fire damage of converted barn building with additional height on external walls with original roof pitch to form house keeper living accommodation. Permission.

03/01209/FUL- Reconstruction following fire damage of converted barn building with additional height on external walls with original roof pitch to form house keeper living accommodation. Permission.

11/00672/FUL- New crossover entrance and driveway, and closure of existing entrance driveway. Withdrawn.

11/02312/FUL- New crossover entrance and closure of existing entrance. Permission.

DM/20/1068- Conversion of agricultural buildings to form three bedroom dwelling. Permission.

DM/20/1518- Conversion of Agricultural Buildings to form Single Dwelling. Permission.

DM/25/0915- Internal alterations to include structural alterations to kitchen, new doors and rooflights, new partitions and alterations to the layout at ground and second floors, and external landscaping. Permission.

DM/25/2412 - Proposed renewal of tile hanging and associated timber accents. Permission.

DM/25/2009 - Proposed stripping and renewal of roof finishes to comprise new insulation and roof membrane, installation of bat features (boxes, arches and roost features), and repairs to chimneys to include reinstating pots. Permission.

DM/25/2984 - Proposed alterations to the driveway surfacing and external landscaping to the pool area. Permission 16.02.2026.

DM/25/2985 - Proposal within the curtilage of the listed building (Tanyard Manor) for external repairs and internal alterations to western outbuilding. As well as alterations to driveway surfacing and external landscaping of pool area. Withdrawn.

DM/26/1058 - External repairs and alterations to openings and internal layout to outbuilding within curtilage of Tanyard Manor. Pending consideration.

SITE AND SURROUNDINGS

Tanyard Manor is a three-storey grade II Listed detached property of timber frame construction. The property benefits from extensive gardens, a gravelled parking area to the front of the property, and a tennis court to the south of the site. To the northwest of the site are a number of outbuildings, including a coach house.

The property lies outside the built-up area boundary of Horsted Keynes. A tributary of the River Ouse lies to the east of the application site. Neighbouring properties are located to the north and south, whilst open countryside lies to the east. Highway is located to the west.

APPLICATION DETAILS

The proposed development would carry out various exterior alterations which includes to addition of rooflights to the buildings eastern, western and northern roof slopes. The proposed skylights would be conservation units. The proposal would also demolish the existing 1950s lean to WC. A new swift box would also be positioned within the buildings northern projecting gable. A new window would also be installed to the eastern elevation to the 1950s extension. The window would be white painted timber.

Further repairs would be carried out to the existing stable doors. The clay roof tiles and black-stained timber weatherboarding to the C19th stables and mid 20th-century eastern extension would be replaced with matching materials.

The description of development also notes that further alterations would be carried out to the internal layout of the building. This would include residential accommodation including multiple bedrooms, bathroom facilities and associated living space.

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 the Horsted Keynes 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:

DP4: Housing
DP6: Settlement Hierarchy
DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP26: Character and Design
DP29: Noise, Air and Light Pollution
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.

Neighbourhood Plan

Horsted Keynes Neighbourhood Plan (Made May 2023)

Relevant Policies

Policy HK1 Location of New Development
Policy HK4 Maintaining Local Character and Good Quality Design
Policy HK6 Conserving Local Heritage
Policy HK9 The High Weald AONB

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPN6 - Pollution
DPN7- Noise Impacts
DPC1 - Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB:1: Character and Design
DPB2: Listed Buildings and Other Heritage Assets
DPB3: Conservation Areas
DPH1 - Housing

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 78, 131, 135, 139, 207, 208, 209, 212-215, 219, 220 & 232.

High Weald AONB Management Plan 2024-2029

High Weald Housing Design Guide (November 2019)

ASSESSMENT

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

- Principle
- Impact on Character and Design, Including Heritage Assets
- High Weald AONB
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Principle

Policy DP12 of the Mid Sussex District Plan states that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

The proposal seeks to develop a granny annexe on site and is not for agricultural purposes.

Policy DP6 of the Mid Sussex District Plan notes:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy. The developer will need to satisfy the Council that:*
 - The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
 - A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

Policy DP15 of the District Plan notes that granny annexes that are physically separate to the dwelling will be defined as a new home and will be subject to an assessment against the following criteria among other matters:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

o Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or
o In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or
o Affordable housing in accordance with Policy DP32: Rural Exception Sites; or
o The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.

Accordingly, there is no 'special justification' for the application proposal as the proposal is considered to be physically separate from the host dwelling on site. Thus, the proposal is contrary to policy DP15.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay;
or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of paragraph 11(d) of the NPPF. This is split into (d) (i) and (d) (ii). For the reasons that are set out in this report, it is considered that the application of the policies in the NPPF relating to the protecting of heritage assets does provide a strong reason for refusal and therefore the tilted balance of the NPPF is not considered to apply. In coming to this conclusion the Local Planning Authority has had regard to the benefits of the proposal as set out in this report and considers that these benefits do not outweigh the harms, such that the titled balance should not be applied in this case.

As part of the assessment of the application, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out of- date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. Whilst it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Policies DP26 and DP34 are policies relating to design and heritage assets and are considered to accord with the aims of the NPPF and should therefore be afforded full weight.

There are no other relevant policies within the District Plan, any other development plan documents such as the Site Allocations document or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application conflicts with the development plan, in terms of what type of development is allowable under Policies DP12 and DP15.

The existing floor plans indicate that the existing outbuilding accommodates former stables which are used as storage, a garage and a kitchen. There are several rooms at ground and first floor level which are denoted as 'room' on the submitted existing plans. The host dwelling Tanyard Manor is a five bedroom dwelling and is positioned to the south-east of the current outbuilding.

The proposed development would internally convert the existing outbuilding to incorporate three bedrooms, an ensuite, a sitting room, a games room, a store and a W.C outbuilding. The submitted Design, Access and Heritage Statement states under heading 07 that the proposal would remain as an annexe and unequivocally incidental towards Tanyard Manor.

Upon further consideration, it is considered that the proposed quantum of accommodation would go beyond what could reasonably be considered to be incidental or ancillary towards the enjoyment of the main dwelling. Moreover, the building is positioned to the north-west of the main dwelling and would retain a doorway to the northern elevation. Accordingly, the proposal could be accessed without any reliance on the facilities of the host dwelling on site.

Although the existing kitchen would be converted into a sitting room, it is considered that the submitted plans still show a kitchen area where meals could be prepared without any reliance on the main dwelling. Although the Design, Access and Heritage Statement notes that the building is already assessed separately for council tax and that the scheme would help remove this classification, it is not clear how this would be achieved through an intensification in the level of accommodation within the building.

The proposal is therefore considered to be tantamount to the creation of a new dwelling on site due to the level of accommodation across two floors proposed. The site layout lends itself to the subdivision of the plot and the building may be accessed without any dependence on the main Manor house on site. It is therefore considered that the proposal would not be practicable under a householder type application as currently submitted and a full planning application would be required for the proposal. Nevertheless, the proposal will be assessed against relevant policies for new dwellings in the countryside.

The application site is not located within any defined settlement boundary and is not contiguous with any defined settlement boundary. The application site is set approximately 1.5km away from the nearest settlement boundary which is at Sharphorne to the north which is defined as a category 3 settlement.

The next nearest settlement is Horsted Keynes which is circa 2.1km to the south and is also a category 3 settlement.

Therefore, the proposed annexe which is physically separate and tantamount to the level of accommodation associated with the creation of a new dwelling is not considered to be acceptable in principle and would be contrary to Policies DP6, DP12 and DP15 of the District Plan.

Impact on Character and Design, Including Heritage Assets

With regard to the setting of the listed building, policy DP34 requires:

'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.'*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'* The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

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 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 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'*

The Horsted Keynes Neighbourhood Plan states under Policy HK4 that:

'All development should maintain the distinct local character and demonstrate good quality design. This means recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment and in particular:

- o achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- o ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street; and*
- o using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- o demonstrating where possible innovation to achieve low carbon sustainable design (as per policy HK11); and*
- o adopting the principles of sustainable urban drainage, where applicable (as per policy HK12); and*
- o respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- o providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape.'*

Policy HK6 of the Horsted Keynes Neighbourhood Plan requires development proposals to preserve or enhance the special architectural or historic interest of listed buildings and their setting.

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 listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In relation to the proposed external works to the building, it was considered by the Council's Conservation Officer that whilst the removal of the 20th century link between the stable block and WC wasn't considered contentious, the volume of the proposed rooflights was deemed as being excessive. Concern was raised with regard to the new, repositioned and enlarged rooflights' resulting in a loss of historic fabric from the structure of the building.

No further concerns were raised with regard to the proposed re-roofing and other external alterations. Subject to further detail, this element of the proposal would likely aid in the upkeep and maintenance of the curtilage listed building. The Conservation Officer's comments throughout are agreed with by the Case Officer in this instance.

In light of the above, a degree of less than substantial harm was identified and placed at low-mid in relation to the outbuilding itself and low in relation to the Manor building.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This states that *'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.'* This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified.

The proposed development may create some local employment during the construction phase of the development. However, given the scale of the proposed works, this benefit is considered to attribute limited weight. Otherwise, the proposed is not considered to yield any further discernible public benefits.

Overall, it is considered that the scale of volume of the proposed rooflights would result in less than substantial harm towards the identified heritage assets. This would result in an unacceptable loss of historic fabric from the curtilage listed building. Accordingly, the proposal would conflict with Policies DP26 and DP34 of the District Plan, Policies HK4 and HK6 of the Horsted Keynes Neighbourhood Plan, Paragraph 215 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

Policy 16 of the District Plan and policy HK9 of the Horsted Keynes Neighbourhood Plan require proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant. This 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.'

Although as identified in the 'Principle' section of the report that the proposal would be tantamount to a new dwelling on site, the proposal would not result in the development of new built form on a greenfield plot. As such it would not have any adverse impact on the wider landscape quality of the AONB and the complies with the requirements of policy DP16 of the District Plan, policy HK9 of the Horsted Keynes Neighbourhood Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Impact on Neighbouring Amenities

Policy DP26 states that the development will be permitted provided it;

'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 found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

Within Policy HK5 of the Neighbourhood Plan the requirement is:

'there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.'

The proposed new rooflights throughout are considered to supply light to the rooms which they serve rather than offer outlook. Furthermore, the new window to the eastern elevation is considered to reflect the current level of outlook offered. Accordingly, it is not considered that the proposal would result in a significant overlooking impact.

The proposed development is considered to comply with the provisions of DP26 of the District Plan and Policy HK5 of the Neighbourhood Plan in respect of the impact on neighbour amenity.

Other Matters

Although the description of development makes reference to internal works, these elements of the proposal are not considered to form part of the current assessment. Instead, this will be addressed within the listed building consent application DM/26/1058.

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.

It is noted that the current submission seeks an exemption from BNG by virtue of it being a householder development type. As identified earlier in the report, the quantum of accommodation would be tantamount to a separate dwelling on site and as such the incorrect application type has been made. Nevertheless, given that the proposal is within the current built envelope and demolishes part of the existing building, it is likely that the proposal would fall under the de-minimis exception.

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 Horsted Keynes Neighbourhood 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.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policy DP16 and policy DP26 in respect of the impact on neighbour amenity.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what

types of development are allowable under policies DP6, DP12 and DP15 of the District Plan and Neighbourhood Plan Policies HK4 and HK6. Conflict has also been identified with policies DP26 and DP34 of the District Plan.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In this instance, a degree of less than substantial harm has been identified throughout the application's assessment, this is set to the low-mid and low level of the scale. However, the harm to the listed building and its setting must be afforded significant weight to reflect the statutory position that the preservation of such buildings is desirable. It is considered that when balancing the harm to the heritage asset against the benefits of the scheme (the provision of an additional dwelling, construction jobs during the building operation), the harms outweigh the benefits such that the policies in the NPPF relating to heritage assets provide a strong reason for refusal. This means that under paragraph 11 (d) (i) of the NPPF the tilted balance is not engaged.

The proposed development would be sited outside of any defined settlement boundary, and the future development would likely be reliant on a private motor vehicle. Accordingly, the proposal is not considered to be set within a sustainable location. The proposed development would also result in less than substantial harm towards the identified heritage assets through an unacceptable increase in the volume of rooflights.

These factors weigh heavily against the proposed development.

On the positive side the provision of a net increase in 1 No. dwelling on the site will make a limited, but positive, contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight.

The proposal would result in a neutral impact with regard to neighbouring amenities.

In weighing up these issues, when taken together, it is considered that the proposal conflicts with the development plan when read as a whole. There are no material planning considerations that would indicate a decision other than in accordance with the development plan.

Overall, the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Stefan Galyas