

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0411	Case Officer:	Hamish Evans
Application Type:	Householder Application		
Proposal:	Proposed side extension replacing existing conservatory and new porch replacing existing canopy.		
Site:	Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP, ,		
Validation Date	17 Feb 2025	Overall Expiry Date:	21 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Apr 2025
Target Date:	14 Apr 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:	10 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0411

**Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP,
Proposed side extension replacing existing conservatory and new porch replacing existing
canopy.**

Mr Frank Marckus

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Subject to the imposition of conditions, the proposal is considered to preserve the character and appearance of the Horsted Keynes Conservation Area and the setting of the adjacent listed building. This meets the requirement of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

Southern Water

Advice regarding public sewer connections.

PARISH COUNCIL OBSERVATIONS

Horsted Keynes Parish Council

No objection, recommend roof blinds be used to protect the dark skies.

INTRODUCTION

The application seeks planning permission for a replacement single storey side extension and a replacement front porch extension at Mulberries Lewes Road Horsted Keynes RH17 7DP.

RELEVANT PLANNING HISTORY

No relevant planning history.

SITE AND SURROUNDINGS

The site is located within the Horsted Keynes built up area boundary, the Horsted Keynes Conservation Area and the High Weald Area of Outstanding Natural Beauty. The site is also considered to be within the setting of Rixons Lewes Road which is a grade II listed building located to the north of the site. The application site consists of a two-storey detached residential property which is characterised by bare brown brick work and brown clay hanging tile walls, brown clay roof tiles and white timber window and door frames. Lewes Road is located to the east of the site, residential properties are located to the north and south of the site and Rixons is located to the west of the site. The residential properties within the surrounding area are of a varied character and appearance but they are predominantly traditional in their character and characterised by traditional external materials.

APPLICATION DETAILS

The application seeks planning permission for a replacement single storey side extension and a replacement front porch extension. The replacement single storey side extension measures some 2.6 metres in width, 9.3 metres in depth, an eaves height of 2.4 metres and a total height of 3.4 metres. The proposed side extension would be characterised by timber clad walls, clay tile roofing and timber framed windows and door. The proposed front porch extension would measure some 3.4 metres in width, 2.2 metres in depth, an eaves height of 2.4 metres and total height of 3.4 metres. The proposed porch extension would be characterised by bare brick work and timber framed walls, clay tile roofing and timber framed windows and door.

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 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:

DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP35 - Conservation Areas

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.

Horsted Keynes Neighbourhood Plan

The Neighbourhood Plan was adopted May 2023.

Relevant policies:

HK4 - Maintaining local character and good quality design
HK5 - Infill development and domestic extensions
HK9 - The High Weald Area of Outstanding Natural Beauty
HK13 - Light Pollution

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the

Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPC4: High Weald Area of Outstanding Natural Beauty

DPB1: Character and Design

DPB3: Conservation Areas

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 High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

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:

'Listed Buildings

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.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Rixons Lewes Road is a Grade II listed building located to the north of the site.

In terms of the impact on the Horsted Keynes 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 policies HK5 and HK6 of the Horsted Keynes 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 - 216 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.

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

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.'*

A similar stance is taken under policies HK4 and HK5 of the Neighbourhood Plan, which states in part 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:

- achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- 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*
- providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape.'*

Policy HK5 of the Neighbourhood Plan relates to domestic extensions and amongst other criteria requires the scale, height and form must fit unobtrusively with and be subservient to the existing building. In addition, it requires materials to be compatible with materials of existing/surrounding buildings.

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

The site is located within the Horsted Keynes Conservation Area, as designated in 1984. 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".

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 Horsted Keynes 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 extension will predominantly be characterised by external materials similar in appearance to those used in the existing dwelling. The proposed timber cladding would not be similar in appearance to those used in the existing dwelling however it would be of a traditional appearance and similar cladding is seen within the surrounding area. As such the proposed external materials are considered to address the character of the existing and surrounding buildings, details of the proposed external materials can be secured by a suitably worded condition.

The Council's Conservation Officer has raised no objection to the proposal subject to the proposed front door being stained or painted timber. This has been confirmed by the agent.

The proposed works are relatively modest in their nature and they would be of similar appearance and design as the existing dwelling. There are also similar extensions within the surrounding area.

As such the proposed works are considered to address the character and scale of the existing and surrounding buildings and would preserve the character and appearance of the Horsted Keynes Conservation Area. They would also protect the setting of the listed building to the north. As such it is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policies HK4 and HK5 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

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.

Impact on the High Weald Area of Outstanding Natural Beauty

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.'

The proposed works are relatively modest in their nature and the design and character of the proposed works are considered to address the character and appearance of the surrounding area. As such it would not have any adverse impact on the 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.

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.

HK5 of the Horsted Keynes Neighbourhood Plan states: *'domestic extensions will be supported where there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.'*

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. As such, policy HK5 of the HKNP is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

Policy HK13 of the Horsted Keynes Neighbourhood Plan in part states: *'New development will be required to demonstrate how it has minimised light pollution created through its proposed use.'*

The proposed works would be set away from the boundaries of the site and they would be of modest single storey natures. 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.

Taking into account the above the proposal would not result in unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained. As such the proposal would thereby comply with policy HK5 in relation to the residential amenities.

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 address the scale and character of the existing and surrounding buildings and landscape and preserve the character and appearance of the Horsted Keynes Neighbourhood Plan. It would protect the setting of the listed building to the north and it will not cause unacceptable harm to the amenities of neighbouring occupiers. The proposal would also not have any adverse impact on the landscape quality of the High Weald AONB. Therefore, the proposal complies with policies DP16, DP26, DP34 and DP35 of the Mid Sussex District Plan, policies HK4, HK5, HK9 and HK13 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2024-2029 and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans