



Planning Statement

Land Adjacent to The Meadows.

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Planning Statement

For
Land Adjacent to The Meadows

Planning Supporting Statement
on Behalf of Ms Emma Poland

June 2025

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1. Introduction

- 1.1 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 1.2 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

2. Policy

2.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states: *'In dealing with such an application the authority shall have regard to:*

a) The provisions of the development plan, so far as material to application,

b) And local finance considerations, so far as material to the application, and;

c) Any other material considerations.'

Section 38(6) Planning and Compulsory Purchase Act 2004 provides: *'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

2.2 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole.

2.3 The development plan for this part of Mid Sussex consists of

- the District Plan (2018),
- Site Allocations Development Plan Document and
- the Hurstpierpoint and Sayers Common Neighbourhood Plan.

2.4 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.

2.5 The most relevant policies in the Development Plan are considered to be;

Mid Sussex District Plan (adopted March 2018)

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of the Countryside

DP15 - New Homes in the Countryside

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP27- Character and Design

Hurstpierpoint and Sayers Common Neighbourhood Plan (made June 2020)

HurstC1 - Conserving and enhancing character of the countryside

HurstH1 - New Housing Development

HurstH5 - Development Principles

HurstH8 - Small Dwellings

- 2.6 In the current case and situation with MSDC, they do not have a 5-year housing land supply. Consequently, the presumption in favour of development applies as set out in the NPPF, however, we note that the revised NPPF continues to offer protection to areas covered by a Neighbourhood Plan.
- 2.7 There is an adopted Neighbourhood Plan for Hurstpierpoint and Sayers Common Parish, which was made in March 2015. It is noted that no review of the Neighbourhood Plan has been carried out. As a result, the Neighbourhood Plan has not considered the proportion of new housing that would need to be accommodated within the Parish because of the considerable uplift in housing need in Mid Sussex. It can therefore be concluded that Paragraph 14 is not engaged when considering the presumption in favour of sustainable development. The consequence of not being able to demonstrate a 5YHLS of deliverable housing sites means that the development boundaries from the adopted local plan and neighbourhood plan alongside related restrictions on development in the countryside must be acknowledged as out-of-date.
- 2.8 The presumption in favour of sustainable development applies when determining planning applications that cover land within the boundary of Mid Sussex District. This means that more weight should be given to the benefits of providing housing within the site as means of contributing to sustainable development. The District's 5YHLS has recently been confirmed via Appeal Decision APP/D3830/W/24/3350075 (Appendix A) which states...

'96. The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry.'

Other Material Considerations

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

- 2.9 The Plan remains at Examination, but the Inspector has written to the Council indicating that in her view the Council have failed to meet the Duty to Co-operate. The Council have complained and indicated that they will challenge the decision when it is issued. As there are unresolved objections to the majority of Policies in the draft District Plan and because the Plan is likely to be found '*unsound*' only minimal weight can be given to the Plan. It is, therefore, appropriate for this planning application to be assessed against the policies of the adopted District Plan.

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking:

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

3. The Application

- 3.1 The application as submitted contains a location plan denoting the extent of the application site along with an application form and planning statement. This states that the application proposes the erection of a single dwelling. In addition, the block plan shows the indicative siting of a single proposed dwelling. Taking each of the matters for consideration in order:

Location

The principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and 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. The policies contained within the NPPF are material considerations which should also be taken into account in the determination of this application. In this case, the housing policies and those restricting development within the countryside are out-of-date. Given the lack of 5YHLS the so called 'tilted balance' in favour of sustainable development applies. 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...

- I. 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;*
- II. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
- III. 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.'*

- 3.2 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.

3.3 Considering Footnote 7, the application site is not a Site of Special Scientific Interest, Green Belt, Local Green Space, a National Landscape, a National Park or defined as Heritage Coast; nor is it irreplaceable habitat; a designated heritage assets and other heritage asset of archaeological interest; and finally, nor is the site at risk of flooding (flood zone 1) or coastal change. The nearest Listed Building is the Grade 2* Little Park Farmhouse. The site lies well beyond the curtilage of that dwelling. Whilst the LPA have consistently objected to development at this site on the grounds of 'less than substantial harm to the setting of the Listed Building at the lower end of the scale', this approach to those applications and indeed to this proposal is not credible or sustainable. The relevant appeal decisions are attached at Appendix B, C and D.

3.4 Appeal Decision APP/D3830/D/23/3321453 (Appendix B)

'10. Turning briefly to the second issue of the effect of the porch on the setting of the listed Little Park, it would appear from the grant of permission for The Meadows that the main building itself was not regarded as having that effect. For the proposed porch to be so harmful as to now have that impact is not credible either in terms national and local policy to safeguard designated heritage assets or indeed plain common sense.

11. My assessment to this effect was confirmed on my visit by observation of the significant distance between The Meadows and Little Park; the lower site level of the former, and the presence of substantial mature screening between the two buildings. The combination of these factors means that there is effectively no meaningful visual relationship between the buildings that could be reasonably said to result in this limited extension of The Meadows having a harmful effect on the setting of the Grade II listed 'Little Park'.*

12. On both main issues my conclusion is that the appeal scheme would have no adverse effects as regards the rural character and appearance of the locality and the setting of the listed building.'

3.5 Appeal Decision APP/D3830/D/24/3350721 (Appendix C)

15. The position, scale and nature of the proposed development, together with the relatively limited intervisibility between the appeal site and the nearby heritage assets, would mean that the now visually and physically separate relationship between the appeal site and those assets would be maintained. The historic and architectural interests of the asset would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features, in particular, would reinforce this. Ultimately, the

immediate and most of the wider setting that contributes to the significance of the asset would remain undisturbed by the proposed scheme.

16. Taking these factors into account, I conclude that the proposed development would not compromise the setting of Little Park, rather it would have a neutral effect that would not determinably alter how the asset would be experienced and would not adversely affect the ability to appreciate the significance of the asset. Consequently, the setting of the listed building, and the contribution it makes to the significance of the assets, would be preserved. The proposed development would therefore be in accordance with the requirements of Section 66(1) of the Act and the relevant provisions within the Framework which seek to conserve and enhance the historic environment. The proposed development would also accord with the relevant provisions of DP Policy DP34. This policy, in summary, seeks to protect heritage assets.

17. As there would be no harm to the significance of this designated heritage asset, it is not incumbent on me to consider any wider public benefits that the proposals may bring in this respect.'

3.6 Appeal Decision APP/D3830/D/23/3330972 (Appendix D)

'12. I do, however, have considerable sympathy for the appellant's concerns that the Council will never allow any further development at the site. In this context, I have reviewed the planning history including reference to the previous appeal decision to allow a porch extension, which demonstrates that further additions to the dwelling have been approved at the site. In this regard, the development plan includes Policies DP12 and DP26 of the MSLP and HurstC1 of the HNP that allow for well-designed development in the countryside. These policies continue to apply to the appeal site, which I hope reassures the appellant that any future additions to the property could, as a matter of principle, be considered favourably subject to a suitable design being achieved.

13. I have also had regard to the duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that requires special regard to be made to the desirability of preserving a listed building or its setting, which is relevant due to the appeal site being within the setting of the adjacent Grade II listed 'little park' building. I observed on my site inspection that the appeal property was located some distance from the adjacent listed building and being on lower ground and with mature screening in between.*

14. I, therefore, agree with the previous Inspector's conclusions that there is not a meaningful visual relationship between the appeal property and the setting of the adjacent listed building to which permitted development at the site is likely to have any impact. I note the parties are also not in dispute on this point; I therefore conclude that the removal of condition 14 would not result in harm to designated heritage assets and, therefore, would not conflict with Policy DM34 or Chapter 15 of the Framework. Finding no harm in this regard, however, is a neutral factor that does not override the need for the condition for the ongoing protection of the rural character of the countryside.'

- 3.7 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 deliverable 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 well 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. Considering the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance.
- 3.8 Policy DP4 (Housing) is relevant to this application. The policy relates to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. The policy has no/limited weight.
- 3.9 Policy DP6 (Settlement Hierarchy) is not a housing policy but rather one which provides a ranking of settlements across the whole District in relation to their sustainability. As such, this policy retains substantial weight in the determination of the application.
- 3.10 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside, however, it seeks to restrict certain forms of development including housing, it is a policy directly related to the supply of housing. 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 limited. Policy HurstH1 of the Neighbourhood Plan seeks new housing development to enhance the existing settlement pattern of the village whilst the countryside/housing policies of Neighbourhood Plan are considered out-of-date as set out above, the current proposal is consider to enhance the existing settlement pattern, being located adjacent to existing low density development within a garden, with strong natural landscaping to the open space/countryside to the north, east and south and further residential development extending eastwards to a similar extent.

- 3.11 Policy DP26 of the District Plan relates to character and design and 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. Details of the scale, design and relationship with neighbouring properties are matters reserved for the technical details consent stage. It is acknowledged that there are several constraining features due to the size of the site and trees on the site that will affect the design and scale of any proposed dwelling. These matters would fall to be properly considered as part of the technical detail consent stage. However, it is reasonable to assume that a dwelling could fit onto the site in any instance and that the size and shape of the plot is suitable to accommodate a dwelling.
- 3.12 In relation to access, the site is accessed off the northern end of Marchants Close via a private road which serves three existing and one additional permitted dwelling. The access is safe and in relation to sustainability to site connects via Marchants Close with the village (a Category 2 settlement), with primary school, library, shops, restaurants, public houses, health facilities and churches. Regular bus services are available from the High Street to Hassocks Station, which is on the main London to Brighton railway line. When describing previous applications at this site the LPA have accepted that the site lies in a sustainable location. The amenities listed above are all within 800m. The site is considered to be in a very sustainable location.
- 3.13 When judged against policies relating to settlement pattern, accessibility to services, and countryside character, the location and land use of the development proposed would not conflict with relevant Development Plan policies. On the positive side the provision of a dwelling on the site will make a minor 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. The proposal would also result in a new homes bonus. In weighing up these issues, when taken together, it is considered that the site is well contained, adjacent to existing housing, sustainably located with satisfactory access and any adverse impacts of the development are very limited and could not be described as '*significantly and demonstrably outweighing the benefits of the proposal*'.

Amount

- 3.14 A single dwelling could be satisfactorily accommodated on the site, with adequate amenity space and the protection of surrounding trees/screening. The scale, design, height, and form can all be controlled at the second ('technical details consent') stage.

Land Use

- 3.15 The site is already a residential garden and the proposed use as a single dwelling house, would be entirely appropriate in the edge of settlement location.

4. Conclusions

- 4.1 Given the location of the site, on the edge of a sustainable settlement, the well enclosed nature of the site and surrounding residential uses to the west, and the lack of 5YHLS and out of date Local Plan it is considered that this application should be supported.

Appendix A



Appeal Decision

Inquiry held on 28, 29, 30 January 2025

Site visit made on 29 January 2025

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/D3830/W/24/3350075

Scamps Hill, Lindfield, RH16 2GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Gladman Developments Ltd against Mid Sussex District Council.
 - The application Ref is DM/24/0446.
 - The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Scamps Hill, Lindfield, RH16 2GT in accordance with the terms of the application, Ref DM/24/0446, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was not determined prior to the appeal being lodged. The Council provided putative reasons for refusal: the setting of heritage assets, the development being outside the built up area in the Development Plan, insufficient information on the effect of the proposal on protected species and the lack of a legal agreement to provide affordable housing and social infrastructure.
3. Following consideration of the latest ecological surveys, the Council confirmed on the 28 November 2024 that protected species would not be harmed by the proposal subject to conditions. Additionally, following the publication of changes to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) on Housing supply and delivery, the Council on 19 December 2024 advised that they were not now opposing the principle of the proposal.
4. A section 106 agreement (s106) was signed on and submitted 10th February 2025. This makes provision for affordable housing, highway works, essential services and ecology.
5. The appeal proposal is submitted in outline with all matters reserved except for that of access. The Appellant confirmed at the Inquiry their intention, if the appeal was allowed, was that the reserved matters submissions would comply with the submitted Development Framework Plan which provides the broad extents of the

development area and open space. I therefore have considered the Plan accordingly.

6. The appeal site is proximate to the Grade II listed Grayfriars and Tythe Cottage, and Walstead Grange a non-designated heritage asset. Whilst the site is outside Lindfield Conservation Area, its setting is a material consideration and the effect of the proposal on the settings on all of the above is therefore a main issue.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.
8. The submissions in the appeal evidence show two different spellings of Grayfriars. The list description spells it as above, and for that reason I follow that, in spite of a differing spelling on the sign at its frontage.

Main Issues

9. The Council suggest the proposal conflicts with the Development Plan in their putative reasons, which I consider latterly. The effect of the proposal on the character and appearance of the area is relevant to the built up boundaries in the Development Plan and is raised by local residents; I therefore consider this as a main issue. The effects of the proposal on protected species and habitat and the setting of heritage assets, are both main issues due to their particular tests. The main issues therefore are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on protected species and habitat; and
 - the effect of the proposal on the settings of the Lindfield Conservation Area, Grade II listed Grayfriars, Grade II listed Tythe Cottage and non-designated heritage asset, Walstead Grange.

Reasons

Character and appearance

10. Policy DP12 of the Mid Sussex District Plan 2014-2031 seeks to protect the countryside for its intrinsic character and beauty. Development outside the built up area boundaries will only be supported where it enhances the rural and landscape character and is necessary for agriculture. DP15 is similar in restricting new homes in the countryside and relatedly DP6 allows development within the defined built up area boundaries. It recognizes the growth of settlements supports local housing, employment and community needs.
11. In addition, Policy DP26 promotes well located and designed development that reflects the District's distinctive towns and villages and retains their separate identity and prevents coalescence. DP37 seeks to protect trees and hedgerows and encourages new planting.

12. Policy 1 of the Linfield and Lindfield Rural Neighbourhood Plan 2014-2031 supports development proposals only within the built up boundary of Lindfield. Then the scale, massing and character will need to be appropriate.
13. The appeal site is not within a designated or protected landscape and similarly no party felt it was part of any such setting. The Council agreed that 'the development has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects'¹.
14. The site is within the National Character Area High Weald. However, this is very extensive, so offers little relevance to the appeal site and this settlement edge landscape. A county wide study² places the appeal site within the Ouse Valley character area. This notes Lindfield as a valley edge settlement and finds its impact on the Valley is reduced by woodland and relatedly suggests the general settlement pattern sits well within the landscape. It also remarks on the legacy of 'designed' landscapes and treescapes.
15. The characteristics of the Ouse Valley are reflected in the environs of the appeal site. Whilst the eastern part of Lindfield is characterised by extensive twentieth century housing, this is fragmented by The Old Common, a green space with a peripheral scattering of trees and a sense of openness and rurality, which functions as a large village green. The houses gently slope towards the edge of the settlement (and the appeal site), alongside the slightly meandering Scamps Stream.
16. The appeal site itself consists of three grass fields. Two gently slope upwards away from the Stream to a faint ridge before conversely the third field slopes down towards Walstead. There is a scattering of mature indigenous trees and hedgerows dividing the fields and site boundaries.
17. One side of the appeal site is adjacent to the B2111 through road linking Lindfield and Walstead which provides a circuitous northern road around the nearby Haywards Heath. To the other side of the road is extensive recent residential development, however this is partly buffered by trees alongside the through road.
18. The appeal site contributes to the Ouse Valley landscape by its grass borders to the stream side and its scattered large specimen trees which together with the boundary hedges soften the settlement edge.
19. A landscape assessment was submitted with the proposal. This shows that there are views of the site from the surroundings, however, the site is only marginally apparent in medium range views, being shrouded by woodland and the topography. It does not feature in distant outward looking views to the wider countryside and is largely experienced in short range views. Both parties agree that the site has limited visibility. I find in terms of landscape change the site has limited sensitivity.
20. The proposed 90 houses would be on the two fields towards the Lindfield part of the appeal site. In the medium range views, these would be perceived as a very small and insignificant element. The site is most apparent along the road to and from Lindfield. However, from here they would be experienced in conjunction with the existing houses in Lindfield and would be perceived as part of the settlement.

¹ Statement of Common Ground paragraph 4.15.1

² A Strategy for the West Sussex Landscape 2005

A proposed intervening open space adjoining Scamps Stream would soften the collective expanse of the new and existing built form.

21. The proposal would create a new opening through the frontage hedge for the vehicular access, which would create a new viewpoint. However, it would not be overly wide, so that view would be narrow and only briefly apparent from the through road. A cycleway/pedestrian access would also be formed and similarly create an opening, however this would be a narrow view and would be largely of an open space by the Stream. With the exception of the above, the submitted plans show a frontage hedge would be largely behind the visibility splays.
22. The submitted tree protection plan shows the retention of the important specimens that contribute to the character of the site and the Framework Plan provides them with space to flourish.
23. Whilst this is an outline application, the extent of development is defined by the Framework Plan and the Design and Access Statement suggests an overall density of 36 per hectare. Taken as a ballpark, I find that this would be modest and in keeping with an edge of settlement location. In addition, the heights of the buildings would be capable of being considered in conjunction with the elevations in any reserved matters.
24. Part of the appeal site, on the Walstead side, would be left as public open space. The Framework Plan shows this arrangement, and a condition on its broad compliance is suggested by both parties. This open space would have new tree planting which would provide a characterful countryside boundary to the settlement.
25. The proposal would involve the loss of two grass fields which would lead to some harm to the landscape. That harm would be limited as the site is not part of a sensitive landscape and development would be experienced as a sympathetic extension to Lindfield. It would be also partly offset by the new landscaping opportunity on the third field, which could reflect the characteristics of the Ouse Valley.
26. The area shown for development does not appear to have any particular constraints, and I find that there is no reason why reserved matters details could not address the character of the area. There is a discernible vernacular in Lindfield, which the elevations, materials and landscaping could follow.
27. I therefore find that the proposal would not conflict with Policy DP37 as the loss of hedgerow for the access would be more than compensated by new hedgerows and trees. It also accords with Policy DP26 in terms of its appropriate design but is contrary to DP12, DP15 and NP1 being outside the built up boundary and leads to adverse impact.

The effect of the proposal on protected species and habitat

28. Policy DP38 seeks to promote biodiversity, minimise habitat fragmentation, enhance wildlife corridors and avoid disturbance to sensitive habitats and species.
29. The appeal site's three fields have species poor neutral rough grassland, which were being grazed by a few sheep at the time of my site visit. The scattering of mature indigenous trees and mixed species hedgerows provide some habitat but

more notably adjacent to the site is an ancient woodland and Scamps Stream. There are also pockets of other broadleaf woodland in the area.

30. The Appellant has conducted ongoing surveys for protected species in and around the site since 2020, and reviews have provided the up to date position. The Council and their specialist consultants vindicated the methodology and the results.
31. The surveys showed limited badger, bat and reptile activity, and the presence of dormice and common birds. One of the local residents mentions sighting a barn owl on the site.
32. Both main parties agree in the Ecology Statement of Common Ground that the proposal would not harm protected species or habitat, albeit with appropriate conditions and planning obligations in the s106.
33. The Framework Plan shows the provision of open space and potential landscaping. The parties agree that the proposal can provide mitigation measures including new habitat by tree and shrub planting. Appropriate specimen trees would provide foraging, shelter and foster connectivity across the site for a range of species. Such new planting would also be likely to provide intermediary links to the ancient woodland; a proposed orchard would also be close thereby diversifying foraging opportunities. A hedge would buffer the ancient woodland from disturbance by humans.
34. Open space is also shown around the stream, and development would not intrude into the margins of the aquatic habitat, thereby avoiding disturbance to wildlife. Whilst there are 3 ponds and a ditch within 250m of the site, there was no evidence of newts, and the main parties agree that the development could be effectively managed under license. The proposed surface water attenuation pond would also provide particular habitat, thereby helping to diversify the ecosystem.
35. A condition could be imposed to ensure that the construction process would be managed sensitively to respect the site and its surroundings. Similarly, the open space could be managed so that its potential is realised and a habitat monitoring condition would help the future prospects. A condition to control external lighting would mean that the margins of the development would not be expected to discourage bats and birds.
36. The existing biodiversity value of the site has been calculated and agreed by the Council. Whilst the precise landscaping details would be a reserved matter, the potential has been demonstrated to show a Biodiversity Net Gain as confirmed in the Ecology Statement of Common Ground³. A Habitat Management and Monitoring Plan could be required to provide detailed management prescriptions to ensure the existing and created habitats reach the desired state.
37. I therefore find that the proposal would not harm protected species or their habitat and would provide a Biodiversity Net Gain. Accordingly, the proposal would not conflict with Policy DP38.

³ Paragraph 1.11

The effect of the proposal on the settings of heritage assets

38. Policy DP34 supports the protection of listed buildings and their settings as well as non-listed buildings which have architectural or historic merit.
39. Policy DP35 requires development in a conservation area conserves and enhances its special character, and also seeks to protect their setting in particular views into and out of the area.
40. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states⁴ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall⁵ shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.
41. The Grade II* listed Little Walstead Farmhouse⁶ is located to the north of the site. No party raised any concern about the effect of the proposal on its setting and at the Inquiry both parties stated that the appeal site did not form part of its setting. From my observations on site and the lack of any submitted evidence to indicate any connection, I reach a similar conclusion.

Grayfriars

42. This is the nearest historic asset to the appeal site and lies opposite its western corner. The list description⁷ suggests it dates back to circa 1830.
43. The significance and special interest is derived from its architectural details. However, both parties agree that it has had some changes and extensions, and I find that they detract from its original character.
44. The Appellant suggests it may have been linked to Gravelye Manor as a waymark or a lodge and related to the nearby poor houses/colony associated with the owner of the Manor, which lies away from the appeal site and in the opposite direction. Whilst the list entry suggests Grayfriars may possibly have been a toll house or lodge, nonetheless there was no clear evidence before the Inquiry to confirm its previous role.
45. I find its setting is formed by its garden/grounds, roads, houses opposite and the appeal site. This partial rural setting compliments the architecture and allows it to stand out in isolation on a prominent corner, however both aspects are diminished by the width of the road and the extent of the nearby twentieth century houses. In addition, a conservatory and garage have been built in its grounds, which divert attention away from the original structure particularly when experienced from the Walstead approach.

⁴ Paragraph 9

⁵ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

⁶ List Entry Number 1354878

⁷ List Entry Number 1025623

46. The appeal site makes a contribution to the setting by asserting a rural character, and the Council emphasises this importance bearing in mind the other detractors. However, a boundary wall obstructs it from the appeal site aspect and moreover its architectural detailing does not overlook/address the appeal site rather it appears orientated to the side. The intervening road is also a division. I therefore find that the appeal site makes a limited contribution to the setting of the asset.
47. The proposed houses would be visible and whilst they would attract attention away from the listed building, being set back the effect would be very limited. There would be a loss of the grass fields and that rurality, but the through road impairs such setting. I therefore find that the proposal would lead to limited harm.

Tythe Cottage

48. This is located towards the eastern side of the appeal site, furthest away from Lindfield. It is an isolated rural cottage set within an open garden.
49. The significance and special interest is derived from the architectural details, simple form, modest scale and rustic materials. The list description⁸ notes its ground floor red brick and upper storey in timber weather boarding.
50. Its setting is formed by its garden, surrounding fields and the nearby Walstead Grange. The setting contributes to its character as there is a sense of rural isolation which compliments its rustic architecture and harmonises in a rural idyl.
51. The appeal site is part of the swath of the Cottage's countryside setting and there is intervisibility, indeed its white timber boarding is prominent. The Lindfield Tithe Map shows it was in a different ownership from the appeal site and there was no evidence before the Inquiry to show a functional connection.
52. The proposal would leave the nearest field as open space. Nonetheless the new houses would have a presence which would undermine the rural isolation of the Cottage, albeit the ridgeline, hedge and an existing group of trees would help lessen the visual impact.
53. The open space would have new planting, which is envisaged to follow the existing character and would be beneficial. Whilst the proposal would allow public access, supported by grass mown paths, I would not expect the public presence to be intensive so as to change the inherent tranquil character. I therefore find that the provision of the public open space and landscaping would not be harmful.
54. I therefore conclude that the proposal would cause limited harm to Tythe Cottage.

Walstead Grange

55. This is a non-designated heritage asset, and both parties agree that it is high value within that parameter. Paragraph 216 of the Framework requires consideration of the effect of the proposal on its significance and a balanced judgment needs to be made having regard to the scale of any harm.
56. Its significance and special interest is derived from its architecture. The Appellant's Heritage Statement suggests the original building probably dates from the sixteenth century with a nineteenth century addition. The latter is a very large and

⁸ List Entry Number: 1180964

distinct classical style extension, which clearly shows an interesting historic evolution of the building, even though the two elements appear discordant.

57. Its setting is derived from its grounds and the surrounding fields, including the appeal site and Tythe Cottage. A disused tennis court and swimming pool are within the grounds, which are unsightly and detract from its setting.
58. The proposed houses would be evident from the Grange but would be distanced, so the impact would be limited. Moreover, it does not appear to have been designed to take in the views towards the appeal site, and the detracting tennis court and swimming pool form the foreground for this aspect.
59. I therefore find that there would be some loss to the setting of the Grange, but very limited harm would result.

Lindfield Conservation Area (CA)

60. The CA as amended in 1998 covers much of the built up part of the village. The Council has published 'Conservation Areas in Mid Sussex' from which they quote: 'Lindfield has a strong individual village identity with a pond, a common, a church dating from the 13th century and a High Street'. The Council suggest the significance of Lindfield Conservation Area lies in its nature as a historic Sussex village which has grown up over many centuries in close connection with the surrounding landscape.
61. In terms of a functional relationship to setting, the Council comment that the countryside, including the appeal site, would have generated wealth thereby supporting the establishment of shops and buildings in the high street. The above document indeed notes the range and richness of the village's architecture.
62. The setting of the CA includes the countryside edge to Lindfield. The appeal site is outside the designated area, but contributes to the setting, as it forms some of the dynamic views of the countryside approach to the CA. In addition, both parties agree the appeal site is 140m away from the CA, whereby on the B2111 there is some intervisibility. Also, there is intervisibility from the slightly elevated The Old Common, particularly from the primary school environs.
63. The Council highlight that the separation of the appeal site from the CA does not mean its effect should not be considered. Reference is made to an appeal decision⁹, whereby in spite of a larger intervening distance, approximately 180m, and the presence of intervening development, that Inspector found the appeal site contributed to the CA's character and appearance. I note this in principle.
64. From the 140m point, the appeal site contributes to the CA's setting by glimpsed, narrow views, which suggest a rural impression, but this is not strong as it is experienced from the roadside and with intervening modern buildings. Similarly, the dynamic views on the countryside approach to the CA are not enhanced by the built up edge of the village.
65. From The Old Common the appeal site is visible on the skyline, but it is a small component of the view.

⁹ APP/D3830/W/20/3261311

66. I acknowledge the Council comment about the countryside generating wealth to support its historic development. However, whilst this is likely, it is not unusual. Moreover, modern development has eroded the relationship with the countryside, in particular, the spread of houses around The Old Common, so it is now difficult to perceive a functional and cultural relationship between the countryside and village's historic growth.
67. I therefore conclude that the appeal site makes a limited contribution to the setting of the Conservation Area.
68. The new houses would be perceived in the dynamic views from the road into/out of the CA and would harm the rural setting. Similarly, the houses would be visible in the glimpses out/into the CA on the through road and The Old Common. The new houses and associated roads would undermine the rural setting, albeit the harm would be limited due to the visibility of the appeal site.
69. The site is currently rough grassland, open, gently undulating, with an informal scattering of large trees particularly oaks. These could be suggestive of a parkland character, however the Council disputed whether historically the site was parkland and also whether it is currently. In any event, it is not necessary for me to reach a conclusion on this point, as the proposed open space, aside from the play area and a peripheral orchard, would be low key grass mown paths, maintained grassland and a scattering of additional trees, rather than a formalised designed landscape. Such a planting strategy would maintain the existing character and additionally the landscaping details would be a reserved matter requiring the Council's approval. Therefore, I find that the proposed planting would be beneficial to the character and appearance of the CA and the public access to the proposed open space would not be harmful.

Conclusion on setting of heritage assets

70. I find that the proposal would cause 'less than substantial' harm to the heritage assets.
71. In terms of listed buildings, section 66 of the 1990 Act, requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Whilst section 72 of the 1990 Act refers within a conservation area, paragraph 208 of the Framework emphasises the importance of setting to designated heritage assets. This includes conservation areas, which is also affirmed by Policy DP35.
72. Paragraph 212 of the Framework advocates great weight to the designated asset's conservation. Paragraph 216 highlights the need to consider the significance of non-designated heritage assets. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.
73. As I have found harm to the heritage assets, the proposal would conflict with Policies DP34 and DP35.

Other Matters

74. Concern was raised about the effects of surface water run-off resulting from the hard surfacing as the appeal site is above the Scamps Stream which drains a substantial part of the village. There have been occurrences whereby the Stream has overflowed threatening adjacent businesses and homes, although a concrete/

brick wall has been built alongside the stream to potentially deflect flood water. The appeal proposal would accommodate the immediate surface water runoff from the site. The Flood Authority have no objection and based upon the evidence submitted to the Inquiry I find that the proposal would not exacerbate flood risk.

75. There were concerns about the safety of the access which would be just inside a 40mph limit. However, this would be sited on the crest of a rise which would allow good visibility in both directions. The visibility splays have been plotted and shown to comply with the necessary safety standards. Similarly, the access geometry has been shown to meet accepted standards. The Transport Assessment calculates the traffic generation associated with 90 dwellings and was agreed with the Highway Authority.
76. Concern was also raised about the Lewes Road junction towards the High Street and beyond the appeal site. However, the traffic arising from the development would not be expected to significantly pressurise this junction.
77. Some of the local residents suggested that walking and cycling would not be supported by the proposal. It was suggested the footpath on the southern side of the road, opposite the appeal site, is not ideal and would have to be crossed. However, the proposal includes a 3m wide cycleway/ footway parallel to the road and within the site. This would then lead to a safe crossing point of the road, on the edge of the 30mph limit. Both main parties suggest a condition on its provision, and I therefore find that the site would have good accessibility and connectivity. I note the extent of recent (Bovis) development near the Walstead side of the site and this proposal would have at least as good accessibility to the Lindfield facilities. Haywards Heath is also close by and offers national high street retailers, a mainline station and hospital. I therefore find that the appeal site is in an accessible location and the proposal would comply with Policy DP25 which requires new development is alongside community services.
78. Concern was raised about the extent of recent new development however that in itself would not preclude this proposal. Much would depend upon the nature of the site, its accessibility and the facilities available locally. In any event the land supply shortfall requires further development in the Council's area.
79. It was also suggested that the development was premature pending a review of the Local Plan however the site is capable of absorbing the development and would be well served by local facilities. The proposal would not jeopardise the future strategy for growth.
80. Concerns were raised about the air quality being degraded by the proposal. However, there is no air quality management zone here and traffic arising from the new houses would be limited compared with existing flows.
81. There is also concern that the proposal would involve the loss of agricultural land. The site is very rough grassland and was being grazed by sheep at the time of my visit, but there was no evidence before the Inquiry that the land has been farmed intensively recently. It is segregated from other land holdings by woodland, the village and the road, which would limit its potential intensive use. The size of the lost fields would also be insignificant in terms of food security and production. The open space would have to be managed and potentially this could be used for grazing.

82. Parts of Ashdown Forest SAC and SPA are within the Council's administrative area. These are noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017, and a review of the new housing is necessary together with other additional growth. Policy DP38 seeks to avoid damage, protect and enhance Special Protection Areas and Special Areas of Conservation.
83. The heathland habitats of the Ashdown Forest SAC are vulnerable from atmospheric pollution from several sources including vehicle emissions from increased traffic associated with new development on the roads which go through or run adjacent to it. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions. Additional nitrogen could disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.
84. The SPA is vulnerable from added recreational pressure, particularly dog walking, causing disturbance, trampling and damage to nests of the near ground and ground nesting birds including Dartford Warblers and European Nightjars.
85. The proposed 90 houses, together with other growth, would increase the number of people seeking areas for recreation. The visitor surveys carried out in liaison with Natural England demonstrate that residents living within 7km of the Ashdown Forest are likely to visit it leading to disturbance. The Council confirm this appeal site is more than 7km away and I therefore find the proposal would not be likely to generate significant visitors to the Forest.
86. I therefore find that the proposal would not lead to vehicles generating air pollution to affect the integrity of Ashdown Forest SAC or from visitor impacts on the Ashdown Forest SPA on nesting birds.
87. In conclusion, the scheme would not harm the SPA or the SAC and accords with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, the proposal would not conflict with Policy DP38.

Planning Obligations

88. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
89. Policy DP20 in the District Plan refers to infrastructure provision. The Council's adopted supplementary planning document entitled 'Development Infrastructure and Contributions', October 2019, sets out the basis for calculating infrastructure contributions and the thresholds. The s106 was agreed by both parties.
90. The pressure from new residents on community buildings could be addressed by several potential projects identified in the CIL Compliance Statement. The scout's hut is available for parties and there are plans for a new kitchen, toilets, and showers. The Old Fire Station and its open space could be adapted to increase use and there is planning permission for a new community centre at Barn Cottage

Recreation Ground. A formula for calculating the increased need and size of the contribution is provided within the obligation.

91. The CIL Compliance Statement confirms that the formal sport contribution would go to improvements at Lindfield Common or Hickmans Lane, both of which are close to the appeal site, and thereby would help meet the needs of the new residents. Similarly, the local community infrastructure contribution would be used towards an extension to increase capacity at Walstead or improvements to street lighting to increase pedestrian activity. Both these contributions are calculated using a formula according to house size.
92. Additional primary and secondary school capacity would need to be expanded to serve the occupants of the new houses, and a county wide-standard formula is provided in the s106 for an appropriate contribution. A similar formula is also included for a library contribution to allow expansion of facilities for the increased demand.
93. The s106 has a requirement for a travel plan, which together with its necessary audit fee, and total access requirement, would promote low carbon travel. There is also provision of a safety audit of highway works and their necessary completion. A monitoring fee is also included to meet the additional staffing costs resulting from the measures in the s106.
94. In accordance with Policy DP31 30% of the new houses would be affordable homes. Affordable housing is controlled within the s106 to ensure that the development contributes to the need of the area. Provision is also included for a wheelchair accessible home. A requirement for compliance with national space standards would ensure that the new homes are satisfactory for modern living.
95. The s106 includes provision of the management of open space, provision of a LEAP and orchard which are necessary for the character and appearance of the area and the well-being of local residents. Provision is made for Biodiversity Net Gain.

Housing Land Supply and planning benefits

96. The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years¹⁰. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry.
97. The Council has a good record of maintaining land supply, which was acknowledged by the Inspector determining the recent Aldbourne appeal¹¹. Similarly, the Council scored 142% in the recent Housing Delivery Test, which is notable. Moreover, the Emerging Local Plan will be allocating new sites and additional staff have been appointed to work on large strategic applications. I therefore find that there are good prospects for the shortfall being remedied in the future.
98. The 90 new houses would be a substantial benefit to the area bearing in mind the shortfall in housing land supply.

¹⁰ Council closing paragraph 8

¹¹ APP/D3830/W/23/3319542

99. The median affordability ratio of house prices to earnings in Mid Sussex is 12 which is above the South East Regional average and substantially higher than that nationally. There are 2,099 on the district housing register and 88 households specified Lindfield as their preferred choice. The 30% affordable homes element of the proposal, up to 27 homes, would help towards the pressing local need and support the well-being of the community as a whole. The proposal would provide an acceptable standard of everyday living for those currently waiting for suitable homes. This adds to the substantial benefit above of new housing provision.
100. Both main parties agree that the proposal can provide a Biodiversity Net Gain, which would be a limited benefit¹².
101. The proposal would dedicate an extensive open space which would be accessible to local residents particularly those in the newer development to the south. It would contribute to a network of accessible green spaces in and around the village, which would be a moderate benefit.
102. There was debate at the Inquiry whether the surface water attenuation would be a mitigation or a benefit. I conclude the former as its size would address the effect of new hard surfaces.

Heritage and Planning balances

103. As I have found above the proposal would harm the listed buildings, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the setting of the Conservation Area as well as the non-designated heritage asset.
104. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
105. Taking the above public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets and non-designated heritage asset.
106. The proposal would not conflict with Policy DP38 in terms of biodiversity, DP26 in respect of design and DP37 in consideration of trees and hedges. Whilst it would accord with DP20 and DP25 being accessible and providing reasonable facilities for the occupants, it would be contrary to Policies DP6, DP12, DP15 and NP1 being outside the built up boundary. The loss of the green fields would also be a negative impact on the character and appearance of the area, contrary to DP12. There is also conflict with heritage Policies DP34 and DP35.
107. Considering the above collectively, there is some accordancy but also some conflict with the Development Plan policies which are the most important in this

¹² Having regard to *Vistry Homes v Secretary of State for Levelling Up Housing and Communities* [2024] EWHC 2088 (Admin)

appeal. When taken as a whole, I find that the proposal would be contrary to the Development Plan.

108. The Council is working on the Emerging Mid Sussex District Plan. This currently has some unresolved objections and both parties affirm that it is to be afforded only limited weight¹³. In any event the policies in the Emerging Plan do not lead me to a particular decision.
109. As I noted above there is a shortfall in housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
110. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
111. In terms of the economic objective the proposal would provide up to 90 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is suggested as significant, and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
112. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the shortfall in sites for housing there is a pressing need to increase supply from deliverable sites. The proposal would provide a range of new homes.
113. The affordable housing would also contribute to the social objective, particularly as 30% of the dwellings would be affordable which is a significant proportion.
114. In terms of the environmental objective the proposal would not harm the character and appearance of the area. The occupants of the dwellings would be close and accessible to facilities without being wholly reliant upon car use, thereby helping towards low carbon living as advocated within this criterion of paragraph 8. Additionally, the proposal has been demonstrated to potentially improve biodiversity, which would be a benefit.
115. The Lindfield Society suggest that the housing land supply should not dictate this appeal outcome and point to an appeal decision in Ninfield, Wealdon¹⁴ dismissed despite 3.8 years supply. However, I note that Inspector found the development would result in substantial harm to the character and appearance of the area, which is different to my conclusion here. I also acknowledge the point from The Lindfield Society that, even with the housing land supply situation, the current Development Plan still has to be considered¹⁵, but I consider that it warrants only limited weight.
116. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when

¹³ Statement of Common Ground paragraph 3.3.2

¹⁴ APP/C1435/W/23/3331659

¹⁵ *Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council* Ref: [2021] EWCA Civ 104

assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

Conditions

117. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly. There was considerable agreement on the suggested wording of conditions.
118. Conditions on the timing of commencement, the list of approved plans and particular reserved matters would provide clarity and certainty. The status of the Framework Plan is also confirmed by condition, which helpfully sets out the parameters for the development.
119. Conditions are necessary to set out the requirements for the landscaping reserved matters. Similarly, a condition on materials is necessary to ensure that the houses are sensitive to the site's context.
120. The conditions requiring submission and approval of a Construction Method Plan and working hours would avoid unreasonable disturbance to those living nearby and using the surrounding roads. Conditions on potential remediation of any land contamination and pollution are needed to protect the health of new residents. A condition on compliance with the air quality report is also needed for the health and well-being of the new residents.
121. Details of finished floor levels, surface water drainage, potential access to the stream and verification would ensure that the development does not exacerbate flooding or put new residents at risk. Provision of foul water facilities are a basic requirement of everyday living. A condition requiring a minimum of 20 percent of the dwellings meet national standards for accessibility and adaptability would help the long term living standards of the occupants and their visitors.
122. A condition is needed to ensure the implementation of roads and their associated footways. In addition, a condition is needed to secure the provision of a footway through the site to help accessibility of the new residents to local services as I have found above.
123. An archaeological investigation condition is necessary to ensure that any significant remains are properly recorded, to inform the heritage interest of the area.
124. A condition [23] requires that mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy and the appointment of an ecological clerk of works, which would safeguard their prospects. Whilst re-worded, this would overlap with

the suggested condition on the prevention of commencement of any works which would impact the breeding/ resting place of any Hazel Dormouse and is not so imposed. In addition, conditions are necessary to manage the development in respect of the potential for newts. As I have found above conditions are needed on the ecological management of the development process, promotion of biodiversity and control of external lighting in the interest of wildlife. A condition is warranted on updated surveys in case the implementation of the development is not timely.

Conclusion

125. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

John Longmuir

INSPECTOR

Appearances

For the Council

Graeme Keen, Kings Counsel, Landmark Chambers

Gareth Giles BA(Hons) FRTPI, Planning Director, Whaleback Ltd

Emily Wade MA MSc Conservation Officer

For the Appellant

Christian Hawley, Counsel, No.5 Chambers

John Mackenzie DipTP, MRTPI, Planning Director, Gladman Developments Limited

Gail Stoten BA, PgCert, MCIfA, FSA, Heritage Executive Director, Pegasus Planning

Gary Holliday BA(Hons), M Phil, FLI, Director, FPCR Environment and Design Ltd

Dr Suzanne Mansfield BSc(Hons), Phd, CIEM, CMLI, Senior Director, FPCR Environment and Design Ltd

Local residents and interested parties

John Dawson, Lindfield Society

Paul Brown Councillor Mid Sussex District Council

Christian Bode Lindfield Parish Council Chairperson

Hela Kingdom Local resident

Anna Kingdom Local resident

Robert Kingdom Local resident

Lorraine Carvalho Local resident and Councillor Mid Sussex District Council

Documents submitted during the Inquiry

Appellant opening

Council opening

Statement from John Dawson for The Lindfield Society

Statement from Councillor Paul Brown

Little Wastead Farmhouse: List Entry description

Bovis Homes Wastead development location plan

Suggested conditions

Council closing

Vistry Homes v Secretary of State for Levelling Up Housing and Communities [2024] EWHC 2088 (Admin)

Appellant closing

Conditions annexe

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out in the Illustrative Framework Plan 9432-L-02 Rev V.

5. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include tree and hedge retention and protection measures, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities and; an implementation programme.

The approved scheme of soft landscaping works shall be implemented in accordance with the approved implementation programme. Any planting removed, dying or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

6. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a hard landscaping scheme for the site. These details shall include proposed finished levels and contours; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and any other structures (for example refuse and / or other storage units, lighting and similar features).

The works shall be carried out in accordance with the approved details.

7. No development above ground level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

8. The development shall be carried out in accordance with the following:

- All 'more vulnerable' development, including residential and access to the site, will be located within Flood Zone 1 only.
- In line with the Environment Agency's standing advice, finished floor levels will be set 0.3m above ground level or average flood level, whichever is higher.
- An access route for use and transport of plant/machinery to the full length of the Scrase Stream (northwest of site) shall be designed, in communication with the Environment Agency, into the proposed development.

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

9. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No dwelling or part of the development shall be occupied until all the approved drainage works relating to that dwelling or part of development have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

10. No dwelling or part of the development is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system relating to that dwelling or part of the development, carried out by a qualified Engineer, has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

11. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses, including the ancillary lengths of footway, serving the development have been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered 1723/08 revision B.

12. The development hereby permitted shall not commence until details of the proposed 3m wide footway and cycleway, shown indicatively on Proposed Access Arrangements drawing reference 1723/08 revision B, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the footway and cycleway has been constructed in accordance with the approved details.

13. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to

throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and use of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works, including site contact details in case of complaints;
- measures to control noise and vibration affecting nearby residents;
- artificial illumination;
- pollution incident control; and
- dust control measures;

14. Works of construction or demolition, including the use of plant and machinery, and deliveries shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: no work permitted

15. The details submitted in respect of landscaping pursuant to Condition 1 shall include details of a Locally Equipped Area of Play (LEAP), its layout, drainage and fencing.

16. Archaeological Evaluation and Excavation:

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Planning Authority.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

(v) The applicant will submit to the Local Planning Authority a post excavation assessment to be submitted within six months of the completion of the fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

17. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A site investigation, based on the Phase 1 Geoenvironmental Assessment (desktop study) conducted by Lees Roxburgh Consulting Engineers, reference number: 6534/R1, dated February 2024, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

18. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land off Scamps Hill: Impact plan for great crested newt District Licensing (Version 1)", dated 20th November 2024.

19. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

21. Prior to commencement of any development, including any works of demolition a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements, in particular for Otter and other riparian mammals, reptiles and breeding birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

22. Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout and implementation scheme, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd, July 2024) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details and implementation scheme and all features shall be retained in that manner thereafter.

23. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy (FPCR Environment and Design Ltd., October 2024), Letter to Place Services (FPCR Environment and Design Ltd., 8th October 2024) and Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd., July 2024)), as already submitted with the planning application.

This will include the appointment of a qualified ecologist, prior to any works on site, as an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall ensure that all activities, and works shall be carried out, in accordance with the approved details and that any lost habitats are mitigated.

24. The development hereby permitted shall not be first occupied until a lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the implementation timetable, specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

25. The development hereby permitted shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

26. If during construction, contamination not previously identified is found to be present at the site then no further development, shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

27. No dwelling shall be occupied until fire hydrants have been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

28. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. The relevant dwellings shall not be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

29. All works within section 4 of the Air Quality mitigation Statement by Air Quality Consultants Ltd, ref: J20/14967A/10/3, dated February 2024, shall be completed before any part of the development is occupied.

30. If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological mitigation measures secured

through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species, in particular Otter, and habitats
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

31. The development hereby permitted shall be carried out in accordance with the plans listed below:

Location Plan 9432-L-06-D received 19th February 2024

Proposed Access Arrangements 1723/08/B received 15th April 2024

End of conditions

Appendix B

Appeal Decision

Site visit made on 19 June 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/D3830/D/23/3321453

The Meadows, Little Park Farm, Marchants Close, Hurstpierpoint, West Sussex BN6 9XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Emma Poland against the decision of Mid Sussex District Council.
 - The application, Ref. DM/22/3843, dated 16 December 2022 was refused by notice dated 10 February 2023.
 - The development proposed is a single storey porch extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey porch extension at The Meadows, Little Park Farm, Marchants Close, Hurstpierpoint, West Sussex in accordance with the terms of the application, Ref. DM/22/3843, dated 16 December 2022 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. SK-C-LP; SK-C-BP & C-01 (composite plan);
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are (i) the effect of the proposed porch on the rural character and appearance of the locality, and (ii) the effect on the setting of 'Little Park', a Grade II* Listed Building.

Reasons

3. On the first issue, the officer's report explains that the permission for the recently constructed and occupied building is subject to a condition withdrawing permitted development rights. Without this condition the appeal application would have been unnecessary.
-

4. The Council argues that the more natural position for the porch would be at the door on the western facing elevation which is regarded as the front of the building. This door permits access to the courtyard parking area and is convenient for the integral garage; it also allows direct access into the kitchen and the main ground floor open plan living area. Conversely, the proposed position of the extension projects from the side of the building and is considered to be inappropriately positioned.
5. However whilst I can understand the point made, the design of the building is such that there is no particularly obvious front, side or rear. Furthermore, a porch located on the inside corner of the L-shaped building would be likely to have a cluttering effect against the clean lines of these elevations. And although the projection of the porch from the 'side' elevation in the appeal scheme is considered by the Council to be more harmful, I regard it as being of both a good design and modest scale.
6. As regards design, the porch would fit within the frame of the existing gable and together with the entrance's similarity to the existing combined door/window features, the addition would be fully reflective of the building's defining characteristics. In terms of floorspace the proposed porch's total area of under 12sqm is by any reasonable assessment a subservient addition of the building's footprint, as opposed to the Council's description of it being 'large', 'significant' and 'substantial'.
7. Nor do I consider that on this large plot, as shown by the red line on Drawing No. SK-C-LP, the addition would '*negatively impact upon the rural character of this edge of village site*' or '*fail to protect the character and beauty of the countryside area on the village boundary*' as claimed in the report. Instead the porch would be correctly perceived as a minor domestic addition, with any perceived visual disadvantage arising from its forward projection from the main structure mitigated by a design and external materials wholly in keeping with the host dwelling.
8. I also acknowledge the functional desirability of the addition. As mentioned above, the officer's report regards the existing door as the 'front' door, but such entrances rarely open directly into a kitchen, albeit open plan with living space. The report also refers to a ground floor toilet as being '*already available for the occupiers of the building, located in the ensuite shower room off Bedroom 1*'.
9. However, this is a patently unsatisfactory arrangement for visitors to the property as is entering the dwelling via the kitchen. In contrast, the proposed porch is directly adjacent to the reception room; would have a hallway to accommodate visitors' outdoor clothes and shoes, and would provide WC facilities without the need to go through a bedroom.
10. Turning briefly to the second issue of the effect of the porch on the setting of the listed Little Park, it would appear from the grant of permission for The Meadows that the main building itself was not regarded as having that effect. For the proposed porch to be so harmful as to now have that impact is not credible either in terms national and local policy to safeguard designated heritage assets or indeed plain common sense.
11. My assessment to this effect was confirmed on my visit by observation of the significant distance between The Meadows and Little Park; the lower site level of

the former, and the presence of substantial mature screening between the two buildings. The combination of these factors means that there is effectively no meaningful visual relationship between the buildings that could be reasonably said to result in this limited extension of The Meadows having a harmful effect on the setting of the Grade II* listed 'Little Park'.

Conclusions and Conditions

12. On both main issues my conclusion is that the appeal scheme would have no adverse effects as regards the rural character and appearance of the locality and the setting of the listed building. There would therefore be no harmful conflict with Policies DP12, DP26 & DP34 of the Mid Sussex District Plan 2014-2031 adopted 2018; Policy HurstC1 OF the Parish Neighbourhood Plan 2031 and Government policy in Sections 12 and 16 of the National Planning Policy Framework 2021.
13. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring the porch having external materials to match those of the building will maintain visual amenity.

Martin Andrews

INSPECTOR

Appendix C



Appeal Decision

Site visit made on 26 February 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/D3830/D/24/3350721

The Meadows, Little Park Farm, Marchants Close, Hurstpierpoint, West Sussex BN6 9UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs E Poland against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/1406.
 - The development proposed is described on the application form as 'proposed two-storey side extensions with juliette balcony to first floor also new and relocated dormers. Proposed two-storey part single-storey rear extension with juliette balcony to first floor.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of a listed building. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council appear not to have notified Historic England, as should have been the case where it considers that the proposed development would affect the setting of a Grade II* listed building. However, as I have concluded that the proposed development should be dismissed, little would be gained by delaying the decision to undertake that notification. However, had my decision been otherwise, I would have provided an opportunity for the notification to take place.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would preserve the setting of Grade II* listed building, Little Park.

Reasons

Character and appearance

5. The existing building is an L-shaped structure. It is finished in traditional materials of dark timber cladding with a tiled roof over. The building is a relatively simple

structure, set within a large open and verdant plot. Its appearance and position relative to nearby built form and open fields beyond contributes to the rural character of this part of Hurstpierpoint.

6. The proposed development would introduce comparatively large additions relative to the original property, including to the south and east elevations, and at roof level. The overall bulk and projection of the extensions, in particular, would disproportionately increase the size of the existing building. The arrangement of the additions would also confuse the plan form of the original building. Ultimately, the proposed extensions, by reason of their position and scale, would compete with the visual dominance of the main structure and lack a sufficient sense of subservience.
7. This, in turn, would have a harmful effect on the rural character of the immediately surrounding area. The building currently features characteristics of a relatively modest agricultural building (albeit evidently modern and in residential use). The proposed development would erode this rural character, introducing bulky, highly prominent and overtly domestic additions.
8. I appreciate that the proposed additions would be finished in materials to match the existing building, and design details such as window openings would match those that already exist. I also appreciate the appellant's desire to extend the property to provide additional, and better quality, living accommodation. Nevertheless, the extent of changes proposed to the property is significant and, as set out above, would be harmful to the character and appearance of the area.
9. I accept that some screening exists along the boundary of the site, formed of mature landscaping. However, during my winter site visit, I observed that much of this was deciduous, allowing intervisibility between the site and nearby meadows. In any case, this landscaping cannot be relied on in perpetuity to provide the same level of screening as is currently the case.
10. Overall, the proposed development would fail to accord with the relevant provisions of Policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 (DP, 2018). These policies, in summary, seek to achieve high quality design in development and to maintain or where possible enhance the quality of the rural landscape character of the district. This is in a similar vein to the provisions of the Policy Countryside HurstC1 of the Hurstpierpoint and Sayers Common Parish 2031 Neighbourhood Plan (2015) which seeks to maintain or where possible enhance the quality of rural and landscape character.

Heritage – special interest and significance

11. Littlepark Farmhouse (hereafter referred to as Little Park) is a Grade II* listed building. It dates from the early-mid seventeenth century and is set within a large, landscaped plot. It is enclosed and largely obscured by high boundary treatments and more modern built form. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are its age, surviving historic fabric and the use of traditional materials and building techniques.
12. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The grounds of the house have an historic, visual and functional connection with the heritage asset. These grounds are clearly

defined by boundary treatments that separate it from the adjoining buildings and access roads. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.

13. Beyond this, the surrounding area, of which the appeal site forms a part, is made up of a mixture of developed land and open landscape. Much of the built form to the north is indicative of the site's former agricultural use, featuring multiple agricultural style buildings, but also its evolution over time through the addition of residential development and conversions. Several interventions have occurred, including the severance of former agricultural buildings and land from the farmhouse. This has, to some extent, degraded the integrity and heritage merit of this wider setting.
14. Notwithstanding this, the historic agricultural character nonetheless remains discernible. The wider setting also allows an appreciation of the historic functional and physical relationship between the listed building and surrounding land. This wider setting contributes somewhat to the special interest and significance of the listed building.

Heritage – appeal proposal and effects

15. The position, scale and nature of the proposed development, together with the relatively limited intervisibility between the appeal site and the nearby heritage assets, would mean that the now visually and physically separate relationship between the appeal site and those assets would be maintained. The historic and architectural interests of the asset would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features, in particular, would reinforce this. Ultimately, the immediate and most of the wider setting that contributes to the significance of the asset would remain undisturbed by the proposed scheme.
16. Taking these factors into account, I conclude that the proposed development would not compromise the setting of Little Park, rather it would have a neutral effect that would not determinably alter how the asset would be experienced and would not adversely affect the ability to appreciate the significance of the asset. Consequently, the setting of the listed building, and the contribution it makes to the significance of the assets, would be preserved. The proposed development would therefore be in accordance with the requirements of Section 66(1) of the Act and the relevant provisions within the Framework which seek to conserve and enhance the historic environment. The proposed development would also accord with the relevant provisions of DP Policy DP34. This policy, in summary, seeks to protect heritage assets.
17. As there would be no harm to the significance of this designated heritage asset, it is not incumbent on me to consider any wider public benefits that the proposals may bring in this respect.

Other Matters

18. I note the Council's reference to a condition on the original planning consent for the property, which removed permitted development rights. However, this does not mean that no development should take place here, as set out by a previous Inspector. Rather, any proposal must be submitted to the Council for consideration

against relevant local planning policies. In this particular case, I have found the proposals not to accord with the relevant policies.

19. I acknowledge the appellant's reference to development within the surrounding area, including to the north-east. I also note the reference to many examples locally of larger extensions having been approved, and note that the nearby Dutch barn has consent for use as a dwelling. Nevertheless, I have very limited information before me in respect of those developments. In any case, each proposal must be considered on the basis of individual site circumstances. I have reasoned above why I have identified harm based on the proposals before me and my observations on site. Ultimately, the existence of those other properties and developments does not lead me to change my conclusion in respect of the main issues.
20. I understand the frustration of the appellant with respect to the Council's communication, and in respect of the cost of submitting multiple planning applications and appeals. Nevertheless, this would be best dealt with by a costs application. This matter has not led me to an alternative conclusion in respect of the main issues.

Conclusion

21. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

Appendix D

Appeal Decision

Site visit made on 6 March 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2024

Appeal Ref: APP/D3830/D/23/3330972

Little Park Farm, Marchants Close, Hurstpierpoint BN6 9UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Emma Poland against the decision of Mid Sussex District Council.
 - The application Ref DM/23/2001, dated 31 July 2023, was refused by notice dated 2 October 2023.
 - The application sought planning permission to remove condition No 14 of planning permission DM/22/0204 (Removal of former dairy, mobile home and other outbuildings and construction of 2 dwellings (revisions to approved scheme DM/21/2367) now including garages and alterations to eastern unit to accommodate rooms within the roof space.
 - The condition in dispute is No 14, which states that: Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling houses hereby approved, whether or not consisting of an addition or alteration to their roofs, nor any other alteration to their roofs, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling houses) without the specific grant of planning permission from the Local Planning Authority.
 - The reason given for the condition is: To prevent the overdevelopment of the site and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014-2031 and Policies AS1 and AS2 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework ('the Framework') was published in December 2023. I have not considered it necessary to invite observations from the main parties because the changes to the Framework were not relevant to the main issues for the appeal.
3. The reason given for the condition in the original decision notice Ref DM/22/0204 refers to Policies in the Ansty, Staplefield and Brook Street Neighbourhood Plan, which the Council have confirmed is an error as the site falls within the Hurstpierpoint Neighbourhood Plan (2015) (HNP) area. I have been provided with a copy of the relevant HNP policy, Policy HurstC1.

Background and Main Issue

4. Planning permission was granted for the erection of two dwellings under Ref 22/0204, which included a condition removing permitted development rights¹ for any enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to the roof as well any building, enclosure, swimming or other pool within the curtilage of the dwelling house. The Council considers the condition necessary to accord with relevant policies in the Mid Sussex Local Plan 2014-2031 (2018) (MSLP) and Hurst C1 of the HNP. The appellant, however, objects to the condition as they consider it to be unnecessarily restrictive.
5. The main issue, therefore, is whether condition 14 is reasonable and necessary to preserve the rural character and setting of the site and surrounding area including the setting of the adjacent Grade II* listed building known as 'Little Park'.

Reasons

6. The National Planning Policy Framework (the Framework) at Paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Paragraph 56 of the Framework goes on to state that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
7. In this case, planning permission has been approved for the detached dwelling at the site known as 'The Meadows', which is located on a site formerly known as 'Little Park Farm'. The appeal property has been built and sits within open grounds that comprise both domestic curtilage and adjacent paddock / orchard beyond. The site is located outside the defined settlement boundary within the countryside.
8. Planning permission was approved for the appeal property as a departure from the Development Plan regarding provision of new dwellings in the countryside. The purpose of the condition was due to the location of the site in the countryside outside the settlement boundary, and the Council wanting to ensure any future development at the site can be assessed on its merits with due regard given to its impact on the rural character and setting of the location.
9. The site is partially screened by established boundary trees albeit visible from the path that is adjacent to the northern boundary. Other than the dwelling and parking area, the site is open and has a rural character reflective of its countryside location. Moreover, whilst the site forms part of a small cluster of dwellings that lead from Marchants Close, it is on the edge of this and abuts the open and undeveloped countryside beyond. The GDPO where applicable can enable substantial additional development to be built without planning permission. For example, the GDPO allows outbuildings to be built that could cover 50% of the rear garden area. Given the open and rural edge character of

¹ As set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended

the site, there is potential for permitted development rights to have an adverse impact on the rural landscape character of this countryside location overtime.

10. It was for these reasons that condition 14 was attached to the original permission so that any proposed changes could be assessed for their impact on the countryside character through a planning application. Given the rural location of the site, this was reasonable condition to have been attached at the time the permission was granted.
11. The information before me does not indicate that there has been any material change of circumstances in planning policy since the original permission to justify the removal of condition 14 at this point in time. The condition continues to serve a useful purpose in respect of maintaining the rural character of the site and its setting in accordance with the aims of the development plan. Nor does the condition prohibit future planning applications to be submitted and approved where the designs accord with the relevant planning policies. I am therefore satisfied that there remains clear justification for the removal of permitted development rights in this location.
12. I do, however, have considerable sympathy for the appellant's concerns that the Council will never allow any further development at the site. In this context, I have reviewed the planning history including reference to the previous appeal decision to allow a porch extension, which demonstrates that further additions to the dwelling have been approved at the site. In this regard, the development plan includes Policies DP12 and DP26 of the MSLP and HurstC1 of the HNP that allow for well-designed development in the countryside. These policies continue to apply to the appeal site, which I hope reassures the appellant that any future additions to the property could, as a matter of principle, be considered favourably subject to a suitable design being achieved.
13. I have also had regard to the duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that requires special regard to be made to the desirability of preserving a listed building or its setting, which is relevant due to the appeal site being within the setting of the adjacent Grade II* listed 'little park' building. I observed on my site inspection that the appeal property was located some distance from the adjacent listed building and being on lower ground and with mature screening in between.
14. I, therefore, agree with the previous Inspector's conclusions that there is not a meaningful visual relationship between the appeal property and the setting of the adjacent listed building to which permitted development at the site is likely to have any impact. I note the parties are also not in dispute on this point; I therefore conclude that the removal of condition 14 would not result in harm to designated heritage assets and, therefore, would not conflict with Policy DM34 or Chapter 15 of the Framework. Finding no harm in this regard, however, is a neutral factor that does not override the need for the condition for the ongoing protection of the rural character of the countryside.

Conclusion

15. For the foregoing reasons, condition 14 remains necessary and reasonable and accords with the Policies DP12 and DP26 of the MSLP and HurstC1 of the HNP. I therefore conclude that the appeal should be dismissed.

N Perrins

INSPECTOR