

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1480	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed construction of an outdoor riding arena (manege) with timber perimeter fencing and gate (for private use only)		
Site:	Little Walstead Farm, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ, ,		
Validation Date	26 Jun 2025	Overall Expiry Date:	1 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Oct 2025
Target Date:	21 Aug 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	15 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1480

**Little Walstead Farm, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ,
Proposed construction of an outdoor riding arena (manege) with timber perimeter fencing and
gate (for private use only)
Mrs Diana Johnson**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Historic Environment Consultant: *Given this, it is unlikely that significant archaeological remains will be impacted by the proposals and accordingly, based on our current knowledge, I have no recommendations to make in regard to this application.*

Flood Risk and Drainage: No objection.

Conservation Officer: *'The current proposal is for the construction on the site of a sand school measuring 50 x 25m with surrounding post and rail fencing. This will have a fundamental impact on the currently verdant character of the field in question, which will lose its traditional agricultural character. This will detract from or remove the positive contribution which the site makes through setting to the special interest of Little Walstead and of the curtilage listed barn within the historic farmstead. However, the impact on views from the house and its immediate setting will be limited, as noted above, and further reduced by the nature of the development which is at ground level, with the only upstanding elements being the surrounding post and rail fencing, which is in itself sympathetic to the context. For these reasons, I would place the level of harm caused through impact on setting to both the house and barn as less than substantial, and at the lower end of that scale. Paragraph 215 of the NPPF and the balancing exercise set out therein will therefore apply.'*

Ecology Consultant: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No comment.

INTRODUCTION

The application seeks planning permission for the development of an all-weather sand school (manege) with a timber fence and gate which would encompass the area.

RELEVANT PLANNING HISTORY

05/02373/LDC - Lawful Development Certificate for the existing use of the storage of caravans in the cowyard. Permission 23.12.2005.

SITE AND SURROUNDINGS

The application relates to a parcel of land to the northeast of Little Walstead Farm which is a grade II* listed building. There is a cluster of existing stables to the north-west of Little Walstead Farm and a corrugated roof storage building is positioned to the north-east of the existing dwelling. The site is set within verdant surroundings with open fields and mature tree plantation set to the sites perimeters.

With regard to policy constraints, the site is not positioned within any designated area. There is an existing public right of way that skirts the north-eastern side of the field.

APPLICATION DETAILS

The proposal would develop a sand school (menage) to the north-west of Little Walstead Farm and would be surfaced with a mix of fibre and sand. The sand school would cover an area of circa 50m in length by 25m wide. Additionally, a perimeter fence would be constructed of a timber material in a post and rail style. A gate allowing access to the sand school would be sited to the south-eastern side and the boundary fence would measure at circa 1.3m high. The sand school would be used for the Applicant's private use.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) 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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP12: Protection and Enhancement of the Countryside

DP21: Transport

DP26: Character and Design

DP34: Listed Buildings and Other Heritage Assets

DP38: Biodiversity

Site Allocations DPD

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

Relevant policies.

Neighbourhood Plan

Lindfield and Lindfield Rural Neighbourhood Plan (Made March 2016)

None relevant.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Other Material Considerations

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

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

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPC1 - Protection and Enhancement of the Countryside

DPB2 - Listed Buildings and Other Heritage Assets

DPN6 - Pollution

DPN7- Noise Impacts

DPN8 - Light Impacts and Dark Skies

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

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

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

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

National Planning Policy Guidance

National Design Guide

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

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

ASSESSMENT

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

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

Principle

Policy DP12 of the District Plan states that:

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

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

The sand school would likely be visible from the public right of way out to the north-east albeit from distance. There are existing stable buildings visible further to the south-west of the proposed sand school with some fields and a gravelled access separating these two areas.

Whilst the proposal would not be used for an agricultural purpose, due to the low-key nature and proposed low post and rail boundary fencing, it is considered that the proposal would protect the intrinsic beauty of the countryside. It is considered reasonable for this type of development to be located within the countryside and accordingly, the proposed would comply with DP12 of the District Plan and is acceptable in principle.

Impact on Character and Design, Including Heritage Assets

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

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

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

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

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

The listed building is considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

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

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

DP26 of the District Plan states:

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

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed development would largely have a minor visual impact upon the setting of the nearby grade II* listed building with the primary visual alteration being the upstanding post and rail fencing. This fencing was considered to be sympathetic to the sites context as noted by the Conservation Officer. The alterations to change the existing grassed land to a sand school would not likely be visible at eye level unless perceived from a close distance.

The Council's Conservation Officer noted that the associated grounds with Little Walstead Farm are of a traditional agricultural character. It was therefore considered that the sand school would detract from the positive contribution which the wider site makes towards the setting to the special interest of Little Walstead and the curtilage listed barn. Accordingly, it was considered by the Conservation Officer that the proposal would inflict less than substantial harm, at the lower end of the scale towards the setting of the house and barn.

The proposals most visual element would be the post and rail fencing which is considered to be sympathetic within the context of the site. This timber material will likely weather and silver over time which is considered to help the proposal embed and assimilate within the wider landscape. In light of the minimal visual impact from the proposed sand school and being viewed within the context of the existing nearby stables, it is considered by the Case Officer that the level of harm inflicted by the proposal will be neutral on the setting of the listed building.

Accordingly, it is considered that the proposal would preserve the special interest of the listed building. The proposal would not significantly remove nor alter the existing historic fabric and as such would comply with the

provisions of Policies DP26 and DP34 of the District Plan and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

Provided that the proposed sand school would be set at a significant distance from any neighbouring properties and accordingly it is considered that the proposal would not harm neighbouring amenities. As such, it is considered that the application would comply with the provisions of DP26 of the District Plan.

Highways Impact

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The proposal is for personal use and it is not considered that this will result in significant additional vehicle movements along the lane and on the wider highway network.

The application therefore is considered to comply with policy DP21 of the District Plan in regard to access, parking and highway safety.

Other Matters

Although it has been stated within the description of development that the proposed riding arena would be solely for personal use, a condition restricting the commercial use of the sand school is considered to be necessary and relevant should permission be granted. This is in the interest of protecting the countryside and ensuring further comings and goings are not significantly increased from the site.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10 per cent increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless -

- (a) A biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) The planning authority has approved the plan (see paragraph 15)'*

The application form confirms that BNG is required for the proposed development.

The application is accompanied by a preliminary ecological appraisal which includes the small sites metric and a habitat plan within. It was commented in the Ecological Consultants response that the application provided a satisfactory level of information with the regard to these matters at the application stage.

PLANNING BALANCE AND CONCLUSION

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

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed alterations are considered acceptable in terms of the impact on the listed building, the exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP12, DP26, DP34 and DP39 of the Mid Sussex District Plan, the Lindfield and Lindfield Rural Neighbourhood Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas