

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0680	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	Installation of roof mounted solar photovoltaic panels to the southern pitched roofs of the Music School and Performing Arts Centre, together with solar photovoltaic panels to the eastern part of the flat roof of the Performing Arts Centre and associated ancillary works.		
Site:	New Bury Theatre, Hurstpierpoint College, College Lane, Hurstpierpoint, West Sussex, , ,		
Validation Date	20 Mar 2026	Overall Expiry Date:	24 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 May 2026
Target Date:	15 May 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	26 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0680

**New Bury Theatre, Hurstpierpoint College, College Lane, Hurstpierpoint, West Sussex, ,
Installation of roof mounted solar photovoltaic panels to the southern pitched roofs of the Music
School and Performing Arts Centre, together with solar photovoltaic panels to the eastern part of
the flat roof of the Performing Arts Centre and associated ancillary works.**

Mr Dan Higgins

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

On balance, the impact on the character of the setting of the listed buildings and the contribution which this makes their special interests is considered to be limited and acceptable.

The proposal therefore meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

INTRODUCTION

This application seeks planning permission for the installation of roof mounted solar photovoltaic panels to the southern pitched roofs of the Music School and Performing Arts Centre, together with solar photovoltaic panels to the eastern part of the flat roof of the Performing Arts Centre and associated ancillary works.

RELEVANT PLANNING HISTORY

There have been numerous planning applications and applications for listed building consent at the college, however, the following are deemed relevant to this application:

11/03655/FUL - Installation of photovoltaic's (PV) units to the roofs of the science block and ST. John's House. Permission granted 29.12.2011.

DM/16/1923 - Construction of a new Performing Arts Centre. Permission granted 05.08.2016.

DM/18/3666 - Proposed extension to Music School building. Permission granted 08.02.2019.

DM/23/2861 - Proposed installation of roof mounted microgeneration solar photovoltaic on the following buildings: Workshop Building, Estates Office Building, Outdoor Pursuits Building, Climbing Wall Building and Drama and Dance Studio Building. (Heritage Statement received 18th March 2024). Permission granted 10.05.2024.

SITE AND SURROUNDINGS

The application site is comprised of the Performing Arts Centre, a modern contemporary building, and the Music School, which lies to the north of the Centre. The buildings are attached via a glazed link bridge installed between the buildings when the Music School building was extended with a contemporary two storey extension.

The buildings lie within a group of college buildings located to the south of Chalkers Lane and to the east of College Lane in Hurstpierpoint. The Music School lies approximately 90 metres to the west of the original college building, a grade II listed building built in a Gothic style with flint walls.

In terms of planning policy, the site lies within the countryside. An area of ancient woodland, known as Sandfield Shaw, lies approximately 50 metres to the south, with fields located beyond.

APPLICATION DETAILS

Plans show that solar photovoltaic panels will be installed on the southern pitched roof slopes of the Performing Arts Centre and Music School buildings together with solar photovoltaic panels to the eastern part of the flat roof of the Performing Arts Centre and associated ancillary works.

The proposed development consists of the following, as set out in the Planning Statement:

- 176 no. Trina Solar 455W Vertex S+ dual glass N-type i-TOPCon solar modules;
- 1 no. Solis 80kW three phase solar inverter with logger;
- mounting rails, clamps, isolators, DC cabling, metering and associated ancillary equipment;
- bird exclusion measures to pitched roof areas; and
- associated testing, commissioning and grid application works.

The submitted performance estimate identifies an estimated annual electricity production of approximately 83,630 kWh per annum.

Plans show that 48 no. panels are proposed to the southern pitched roof slope of the Performing Arts Centre, with 39 no. stand alone panels proposed to the eastern flat roof slope to the building. 89 no. panels are proposed to the southern pitched roof slopes of the Music School.

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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP12 protection and enhancement of countryside
- DP26 character and design
- DP34 listed building and other heritage assets
- DP39 sustainable design and construction
- DP40 renewable energy schemes

Site Allocations DPD

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

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Neighbourhood Plan was made on the 19th March 2015.

Relevant policies:

- Hurst C1 Conserving and enhancing character
- Hurst C5 Hurstpierpoint College

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

- DPS2 sustainable design and construction
- DPS4 renewable and low carbon energy schemes
- DPS6 health and wellbeing
- DPC1 protection and enhancement of the countryside
- DPB1 character and design
- DPB2 listed buildings and other heritage assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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.

219. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

National Planning Policy Guidance

ASSESSMENT

The main issues deemed relevant to the consideration of this application are:

- Principle of development
- Design and impact on character of area
- Impact on setting of a listed building

Principle of development

The Planning Statement submitted with the application advises that the proposed development would provide 80.08 kWp of installed solar generation capacity and is estimated to generate approximately 83,630 kWh of renewable electricity each year.

NPPF paragraph 167 advises that in planning for climate change, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

This stance is reflected under policies DP39 and DP40 of the District Plan which support the use of renewable sources of energy. Principle DG37 of the Council's Design Guide also encourages the incorporation of renewable energy including photovoltaics, solar thermal water heating, ground and air source heat pumps.

Policy HurstC5 of the Neighbourhood Plan more specifically relates to Hurstpierpoint College and states that:

'Development will be permitted within the environs of Hurstpierpoint College where:

- *It does not detract from the special architectural character and appearance of the existing collection of buildings and their setting in the landscape;*
- *It conserves or enhances the character and appearance of Listed Buildings;*
- *It complies with the requirements of Policy C1;*
- *It enhances the role of the College as a school and local employer;'*

The proposed development would result in a meaningful reduction in grid electricity demand and make a significant annual carbon saving, thereby providing environmental benefits, as well as reducing operating costs for the college over the life of the installation and supporting the long-term function of the college as an established educational institution and local employer.

The principle of development is therefore supported by aforementioned policies, subject to further policy considerations set out below.

Design and impact on character of area

NPPF paragraph 187 states in part that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

This stance is reflected under policy DP12 of the District Plan and policy HurstC1 of the Neighbourhood Plan which state that development proposals will be permitted in the countryside provided they maintain or where possible enhance the quality of the rural and landscape character of the District / parish.

Policy DP26 of the District Plan relates to character and design and requires all proposals, including alterations and extensions, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape.

Policy HurstC5 of the Neighbourhood Plan states in part that development proposals will be permitted whereby they do 'not detract from the special architectural character and appearance of the existing collection of buildings and their setting in the landscape.'

The proposed solar pv array is significant in size, comprising a total of 176 panels, the majority of which are to be sited to the southern pitched roof slopes of the Music School and Performing Arts Centre. Supporting documentation submitted with the application advises that slimline units will be used, with ant-reflective coated glass and black anodised aluminium frames with a depth of 30mm creating a low profile form. Plans indicate that the proposed pv panels will sit flush with the existing pitched roof slopes, whilst panels to the flat roof of the Performing Arts Centre are shown to protrude approximately 0.3 metres above the surrounding parapet wall.

In view of the above, it is not considered that the proposed solar pv panels would appear visually prominent in relation to the existing roofscape as to detract from the character and appearance of the buildings and wider college campus. The wider landscape and rural character of the District should therefore be maintained.

The proposal therefore accords with policies DP12 and DP26 of the District Plan and policies HurstC1 and HurstC5 of the Neighbourhood Plan.

Impact on setting of listed building

The proposed development is considered to fall within the setting of the grade II listed college building. As such, there is a duty to consider the impact of development on the setting of the heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

This stance is reflected under policy DP34 of the District Plan which requires development proposals to have special regard to protecting the setting of a listed building.

Policy HurstC5 of the Neighbourhood Plan requires development proposals within the environs of the college to conserve or enhance the character and appearance of the listed buildings.

The Council's Conservation Officer has been consulted on the proposal and advises that:

'The proposed array is extensive, comprising 176 panels, with associated mounts, cabling and equipment. It will occupy a substantial part of the southern roof slope of the school. It will also be visible above the parapet to the flat roof of the performing arts centre. However, in terms of views from the direction of the listed buildings, it is likely that only the latter will be noticeable, and that the visual impact will be limited given that the panels will be partially obscured by the existing roof structure. They will also be viewed against the backdrop of the remaining part of the modern building complex. On balance, the impact on the character of the setting of the listed buildings and the contribution which this makes their special interests is considered to be limited and acceptable.'

'The proposal therefore meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.'

In view of these comments, the proposal is considered to protect the setting of the listed building, thereby according with policy DP34 of the District Plan and policy HurstC5 of the Neighbourhood Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed development would improve the sustainability of existing buildings within the college campus, providing both environmental benefits and economic benefits for the school. The proposal is not considered to detract from the character and appearance of existing buildings or the wider landscape and should protect the setting of the grade II listed building. The proposal therefore accords with policies DP12, DP26, DP34, DP39 and DP40 of the Mid Sussex District Plan, policies HurstC1 and HurstC5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn