

28 October 2025

Mid Sussex District Council
Planning Department
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

FAO: Katherine Williams

Dear Officers

Amendments to Planning Permission (Section 73) | Royal Botanic Gardens, Kew, Havelock Farm, Wakehurst Place, Selsfield Road, Ardingly

Introduction

On behalf Royal Botanic Gardens, Kew (RBGK), we write in support of an application made under Section 73 (s73) of the Town and Country Planning Act 1990 to amend an approved planning consent (DM/22/1774) for the proposed works to develop the new Lansdown Conservation and Research Nursery (LCRN) at their site at Wakehurst, Ardingly. The amendments require changes to Condition 31 of the existing permission.

The s73 application seeks approval for minor alterations to the approved scheme which are summarised below.

- Amendments to the approved Glasshouses:
 - Glasshouses 1, 2 and 3 and corresponding adjoining ancillary buildings are reduced in size; and
 - Minor changes to the elevational treatment and materiality of all glasshouses.
- Amendments to the approved hard and soft landscaping:
 - A softer transition between the upper and lower parts of the site using earth banking and gabion retaining structures in place of concrete walls;
 - Minor realignment of the approved access road;
 - Replacement of the approved surface water storage reservoir with rainwater storage tanks;
 - Minor landscaping / site design amendments around the proposed glasshouses; and
 - Proposed landscaping to the western portion of the application site has been significantly enhanced.
- Amendments to external plant and ancillary structures:
 - The proposed locations of the polytunnels and shade structure have been swapped to reduce the visual impact of the polytunnels;
 - Rationalisation of fences and new gates have been added for proper access control; and
 - Reconfiguration of the approved external plant compound and removal of plant building adjacent to Glasshouse 3 to reduce visual impact.

Application contents

The enclosed applications have been submitted via the Planning Portal (PP-14423405). This letter provides the background to the proposed amendments and the planning justification for the works. The following also form part of the submission and supporting documents, the scope of which has been agreed with MSDC during pre-application discussions:

- **Application form** and Certificate
- **Amended planning drawings** prepared by Hugh Broughton Architects (HBA):

- **Design and Access Statement** prepared by HBA
- **Heritage Statement addendum** prepared by HBA
- **Visual Impact Study** prepared by Millerhare
- **Landscape Design Statement and drawings** prepared by Lloydbore
- **Lighting Strategy (updated calculations and plan)** prepared by Hoare Lea
- **Ventilation and Extraction Statement** prepared by Hoare Lea
- **Civil/ Structural drawings** prepared by Alan Baxter

A full drawing schedule is contained at **Appendix A**. The statutory planning fee of £2,085 has been submitted in support of the s73 application.

Background to the project

On 5 June 2023, an application for planning permission was approved for the following development, the description of which was amended via a non-material amendment (NMA) application (DM/25/2016) approved on 15 August 2025:

“Demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new Conservation and Research Nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, associated hard and soft landscape works and associated infrastructure”.

Since obtaining consent, ongoing review and development of the proposals by the design team has identified opportunities to improve the efficiency and functionality of the proposed facility whilst maintaining or enhancing the development’s design quality and reducing its impact on local heritage and landscape settings. The general site arrangement now proposed is functionally almost identical to the consented scheme. As such, the proposed changes are relatively limited in scope.

An application for pre-application advice was submitted in 2024, with additional materials submitted in October and discussed at an on-site meeting with Mid-Sussex planning officers in December. Written feedback was subsequently received noting the general acceptability of the proposed amendments. This feedback, along with other correspondence to clarify certain aspects of the planning approvals process, has informed the content of this application. Notably, options to vary the design of Glasshouse 4 were discussed in this process but have not been carried forward to this application, which retains Glasshouse 4 in its as-consented design.

Summary of proposed amendments

Glasshouses

Glasshouse 1 | The glasshouse and its adjoining ancillary support building have been reduced in size by over 600m² relative to the consented design, or by approximately 33%. The functional programme remains similar to that of the consented scheme except for the “learning lobby” dedicated education spaces which have been omitted. This resulted from operational review concluding that education would be most efficiently and effectively supported from the dedicated facilities already provided elsewhere at Wakehurst.

The upper storey of the ancillary building has been omitted with all facilities now provided at ground floor level. This simplifies access and escape arrangements, reduces the number of staff accommodated and follows operational review which identified that staff could use existing and future office space elsewhere on the site, greatly reducing the requirement for ancillary staff accommodation here and providing a sustainable opportunity to reuse/repurpose existing buildings elsewhere.

Design development has refined the elevational treatment, including changes to the sizes and locations of doors and windows and to the detailed design of the timber cladding, which is proposed to be stained to improve its longevity and visual consistency and to colour it according to the High Weald Design Guide and Colour Study.

Glasshouse 2 | Glasshouse 2 is reduced in length and plan area versus its consented form. Its height remains the same. Similar to Glasshouse 1, the developed designs feature opening ridge vents to the roof, glazed louvre vents to the walls and amended metal-framed glass sliding doors.

Glasshouse 3 | Glasshouse 3 is reduced significantly in plan area versus the consented scheme but remains similar in its general configuration. Similar design amendments to the building elevations / timber cladding are proposed as those described earlier for Glasshouse 1, including reconfigured glazing and doors.

Glasshouse 4 | Glasshouse 4 remains as per the consented scheme with minor amendments to the proposed external timber cladding in line with those described above in relation to the other glasshouses.

External plant and ancillary structures

Similarly to the consented scheme, an open-air air source heat pump (ASHP) array is proposed at the south end of the site and is co-located with a simple building housing related equipment requiring weather protection. The arrangement has been developed as designs have refined, with the building reducing in size and swapping positions with the ASHP compound. The compound and building will be screened / clad in timber to match the proposed cladding to the solid elements of the glasshouses. The reconfiguration has also allowed RBGK to remove a relatively prominent plant building adjacent to Glasshouse 3, reducing the visual impact of the development in an area close to neighbouring residents.

Electrical infrastructure including a substation (transformer) in a proprietary GRP enclosure and emergency backup generator have been added, as have above-ground rainwater storage tanks for irrigation purposes. This location on the site is ideal for these functions since road access is available for servicing, and the surrounding trees, buildings and wall offer very effective visual screening from neighbouring residential properties and from the mansion and its gardens. All plant equipment will be specified and attenuated to meet the acoustic criteria agreed in the prior planning approval.

Hard and soft landscaping

Hard surfacing proposals have been amended to improve their suitability for the scheme as now proposed: The consented scheme's extensive use of resin-bound gravel surfaces is inappropriate for the agricultural and service vehicle traffic which would damage these surfaces, and is not warranted given that the research nurseries will be predominantly a staff-only working area with limited public access. The standing out area is now specified with a weed membrane finish as this is preferred by horticultural staff to the free draining gravel previously proposed, which is difficult to keep clear of weeds.

Previously proposed vertical concrete retaining walls have been omitted, with the reduced earth-retaining requirements now being handled by a mix of planted batter slopes and rock-filled gabion walls. This will enhance the landscape setting of the glasshouses versus the consented scheme, and result in reduced embodied carbon emissions.

The proposed access road now follows a realigned curve at the northern boundary of the site in order to follow RBGK's legal ownership boundary. Full details of the landscaping proposals submitted with this application are set out in detail in the Landscape Design Statement prepared by Lloydbore.

Planning strategy

To gain consent for the proposed amendments, changes are required to Condition 31 of the approved planning consent. The current wording of Condition 31 is as follows:

"The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Application'".

The s73 application seeks approval for minor alterations to the approved planning consent via a variation to the approved drawing list detailed alongside Condition 31.

Planning framework

The policies within The National Planning Policy Framework 2024 (NPPF) (including the NPPG); and the Development Plan form a material consideration in the determination of this application. The adopted Development Plan, which the proposals are to be assessed against, comprises the Mid Sussex District Plan 2014-2031 (adopted March 2018), the saved policies of the Mid Sussex Local Plan (adopted May 2004), and the Ardingly Neighbourhood Plan (adopted March 2015). The Council has also adopted a Mid Sussex Design Guide Supplementary Planning Document (adopted November 2020).

A revised draft of the Local Plan was formally submitted for Examination on in July 2024 with hearings taking place at the end of October. The new Plan is currently subject to a legal challenge and so the adopted policies have been assessed below.

The PPG states that an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

Planning assessment

The primary planning policy considerations in the determination of the enclosed application are the visual impact on the landscape character of the National Landscape and countryside; the impact on heritage assets and their setting; energy and sustainability considerations; biodiversity and ecological impacts; and amenity impact. These are each considered in relation to the planning policy framework in turn below.

Visual impact | Paragraph 187 of the NPPF states that developments should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes as well as recognising the intrinsic character and beauty of the countryside. Paragraph 189 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.

District Plan Policy DP16 states that development within the High Weald National Landscape, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. Small scale proposals which support the economy and social well-being of the National Landscape that are compatible with the conservation and enhancement of natural beauty will be supported. Policy DP26 requires development to be sensitive to the countryside.

The visual impact of this proposal is a key consideration, particularly being located within the High Weald National Landscape where great weight is given to conserving landscape and scenic beauty. The updated Visual Impact Study prepared by Millerhare demonstrates that the impact is slightly reduced as compared to the original design, as the buildings have reduced in footprint and the façade treatment has been refined.

Overall, the proposals will preserve the landscape character of the High Weald National Landscape and surrounding countryside in accordance with relevant Policies DP12, DP16 of the Mid Sussex District Plan, Saved Policies C1 and C4, and Policy ARD 20 of the Ardingly Neighbourhood Plan.

Impact on heritage assets | The key primary legislation relevant to the planning process is as set out in the Planning (Listed Building and Conservation Areas) Act 1990 (the Listed Building Act). S.16 and s.66 of the Listed Building Act impose a statutory duty on planning authorities consider the impact of proposals upon listed buildings and their settings. 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 (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.

MSDC Policy DP12 (Protection and Enhancement of Countryside) seeks to protect the countryside in recognition of its intrinsic character and beauty. Policy DP16 (High Weald Area of Outstanding Natural Beauty) states that development within the High Weald National Landscape will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald National Landscape Management Plan. Policy DP26 (Character and Design) requires all development to be well designed and sensitive to the countryside. Policy DP34 (Listed Buildings and Other Heritage Assets) requires development to protect listed buildings and their settings. Policy DP36 (Historic Parks and Gardens) confirms that the character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected.

The original application was supported by a detailed Heritage Statement which concluded that the only heritage asset which would be adversely impacted is the Farmhouse, and that this less than substantial harm was outweighed by the significant public benefits of the scheme. It was agreed with MSDC at pre-app stage that the amendments are not considered to materially affect the impact of the proposal on the adjacent heritage assets, albeit that the reduction in scale of the principle buildings may result in a commensurate slight reduction to the level of harm caused.

A Heritage Statement addendum has been submitted which confirms that the impact of the revised proposals on the heritage assets previously defined is assessed to be unchanged, with neutral or slightly beneficial change expected in all cases except for Wakehurst Farmhouse which continues to suffer slight adverse impact, albeit lessened from that of the consented scheme by the relocation of the polytunnels. As such, the updated proposals are considered to comply with all relevant national and local heritage policies.

Energy and sustainability | District Plan Policy DP39 requires all development proposals to seek to minimise energy use, explore opportunities for efficient energy supply, use renewable sources of energy and maximise the efficient use of resources.

The consented scheme's Sustainability Statement remains relevant and continues to guide the design and delivery of this development. Many of the proposed changes from the consented scheme will achieve reductions in embodied and/ or operational energy and associated carbon emissions. These include the overall reduction in size of the facility with needs met through more efficient space planning; a reduction in concrete structures associated with civils works (foundations and earth retaining structures); optimisation of glasshouse structural grids for improved structural efficiency and associated reduction in steel framing quantity; and the change of the rainwater harvesting system to simple gravity-fed storage tanks, omitting the need for energy-intensive treatment and a pumping plant as well as a reduction in initial earthworks.

It has been agreed with MSDC that no updates are required to the approved documents, and on the basis of the above it is considered that the scheme will continue to represent a very sustainable form of design and construction, in line with national and MSDC policy.

Biodiversity and ecology | MSDC Policy DP38 stipulates that development should protect, improve and enhance biodiversity. As the original application was approved before mandatory BNG targets were introduced, there is no requirement for this s73 application to demonstrate a 10% net gain. However, RBGK have been clear that there is significant opportunity for enhancement and biodiversity net gain on the site and updated landscaping information and drawings have been submitted to set out the amended strategy.

The principal elements of the landscape strategy include mixed native species hedgerow with trees along the western boundary and a new area of native species deciduous woodland in the northern part of the western boundary. This will replace the reservoir which was formerly in this location and is no longer required, and it will allow a significant increase in the amount of tree, shrub and woodland habitat provision within the site, as well as offering additional screening in the long-term from localised views from the north. The proposed swale area and relocated drainage ditch along the western boundary will be seeded with a native species grass / wildflower seed mixture, harvested from seeds from existing meadows within the Wakehurst Estate

New areas of mixed scrub habitat will be created in the intervening landscape parcels between the proposed western boundary hedgerow and the swale / drainage ditch. The proposed mixed scrub habitat will continue along the western edge of Glasshouse 4 and connect to an existing vegetation surrounding the existing pond in the south-western corner of the site. This area will also be enhanced and managed to increase the amount of lowland mixed deciduous woodland on the site, in line with BNG objectives. Full planting details are set out in the submitted Landscape Design Statement.

Amenity | MSDC District Plan Policy DP26 requires new development to not cause significant harm to the amenities of existing nearby residents, including taking account of the impact on privacy, outlook, daylight and sunlight, noise, air and light pollution. The nearest residents are that of Wakehurst Farmhouse and Pondfield Cottages. RBGK has engaged with these neighbours throughout the original application and in the course of developing the amended proposals with a view to satisfying any concerns which they might have.

Given the scale, design and siting of the proposed development, and its relationship with the closest neighbouring residential properties, it is considered that there would be no adverse impact upon residential amenity. The updated access road layout has also resolved any potential ownership boundary issue. A detailed CEMP was submitted and approved in December 2023 (ref. DM/23/2802), and RBGK will continue to comply with all requirements set out in the document. As such, it is considered that there will be no impact on neighbouring amenity caused by the proposed amendments.

Summary

The proposed amendments to the approved design are minor in scale and have arisen purely as a result of additional design development. There are no changes to the principles agreed in the original submission, and there is no greater impact in visual impact, heritage or amenity terms caused by the proposed amendments. The amended scheme continues to represent a sustainable form of development, supported by policy, which will be an incredible asset to RBGK, Wakehurst and the wider area, whilst being sympathetic to the landscape in which it is located and enhancing the site and its value.

If you have any questions, please contact henry@theplanninglab.com (020 7257 9363).

Yours faithfully

The Planning Lab

Appendix A: Drawing schedule

Reference	Title	Scale	Rev.	Prepared by
A02 1002	Proposed site plan – roof level	1:500 at A1	P1	Hugh Broughton Architects
A02 1010	Site 3D overview	-	P1	Hugh Broughton Architects
A02 1020	Proposed site sections	1:200 at A1	P1	Hugh Broughton Architects
A02 1030	Proposed site elevations	1:200 at A1	P1	Hugh Broughton Architects
A03 1001	Proposed GA plans	1:200 at A1	P1	Hugh Broughton Architects
A06 1002	Proposed elevations – GH1, shade structure and polytunnels	1:100 at A1	P1	Hugh Broughton Architects
A06 1003	Proposed elevations – GH2 and plant	1:100 at A1	P1	Hugh Broughton Architects
A06 1004	Proposed elevations – GH3 and GH4	1:100 at A1	P1	Hugh Broughton Architects
A0000	3D view – Glasshouse 1 (external)	-	P1	Hugh Broughton Architects
6730-LLB-XX-E1-DR-L-0001	Landscape masterplan MS	1:500 at A1	P09	Lloydbore
6730-LLB-XX-E1-DR-L-0003	Planting plan MS	1:500 at A1	P05	Lloydbore
6730-LLB-XX-E2-DR-L-0002	Landscape masterplan WB	1:250 at A1	P09	Lloydbore
6730-LLB-XX-E2-DR-L-0004	Planting plan WB	1:250 at A1	P05	Lloydbore
6730-LLB-XX-XX-DR-L-0004	Site levels plan	1:250 at A1	P06	Lloydbore
6730-LLB-XX-XX-DR-L-0005	Hard surfaces plan	1:500 at A1	P04	Lloydbore
6730-LLB-XX-XX-DR-L-0006	Landscape cross sections	1:100 at A1	P03	Lloydbore
C1913-500-110	Proposed surface and foul water drainage plan 1	1:250 at A1	A	Alan Baxter
C1913-500-111	Proposed surface and foul water drainage plan 2	1:250 at A1	A	Alan Baxter
C1913-500-120	Proposed retaining wall plan 1	1:200 at A1	A	Alan Baxter
C1913-500-121	Proposed retaining wall plan 2	1:200 at A1	A	Alan Baxter
C1913-500-122	Typical gabion retaining wall sections 1	1:20 at A1	A	Alan Baxter
C1913-500-123	Typical gabion retaining wall sections 2	1:20 at A1	A	Alan Baxter
C1913-500-124	Typical gabion retaining wall details	1:20 at A1	A	Alan Baxter