

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2423	Case Officer:	Andrew Watt
Application Type:	Householder Application		
Proposal:	Retrospective erection of shed for the keeping of a donkey, together with proposed extensions to hardstanding areas, gates, fencing and landscaping.		
Site:	Great Thorndean Barn, Slough Green Lane, Warninglid, Haywards Heath, West Sussex, RH17 5SL, ,		
Validation Date	7 Mar 2025	Overall Expiry Date:	11 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 May 2025
Target Date:	2 May 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	2 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2423

Great Thorndean Barn, Slough Green Lane, Warninglid, Haywards Heath, West Sussex, RH17 5SL,

Retrospective erection of shed for the keeping of a donkey, together with proposed extensions to hardstanding areas, gates, fencing and landscaping.

Mr J Clarke

SUMMARY OF REPRESENTATIONS

1 letter of support:

- The structure is small and unobtrusive and adds to the rural character of the site
- It is delightful that the farm continues to have an agricultural farming purpose and to see the fields in use

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The revised plans received confirm the location of the donkey stable, which as previously discussed is a small traditional farm stable building relocated from another site, appears to be within the historic extent of the farmstead (as opposed to the surrounding farmlands), albeit that the boundary along this edge of the farmstead is somewhat loosely defined. The building itself, and its position, are therefore not considered contentious, and are sympathetic to the setting of Grade II listed Great Thorndean Farm Barn and the other listed and curtilage listed buildings within the historic farmstead.

The associated works include an extension of the existing hard landscaping to provide access from the farmyard to the stable, which is enclosed by estate style metal railings and gates similar to those recently installed between the barn and converted former dairy building. This is work also considered to preserve the setting of the historic farmstead and the listed buildings within it.

The proposal is therefore considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

I would recommend the following condition:

'Hard surfacing to be to match the existing adjacent work in material, colour and texture'

Southern Water

From reviewing the submitted documents, Southern Water has no objections to the proposed works proceeding.

TOWN / PARISH COUNCIL OBSERVATIONS

Ansty & Staplefield Parish Council would like to object to this application. They principle [sic] as it is a retrospective planning application and in addition because they believe it goes against the neighbourhood plan.

INTRODUCTION

Retrospective planning permission is sought for the erection of a shed for the keeping of a donkey, together with proposed extensions to hardstanding areas, gates, fencing and landscaping.

RELEVANT PLANNING HISTORY

DM/17/1837 - Demolition of buildings, conversion and alteration of buildings to form two dwellings and erection of car ports. Site address amended 22.05.2017 (previously given as Great Thorndean Farm). - Permission - 23.08.2017

DM/17/1846 - Demolition of buildings, conversion and alteration of buildings to form two dwellings and erection of car ports. Site address amended 22.05.2017 (previously given as Great Thorndean Farm). - Permission - 23.08.2017

DM/20/2681 - Conversion of Barn to residential. - Refused - 30.11.2020

AP/21/0027 - Conversion of Barn to residential. - Dismissed - 09.08.2021

DM/21/1714 - Variation of condition 2 relating to planning application DM/17/1846 to allow for amendments to approved plans with the plans submitted for this application (numbered CDMS-21002. 07,08,09 and 10). Amended plans and elevations received 25.06.2021 showing alterations to window and door openings, reduction in roof height of link extension and removal of proposed chimney. Heritage statement received 30.07.2021. - Permission - 22.09.2021

DM/21/2919 - Variation of Condition 2 relating to planning reference DM/17/1837 to allow amendments to the list of approved drawings to allow for alterations to fenestration. - Permission - 29.10.2021

DM/21/3687 - Repositioning of garage, changes to fenestration, alteration of the landscaping (from previously approved application DM/17/1837). As well as several internal alterations to the layout of the main dwelling, this includes the relocation of staircases, kitchen and downsizing the number of bedrooms from 6 to 5. - Permission - 06.06.2022

DM/21/3694 - Repositioning of garage, changes to fenestration, alteration of the driveway surface, and landscaping (from previously approved application DM/17/1837). As well as several internal alterations to the layout of the main dwelling, this includes the relocation of staircases, kitchen and downsizing the number of bedrooms from 6 to 5. - Permission - 06.06.2022

DM/22/2018 - Variation of condition 5 of planning application DM/22/2243 - to allow a different finish to the courtyard. - Permission - 08.11.2022

SITE AND SURROUNDINGS

Great Thorndean Barn is a Grade II listed barn conversion situated within a cluster of buildings to the east of the A23. The site is accessed via a private track to the south of Slough Green Lane. The barn is situated within a historic farmstead, with a curtilage listed Old Dairy Building situated to the south-west, converted into a residential dwelling at the same time. Great Thorndean Farm Cottage is situated further to the south-west, in an elevated position. A grade II listed property, Great Thorndean Farmhouse, lies immediately to the east of the site with Oakwood House lying further east, to the east of the access track.

The site includes a large, metal-framed agricultural barn to the north-west of the dwelling, at a higher level, with a swathe of agricultural land in the applicant's ownership to the west. South of the barn and immediately west of The Old Dairy but on higher ground, is a shed, subject of this application.

In terms of planning policy, the site lies within the countryside and the High Weald Area of Outstanding Natural Beauty. It is also designated as a Great Crested Newt - Impact Risk Zone (Red).

APPLICATION DETAILS

Retrospective planning permission is sought for the erection of a shed for the keeping of a donkey, together with proposed extensions to hardstanding areas, gates, fencing and landscaping. The shed is located approximately 7.8m from The Old Dairy and oriented at around 45 degrees. It measures

approximately 7.3m in width by 2.5m in depth and 3.8m in height, with 2 doors to the north-east elevation, one providing access to the stable and the other to the tack room. It is otherwise of a simple design with a dual pitched roof and black painted timber elevations.

The application also includes a proposed extension of the existing hard landscaping to provide access from the farmyard to this stable, as well as to the side of the large barn immediately north. Both will include double gates and estate metal railings, to match those already installed between Great Thorndean Barn and The Old Dairy.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP12: Protection and Enhancement of Countryside
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP26: Character and Design
Policy DP34: Listed Buildings and Other Heritage Assets
Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan (Feb 2017)

Mid Sussex District Council formally 'made' the Ansty, Staplefield and Brook Street Neighbourhood Plan part of the Local Development Plan for the majority of the Parish of Ansty and Staplefield as of 2 February 2017. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the relevant parts of Ansty, Staplefield and Brook Street.

Relevant policies:

Policy AS3: High Weald Area of Outstanding Natural Beauty

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

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 the Stage 1 hearings were concluded on 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design
DPB2: Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG11: Respond to the existing townscape, heritage assets and historic landscape

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 187 (conserving and enhancing the natural environment), 189 (National Parks and National Landscapes), 193 (biodiversity and ancient woodland), and 202-221 (heritage assets) are considered to be relevant to this application.

High Weald AONB Management Plan 2024-2029 (2024)

ASSESSMENT

Design and visual impact on the character and appearance of the area

Policy DP12 of the Mid Sussex District Plan states (in part):

'The countryside will be protected in 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:

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

The application is not necessary for the purposes of agriculture but is supported by Policy DP26 of the Mid Sussex District Plan, which states (in part):

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design.

The donkey stable building is considered to be of an appropriate scale and design in relation to the rural character of the area and the proposed hardstanding and fencing materials, which will match those already existing, will also be in keeping.

Accordingly, it is considered that the development would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on the setting of the Listed Building(s)

Great Thorndean Barn is designated as a heritage asset, a Grade II listed building.

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.'

Policy DP34 of the Mid Sussex District Plan states (in part):

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

- *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;*
- *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;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *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;*
- *Special regard is given to protecting the setting of a listed building;*
- *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.'*

Design Principle 11 of the Mid Sussex Design Guide SPD seeks to ensure that heritage assets are enhanced and preserved where appropriate.

Paragraphs 207, 208, 210, 212 and 215 of the NPPF are relevant, as follows:

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the

potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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.

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.

The Council's Conservation Officer has raised no objection to the application (comments reproduced at the start of this report), considering the donkey stable to be appropriately designed and sited and the associated works to preserve the setting of the historic farmstead and listed buildings within. These comments are agreed with. Subject to the hard surfacing to match the existing, it is considered that the scheme would comply with Policy DP34 of the Mid Sussex District Plan and paragraph 210 of the NPPF.

Impact on the High Weald AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act 2000 (CRoW Act) which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act requires Local Planning Authorities to '*take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB*'. The Levelling-up and Regeneration Act (2023) amended Section 85 of the CRoW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs*'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the Mid Sussex District Plan states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*

- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
and
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan states:

'Development proposals within the High Weald Area of Outstanding Natural Beauty in the neighbourhood plan area (as shown on the Proposals Map) must demonstrate how they address the requirements of the NPPF, policies of the Mid Sussex Local Plan 2004 or the District Plan once it is adopted;

conserve and enhance the natural beauty of the AONB area; and demonstrate how they meet the objectives of the High Weald AONB Management Plan; and for major development, proposals must include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

The donkey stable building is located immediately adjacent to a cluster of buildings, so will not be isolated in the landscape. In any case, it is considered to be of an appropriate scale and design in relation to the landscape, including the finishing materials, so does not detract from the visual quality of the AONB. Similarly the existing hardstanding and fencing is considered appropriate, so an extension of it in the manner set out in the application is also considered acceptable, thus meeting the above policies and guidance.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The main property affected by the proposal would be The Old Dairy. Although this is located on higher ground approximately 7.8m away, the donkey stable building is oriented at an oblique angle to this property and the doors are facing away from it. The use of the building is appropriate for its countryside location and the small-scale nature of the building means that it would not result in significant noise or disturbance that would be harmful to the amenities of neighbouring occupants. The hard landscaping will not have any impact on neighbouring amenity. It is further noted that the occupant of this property has written to support this application.

For these reasons, it is considered that the scheme would comply with Policy DP26 of the Mid Sussex District 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. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

Other matters

Although the Parish Council has objected to the application on the basis of it being partly retrospective, the Town and Country Planning Act allows for applications to be made retrospectively, and therefore the application has been considered on its own merits.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with the above legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The application is deemed to be of an appropriate scale and design in relation to the rural character of the area, with no harm to the AONB. It would preserve the setting of the listed building and curtilage listed buildings in this historic farmstead. It would not have any significantly harmful impact on neighbouring residents. There would be no harm to biodiversity. Accordingly it is considered that the development would comply with Policies DP12, DP16, DP26, DP34 and DP38 of the Mid Sussex District Plan, Policy AS3 of the Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt