

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1912	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Retrospective application for the installation of a flue and stonework walls to property and then changes to landscaping including installation of decking to the south of the dwelling and changes to the parking.		
Site:	Broadhurst Stables, Broadhurst Manor Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BG, ,		
Validation Date	22 Sep 2025	Overall Expiry Date:	15 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	29 Jan 2026
Target Date:	17 Nov 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	30 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1912

Broadhurst Stables, Broadhurst Manor Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7BG,

Retrospective application for the installation of a flue and stonework walls to property and then changes to landscaping including installation of decking to the south of the dwelling and changes to the parking.

Mr Kevin Cooper

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

Environmental Protection Officer

I have no objections to this application.

Informative recommended regarding the statutory nuisance provisions of the Environmental Protection Act 1990.

Conservation Officer

The application site is an unlisted former stables building within the setting of Broadhurst Manor, which is a Grade II* listed building. The adjacent cart shed and barn are Grade II listed. The stables, which appear to date from the 19th or early 20th century, are located a short distance to the south of this listed group. While we have not regarded the building as curtilage listed, I would consider it a non-designated heritage asset (NDHA) making a positive contribution to the broader setting of the listed group. The stables also have an impact on the manner in which the special interests of the listed buildings are experienced by those approaching them along the public right of way running from the south towards Broadhurst Manor Road.

Planning permission was first granted in 2016 for conversion of the stables to a residential use, including an extension within the adjacent earth bank, and soft landscaping (DM/16/0312). Unfortunately, the works undertaken were not in accordance with this permission, and following negotiation and refusal of first initial application, a revised scheme was retrospectively granted consent in 2019 (DM/19/2790).

Regrettably, it would seem that again works have been carried out which are not in accordance with, or are in excess of the existing permissions. The current proposal seeks to regularise the situation. The works which are in question are:

- Alteration to the extent and nature of the hard landscaping sitting above the buried extension to the property, comprising a larger decked area, and an area of chippings, both of which replace consented soft landscaping. It also appears that the grading of the area is not as approved, in particular to the southeast of the stables building.
- Replacement of approved planting to either side of the window and its stone surround to the southwest of the original building with what appears to be a sloping membrane roof.

- Removal of the approved sloped grassed slope below this window in favour of a decked area and matching cladding to the wall below the window.
- Retention of a stove flue pipe to the roof of the northeastern corner of the stables building.
- An approved grassed parking area (with reinforcement matting) to the northeast of the stables replaced with tarmac.

In my opinion, the current proposal raises a number of concerns with respect to the impact on the significance of the stables as an NDHA, and on the positive contribution that the site makes through group value and impact on setting to the special interests of the listed buildings at Broadhurst Manor. The works are particularly disappointing given the extensive discussions which took place during the course of the previous applications to ensure that harm did not occur to the affected heritage assets- in some respects the works now applied for would reinstate features which were removed by negotiation from these previous applications.

- The extensive additional hard landscaping including decking and chippings to the east of the stables, above the buried extension, detracts from the rural character of the site and the former agricultural nature of the building. These areas should be returned to the grass landscaping and more natural contouring of the most recently approved scheme.
- Similarly, the loss of the planted area to the face of the bank around the window to the extension to the southwest of the original building detracts from the rural character of the site and also exacerbates the visual impact of the extension. This should be returned to the approved treatment of soft landscaping.
- Likewise, the loss of the grassed slope below the window has a similar impact and in combination with the above significantly reduces or removes the extent to which this part of the extension appears to be 'buried' in the landscape, which was the original aim, and the basis on which the extension was considered acceptable. This area should be reverted to its approved appearance with both vertical and horizontal decking removed in favour of the approved banking and soft landscaping.
- Although a stove flue pipe may be acceptable in principle, that which has been installed seems excessive in scale and is located in a prominent position towards the front of the building. Can anything be done to reduce the scale of the pipe and/or re-site it further towards the rear of the building?
- Again, the loss of the grassed parking area in favour of tarmac harms the rural character of the site. This area should be reverted to its approved finish.

In addition, it would appear to me that the approved planting scheme with trailing plants etc. intended to partly screen and soften the exposed vertical stone walls of the extension has not been implemented. This work should be undertaken.

In summary, unfortunately the majority of the work retrospectively applied for is in my opinion unacceptable in principle, and should be reverted to the approved detail, in order to ensure that the agricultural character and rural setting of Broadhurst Stables are preserved. The stove flue pipe as installed is in my opinion contentious, but I would hope that an acceptable revision to the scale/position of the pipe may be achievable.

As it stands, I consider that the proposal detracts from the significance of Broadhurst Stables as an NDHA, and from the positive contribution which the site makes through setting and group value to the special interests of the listed buildings within the Broadhurst Manor group. The proposal is therefore contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, paragraph 216 will apply in respect of the NDHA and I would identify a mid-level of harm to an asset of a low-mid level of interest within the local context. In respect of the designated heritage assets at Broadhurst Manor, I would identify a low level of less than substantial harm, however the high grade of the listing of the Manor House (II*) and the cumulative significance of the grouping should be borne in mind in terms of the weight which should be given to this harm (ref. para 212 of the NPPF).

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Planning permission is sought retrospectively to install a flue and stonework walls to property and then changes to landscaping including installation of decking to the south of the dwelling and changes to the parking.

RELEVANT PLANNING HISTORY

DM/16/0312 - Conversion of redundant rural building to residential use together with an extension within an existing earth bank to form single dwelling and a soft landscaping scheme. Permission.

DM/16/4627 - Discharge of planning conditions 4,5,6,7 and 9 as related to planning application DM/16/0312 - Split Decision.

DM/17/5139 - Non-material amendment to planning application DM/16/0312 to replace a full height double glazed window with a solid match-board dummy door, fixed shut on one side elevation (North). To retain existing door and window openings in original building locations and reduce existing door sill level to form a level threshold on the front elevation (West). Permission.

DM/18/1437 - Discharge of Conditions 4 and 6 relating to planning reference DM/16/0312. Address amended 25/04/2018. Permission.

DM/19/0978 - Part retrospective application for the conversion of redundant rural building to residential use together with an extension within an existing earth bank to form single dwelling. Refused.

DM/19/2790 - Retrospective application for conversion of barn to residential dwelling together with an extension within an existing earth bank and a soft landscaping scheme. Permission.

DM/19/5059 - Construction of new timber framed outbuilding with timber cladding and clay roof tiles. Permission.

DM/20/4310 - Discharge of Condition 3 in regards to DM/19/2790. Permission.

DM/21/3631 - Single storey extension. Permission.

SITE AND SURROUNDINGS

Broadhurst Stables is a former redundant stable building that was once part of the Broadhurst Manor Estate. It lies approximately 160 metres south of Broadhurst Manor, a Grade II* listed building. The adjacent cart shed and barn are Grade II listed. Broadhurst Stables has been converted and extended to form a 4 bed dwelling, with associated parking area and landscaping. It is considered to be a non-designated heritage asset.

An earth embankment adjoins the south eastern side wall of the building, which provides further accommodation for the dwelling and contains two windows. A garden area lies to the south and steps are set into the embankment to provide access to the land above, which contains a decking area, into a field. Trees and vegetation line the opposite side of the access track to the building, screening a large pond. A public bridleway runs approximately 60 metres to the south west of the dwelling.

The property lies on a private track accessed from Broadhurst Manor Road / Hurstwood Lane. The track also serves two properties to the north east of the site, at Pond Cottage and Broadhurst Cottage. In terms of planning policy, the site lies within the countryside and the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Planning permission was granted in 2016 under reference DM/16/0312 to convert the building to form a three bed residential dwelling together with extensions into the adjoining earth bank. Conversion works were carried out to the building to form a family home, however the works undertaken differed from those approved in that more extensive works were carried out. As such the local planning authority considered

that planning permission DM/16/0312 had not been implemented and planning permission was sought for the development as carried out, together with proposed amendments.

The works carried out included more stone walling to the side of the earth bank than previously approved with a high stone wall surrounding the garage and parking area to the northeast of the building, the wall also continued around to the adjoining window that serves bedroom 4. A stone wall surround had also been placed around the window to the south of the building with retaining walls built either side of the window formalising this section of the embankment. The works as approved under planning permission DM/16/0312 showed that 2 windows would be installed in the earth bank with a modest section of stone wall adjoining the building and a set of stone steps into the bank, creating a more natural appearance to the development.

A larger tarmac driveway was installed to the north east of the building, enclosed by a pair of 5 bar gates, replacing an open grasscrete parking area that was previously approved. To the south west of the building a formalised garden area had been installed with an ornamental stone well, with a large hardstanding area to the south west of this replacing a previously approved grassed area. The boundary of the property is lined with a timber post and rail fence that is 1.1 metres high.

The terraced area above the adjoining earth bank was also larger than that previously approved with fibre glass flat roofs visible either side of the terrace. 4 no. roof lights have been installed in the roofs and terrace to serve the hallway and bedrooms below, 1 no. roof light was previously approved under planning permission DM/16/0312. 23 external lights were also installed on the property.

A planning application was submitted under reference DM/19/0978 to seek consent for the development as carried out, together with landscaping changes. This application was refused for reasons:

1. *The proposed development, by virtue of its design, form, size, landscaping and lighting is considered to represent an unsympathetic form of development that is harmful to the rural character of the area and fails to conserve the scenic qualities of the High Weald Area of Outstanding Natural Beauty. The proposal therefore conflicts with policies DP12, DP15, DP16 and DP26 of the Mid Sussex District Plan 2014-2031 and the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.*
2. *The proposal is considered to be harmful to the character of the non-designated heritage asset and the setting of Broadhurst Manor and adjacent listed buildings and the special interest in which they are appreciated. Whilst such harm is deemed to be less than substantial, this factor should be given considerable importance and weight. In this instance, harm caused by the proposal is considered to outweigh any public benefits. The proposal therefore conflicts with policy DP34 of the Mid Sussex District Plan 2014-2031'.*

A further two reasons for refusal included a lack of light and outlook to two bedrooms and no mitigation for the impact to the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC).

A subsequent planning application was submitted (DM/19/2790) for the dwelling, with more changes proposed in order to address officers' concerns. These changes included reinstating the grass embankment, the parking area being reduced and finished with grass reinforcement and the fibre glass flat roofs to sides of terrace being covered with light weight soil and grassed over. This application was considered acceptable and approved, including a condition that removed permitted development rights:

'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To ensure that the proposal conserves or enhances the appearance and character of the High Weald Area of Outstanding Natural Beauty and to accord with policies DP16 and DP26 of the Mid Sussex District Plan 2014-2031'.

A further application was permitted (DM/21/3631) that allowed for an extension to the north, within the embankment, to create a play room. It is understood that, from the information provided by the current applicant, that these two permissions were implemented.

The latest application seeks to regularise changes that have been undertaken to the property that would have required planning permission. This firstly relates to the embankment extension to the south of the converted building. Under the approved plans the single window, whilst having a stone surround, the remaining area was to be finished in a graded grass slope, with planting along the top edge of the retaining wall. This section of the dwelling no longer has a grassed bank or planting. There is now a stone wall, with an arch window surround projecting above eaves level. A roof then pitches back into the bank. Below this area a section of raised timber decking has been installed where the grassed bank should be. It is some 3.1 metres deep and 4.3 metres wide. During the site visit it was noted that chairs and pots with plants were present on the decking, reflecting the information submitted as part of the application. The window in the embankment to the north also no longer has its approved planting, with the pitched roof also exposed. The grading, particularly to the south east of the former stables also does not reflect the approved plans.

Above the embankment a terrace deck was approved, positioned to the east of the converted building. The approved plans show this area approximately 7.5 metres wide and 6.7 metres deep. To the north of this section, adjoining the decking, an irregular area of slate chippings has since been created that is some 7.3 metres deep. This area has a maximum width of some 10.3 metres and minimum of 6.6 metres. The decked area has also been enlarged southwards, to the edge of the external staircase. The total depth is now approximately 11.6 metres.

The other aspects of the application relate to the approved parking area, to the north of the former stables, and the erection of a flue. The parking area was approved with a grassed surface, with reinforcement matting, and this is now finished in tarmac. No flues were included as part of the planning permission and one has been installed on the eastern roofslope of the converted building. The flue installed is approximately 2.7 metres high.

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 District Plan, Site Allocation Development Plan Document (DPD) and Horsted Keynes 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
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP26 - Character and Design
- DP34 - Listed Buildings and Other Heritage Assets

Site Allocations Development Plan Document

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

There are no relevant policies.

Horsted Keynes Neighbourhood Plan

The Horsted Keynes Neighbourhood Plan was formally made on 4th May 2023.

Relevant policies:

HK1 - Location of new Development

HK4 - Maintaining Local Character and Good Quality Design

HK5 - Infill Development and Domestic Extensions

HK6 - Conserving Local Heritage

HK9 - The High Weald Area of Outstanding Natural Beauty

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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

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 (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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

Legislation

Countryside and Rights of Way Act 2000

Levelling-Up and Regeneration Act 2023

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

Design and impact on character of area

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is found in the NPPF at paragraph 187 and is reflected under policy DP12 of the District Plan which, in part, states:

'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'.

In addition the site also lies within the AONB. The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW 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, as well as policy HK9 of the Horsted Keynes Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'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:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

Policy DP26 of the District Plan relates to character and design and states in part that:

'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 protects valued townscapes and the separate identity and character of towns and villages;*

- 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 (see Policy DP27);*
- o *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o *positively addresses sustainability considerations in the layout and the building design;*
- o *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o *optimises the potential of the site to accommodate development.'*

Policy HK4 of the Horsted Keynes Neighbourhood Plan reflects this ethos.

Principle DG53 establishes principles for the conversion of traditional buildings with heritage value. It establishes that:

'The primary objective of all conversions of traditional buildings must be to retain the character and appearance of the original building, and its defining architectural characteristics'.

It goes on to state:

The introduction of conspicuous domestic features such as chimneys, satellite dishes, aerials, porches and additional window or door openings are often out of character with the original building and, wherever possible, such features may need to be avoided. Crisp contemporary alterations, if well detailed and sensitively integrated, can nevertheless work well while allowing the original structure to be clearly defined'.

With regards to landscaping it sets out:

'The Landscaping and boundary treatments should not detract from the character or layout of the original building'.

The dwelling that was granted permission in 2016 intentionally proposed a scheme that converted the former stables building and for additional accommodation to be provided in an extension, which would be submerged within an existing grassed embankment. This design approach was intentional so that the original building would still retain its rural appearance. The surrounding landscaping was intended to be soft to assist the building in blending into its landscape setting.

As set out above, a subsequent retrospective application was submitted for this dwelling as the development had not been implemented in accordance with the approved plans. The changes that had been made included more stone walling to the side of the earth bank, the installation of a larger tarmac driveway and the enlargement of the terraced area above the earth bank. This application was refused and a subsequent scheme permitted that included reinstating the grass embankment, the parking area being reduced and finished with grass reinforcement and the fibre glass flat roofs to sides of terrace being covered with light weight soil and grassed over.

The scheme now under consideration seeks retrospective consent firstly for the loss of the embankment area to the sides of the converted building. It is considered that this element of the application, through the loss of the landscaping works, undermines the original approach of the development and creates a form of development that appears less sympathetic to the rural setting of the site. The now exposed extension, with the large expanse of stonework and arches over the windows, appears visually jarring with the form, shape and materials of the former stables. The roof form and its materials also do not relate sympathetically to the former stable building, with differing eaves lines and roof pitches. The extension therefore no longer appears sensitively integrated with the converted building.

The tarmacked parking area, as opposed to a grassed area, appears incongruous in this rural location and the property as a whole and the enlargement of the decking area would create a larger, formal garden area that would not respect the natural beauty of the area. In addition the larger expanse of hard

surfacing, its finishing and colours appear incongruous against the stables and in the rural landscape. The flue that has been installed is situated closest to the access to the property and, in conjunction with its height, increases the prominence of the addition.

Overall it is considered that the works undertaken have created a more domesticated and suburban appearance to the site, which is considered to appear incongruous within the locality, detracting from the rural character and setting of the immediate area.

Impact upon setting of the listed building

As the application site falls within the setting of Broadhurst Manor, a Grade II* listed building, and adjacent cart shed and barn, Grade II listed buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In considering whether to grant planning permission (or permission in principle) 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 District Plan is relevant in terms of listed buildings and states:

'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'.*

Policy HK6 of the Horsted Keynes Neighbourhood Plan relates to conserving heritage and establishes that relevant developments will be assessed against policies DP34 and DP35 of the Mid Sussex District Plan. The policy goes on to state:

'In particular, development proposals should have regard to the following special features of the two conservation areas:

Horsted Keynes

- o the spacious character of The Green, the attractive groupings of buildings around The Green and the sense of enclosure created by both buildings and landscaping*
- o the variety of age and style of buildings, several of which are listed buildings*
- o the use of traditional and natural building materials*
- o the extensive views of the countryside from within the Conservation Area, especially around St Giles Church and the views of the church from within the village*
- o the hedgerows, trees and banked verges, including those in Church Lane, Bonfire Lane and Wyatts Lane'.*

Paragraphs 212 - 216 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.

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Comments have been received from the Conservation Officer in response to this application. It is advised that the stables appear to date from the 19th or early 20th century and the building is located to the south of the listed buildings. The stables are considered to be a non-designated heritage asset that make a positive contribution to the broader setting of the listed group. It is further advised that the stables also have an impact on the manner in which the special interests of the listed buildings are experienced by those approaching them along the public right of way running from the south towards Broadhurst Manor Road.

With regards to the proposed development, the Conservation Officer has advised that the works undertaken raise concerns regarding the impact on the significance of the stables as a non-designated heritage asset and the positive contribution that the site makes through group value and impact on setting to the special interests of the listed buildings at Broadhurst Manor. It is further noted that some of the works under this application would re-instate features that were removed by negotiation from previous applications.

The additional hard landscaping, including the decking and chippings above the buried extension, are advised as detracting from the rural character of the site and the former agricultural nature of the building. The loss of the planting on the face of the bank, including around the window in the southwestern section of the bank extension, is advised as detracting from the rural character of the site and exacerbates the visual impact of the extension. Additionally the loss of grassed slope below the window would be viewed as having a similar impact and, in combination with the aforementioned works, would significantly reduce or remove the extent to which this part of the extension appears to be 'buried' in the landscape, which was the original aim, and the basis on which the extension was considered acceptable. It is recommended that the grassed landscaping and natural contouring should be reinstated, in accordance with the approved scheme, and the decked areas and chipping removed.

With regards to the flue the Conservation Officer is of the view that, whilst it may be acceptable in principle, the installed flue appears excessive in scale and is located in a prominent position towards the front of the building. It is questioned if the pipe can be reduced in scale and re-sited towards the rear of the building.

Lastly, the grassed parking area being replaced with tarmac, the Conservation Officer has advised that this harms the rural character of the area and should be returned to its previous finish.

In conclusion the Conservation Officer has reached the view that the majority of the works are considered unacceptable in principle and would need to revert to the approved scheme to ensure that the agricultural character and rural setting of Broadhurst Stables are preserved. Whilst no objection in principle has been raised to the flue, changes would need to be made to its position and/or scale to make it acceptable. As submitted the proposal is considered to detract from the significance of Broadhurst Stables as a non-designated heritage asset, and from the positive contribution which the site makes through setting and group value to the special interests of the listed buildings within the Broadhurst Manor group.

The NPPF sets out that where harm is identified to a NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Conservation Officer has concluded that there would be a mid-level of harm to an asset of a low-mid level of interest within the local context. Given the contribution that the stables make to the setting of the listed buildings, including the Grade II* listed Broadhurst Manor, and how they are experienced and the harms that would occur, discussed above, this conclusion is agreed with.

In respect of the designated heritage assets at Broadhurst Manor, the Conservation Officer has identified a low level of less than substantial harm, however it is advised that the high grade of the listing of the Manor House (II*) and the cumulative significance of the grouping should be borne in mind in terms of the weight which should be given to this harm (ref. para 212 of the NPPF). Taking into account the grouping of these buildings and their heritage significance, the views of the Conservation Officer are shared in terms of the level of harm identified.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified. It should be noted that National Planning Practice Guidance states that public benefit 'should not just be a private benefit'. The property remains in its original use, as a dwelling, and is not considered to be currently at risk. As no public benefits have been identified that would outweigh the harm identified in heritage terms, the proposal would fail the assessment within the NPPF and would not comply with policy DP35 of the Mid Sussex District Plan or Policy HK6 of the Horsted Keynes Neighbourhood Plan.

Impact on neighbouring amenity

Policy HK5 of the Horsted Keynes Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development should not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on access, noise, privacy, daylight, sunlight and outlook. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy HK5 is considered to take precedence and therefore the test in this instance is whether the development causes harm to neighbouring amenities as outlined above.

Due to the distance between the application site and neighbouring properties, it is considered that the development would not have a detrimental impact in terms of a loss of light, outlook or privacy. No objection has been raised by Environmental Protection Officer to the development. Given the nature of

the works in relation to the approved development, it is considered that there would not be a harmful impact in terms of noise, air or light pollution.

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

During the course of the application, correspondence has taken place with the applicant where the identified issues have been discussed. The applicant has summarised their points as follows:

- o The building is effectively being treated as a listed building when it is not. While in the same hamlet, it is not in the immediate vicinity of a listed building. It was only designated as being of special historical interest after the original developer exceeded his permission (at the same time as the requirement to seek planning approval even for usually Permitted Developments was imposed). The property is set well away from the Public Right of Way; we have two families that live that the end of our lane and neither has raised any concerns.*
- o As to the parking area, the tarmac laid is tidy and consistent with the lane from which it branches off. Grass would be very impractical (the area is in constant use and, with the recent wet weather, our front garden is like a bog). Gravel would be no more in the vernacular of a Victorian stable block than tarmac is. The stipulation would involve significant cost, to no benefit.*
- o There has never been an objection in principle to decking on the upper level. In colour, it matches the weatherboarding on the sides of the main house. It is not overlooked by anyone. Grassing was tried by a previous owner but the current arrangement was decided upon, I suspect due to weight or drainage issues, or unsightliness. I am not willing to take the risk, at potentially significant cost (not just to change it, but potentially to repair any damage) when I can see no justification for doing so.*
- o As to the two windows, they receive no direct sunlight. I have found by looking online that there was previously grading below at least one of them but that was subsequently removed. I do not know why but it could have been due to technical/drainage issues, or indeed it could have been for aesthetic reasons. As to the latter, a stone extension to a Victorian stable block would not have been sought to be concealed in this way. The stonework is neat and in keeping with the age of the property. Nonetheless, I have suggested an evergreen climbing plant rooted in planters, which I believe would be the best way to conceal the stonework, but that suggestion has been rejected.*

In response to these points, it is noted that no objections have been raised by neighbouring properties, but this is not an overriding consideration when assessing a planning application. From the 2016 application, Broadhurst Stables has been identified as being within the setting of the listed Broadhurst Manor and all applications have been assessed on this basis. Broadhurst Stables was also identified as a non-designated heritage asset under application DM/19/0978 and consistently considered as such. In all instances, relevant local and national policies have been considered.

The more limited views to Broadhurst Stables and the works that have been undertaken are acknowledged, however this does not mean that development should not respond appropriately to its context. Whilst the applicant has suggested that the changes to the decking, plating and landscaping may have been for various reasons, no evidence has been provided to substantiate these claims. The use of green composite decking, as suggested in correspondence, is not considered to be a material that is sympathetic to the historic environment, nor would it be viewed as a material that would conserve or enhance natural beauty of the AONB or countryside. Planters, as suggested, could not be retained in perpetuity, could be removed and would still appear very domesticated. Furthermore, any planting that could be achieved through planters would not provide substantial, integral landscaping, that was key to the approach to this development, so that the conversion would minimise the landscape impact. As noted by the applicant permitted development rights have been removed for this property. This is not intended as a barrier to future works, rather to ensure that any future development would respond appropriately to the AONB.

The points that have been made by the application are not considered to address the issues set out in the assessment above or affect the balancing exercises that have been undertaken. Whilst the correspondence has explored alternatives, such as the use of gravel for the parking area, it has not been possible to reach an agreement on all of the issues that have been identified and, as such, a decision is being made on the application as submitted.

PLANNING BALANCE AND CONCLUSION

In conclusion it is considered that the development under consideration has resulted in works that are harmful to the rural character of the area, failing to conserve the scenic qualities of the High Weald Area of Outstanding Natural Beauty and that are not sympathetic to the character of the former stable building. Broadhurst Stables is considered to be a non-designated heritage asset of low-mid level interest in the local context and the harm identified by the development is of a mid level. It is also in the setting of the Grade II* Listed Broadhurst Manor and adjacent listed buildings and the works are considered to cause less than substantial harm to their setting. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal is therefore considered to be contrary to the requirements of policies DP12, DP16, DP26 and DP34 of the Mid Sussex District Plan, policies HK4, HK6 and HK9 of the Horsted Keynes Neighbourhood Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

Decision: Refusal

Case Officer: Caroline Grist