

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0742	Case Officer:	Tracie Axford
Application Type:	Householder Application		
Proposal:	A new iron gate proposed within an existing stone wall.		
Site:	4 The Courtyard, Buxshalls, Ardingly Road, Lindfield, Haywards Heath, West Sussex, RH16 2QY,		
Validation Date	23 Mar 2026	Overall Expiry Date:	20 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Jun 2026
Target Date:	18 May 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Steven King</i>	Date:	22 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0742

4 The Courtyard, Buxshalls, Ardingly Road, Lindfield, Haywards Heath, West Sussex, RH16 2QY
A new iron gate proposed within an existing stone wall.

Mr Mo Gholami

SUMMARY OF REPRESENTATIONS

5 Representation letters were received with regards to this application.

4 Objections - concerns over ownership of wall, gate will lead to public amenity, lack of consultation, further details of ownership of wall

1 neutral - wall has already been damaged, so too late to object

SUMMARY OF CONSULTEES

Conservation Officer: *'Buxshalls is a substantial 19th century house located in a rural position to the north of Lindfield. It was constructed in 1825 in the Italianate style by William Jolland, as a country residence. The estate included a number of outbuildings to the north of the house, and extensive landscaped grounds including terracing, steps, glasshouses, a Venetian temple and a pair of boathouses linked by a bridge over the river Ouse. A west wing was added to the house in 1878 by Colonel Dudley Sampson, whose wife was a descendant of Jolland. The house is regarded as an NDHA of architectural and historical interest within the local context.'*

Planning permission was granted in 2020 for the change of use, alteration and refurbishment of Buxshalls House from a 21 bed nursing home to provide 11 dwellings, with the associated change of use of 19 dwellings for the over 55's within the grounds to provide 15 dwellings, and the construction of 9 additional new houses, with associated landscaping and other works.

The current proposal relates to 4 The Courtyard, which is a dwelling formed from an original outbuilding located to the northwest of the house, and is for alterations to a historic wall located to the rear of the property to create a gateway within it. This wall appears on historic maps dating from the later part of 19th century, and is constructed of stone. The continuation of the wall to the south of the application property includes three archways. It is overall of some character and contributes positively to the setting of the house.

During the course of the previous planning application on the site for the conversion of the house and associated residential development, care was taken to ensure that the associated landscaping works retained features of interest within the gardens around the house, and were respectful of the open and verdant character of these grounds. The current proposal affects a feature of interest within the grounds, but as shown would result in only a relatively minor loss of fabric, particularly as some of the existing stone would be re-used to create the archway above the gate. The form of this proposed new archway is also sympathetic to the adjacent original arches. Subject to detail, the proposal is therefore considered on balance to preserve the setting of Buxshalls house.

I would recommend the following conditions:

- *Details of the mortar mix and pointing style to the new or altered stonework*
- *Detailed drawings, at an appropriate large scale, annotated to show materials and finishes, of the new gate (I note the submitted elevations show an 'example gate'.*

On site, we noticed fencing and a shed had been positioned in/around the rear garden of the property which were not sympathetic to the context- these are not part of the current application but I would assume are the subject of a separate Planning Enforcement case.'

TOWN/PARISH COUNCIL OBSERVATIONS

Lindfield Rural Parish Council stated, 'LRPC note that the ownership of this wall is in question so we presume MSDC planning officers will investigate? Given the age of the wall, any relevant steps should be followed.'

INTRODUCTION

The application seeks planning permission for the creation of an opening within an existing historic stone wall and the installation of an iron pedestrian gate.

RELEVANT PLANNING HISTORY

DM/20/0979 - Change of use, adjustment and refurbishment of 19 dwellings for the over 55's to provide 15 dwellings. Change of use, adjustment and refurbishment of Buxshalls House from a 21 bed nursing home to provide 11 dwellings. Construction of 9 new dwellings. Associated adjustments to landscaping and car parking. No age restrictions on any new or refurbished dwellings. (Amended plans, elevations and viability info received 10th July, amended landscaping plans received 17th July) Permitted 15.12.2020

SITE AND SURROUNDINGS

The application dwelling is one of a number of new dwellings built, in a courtyard setting on the Buxshalls Estate (Ref: DM/20/0979). It is a single storey dwelling and the wall which is the subject of this application is located on the northwestern boundary of the rear garden.

The application site sits within an attractive rural setting within the High Weald Area of Outstanding Natural Beauty and is afforded good views to the south. The site is accessed off the Ardingly Road (B2028). This access road runs directly through the site to a large working farm located to the west and a number of other residential properties.

APPLICATION DETAILS

The application is for the creation of an opening within an existing historic stone wall and the installation of an iron pedestrian gate. The opening in the wall will be arched using stone removed from the existing wall. The gate measuring 1.2 metres wide and 1.7 metres high will sit within the arch. The arch will have an overall height of 2.3 metres which is slightly higher than the wall at 2.2 metres. It was noted on a site visit, that removal of the wall had been started, but work has now stopped.

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 the Lindfield and Lindfield Rural Neighbourhood Plan 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and Design

Site Allocations DPD

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

There are no relevant policies.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was made in 2016.

Relevant Policy: None

Other Legislation

Countryside and Rights of Way Act (CROW) 2000

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPC4 - High Weald Area of Outstanding Natural Beauty

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

ASSESSMENT

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

- Design and Character
- Impact on the AONB
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace; - 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;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*

- *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;*
- *optimises the potential of the site to accommodate development.'*

The application relates to 4 The Courtyard, a dwelling created through the conversion of a former outbuilding located to the north-west of Buxshalls House. Planning permission is sought for alterations to the historic stone wall situated on the boundary of the rear garden, in order to create a new pedestrian gateway. The continuation of the wall beyond the application site incorporates a series of three original stone archways, which, in agreement with the conservation, I would state contributes positively to the character and appearance of the grounds and the setting of Buxshalls House.

The proposed opening would result in only a small loss of historic fabric, and a proportion of the existing stonework would be reused in the construction of the proposed arch above the gateway. Furthermore, the design of the new archway has been informed by, and would reflect, the form and detailing of the adjacent historic arches, ensuring that it sits comfortably within the wider wall structure. The proposal is therefore considered to preserve the character of the wall and the wider setting of Buxshalls House.

Whilst Buxshalls House is not a designated heritage asset, it is recognised as a Non-Designated Heritage Asset of local architectural and historic interest. The application affects a historic stone wall which contributes positively to the setting of the house. In accordance with paragraph 216 of the NPPF, the effect of the proposal on the significance of the non-designated heritage asset has been taken into account. Given the limited loss of historic fabric, the reuse of existing stonework, and the sympathetic design of the proposed archway reflecting adjacent historic openings, the proposal would preserve the contribution that the wall makes to the significance and setting of Buxshalls House.

In light of the heritage interest of the wall, conditions are recommended by the conservation officer requiring details of the mortar mix and pointing style, together with detailed drawings and specifications of the proposed gate, in order to ensure a high-quality and sympathetic finish.

Overall, having regard to the design, form and scale of the proposal in relation to the surrounding properties, the proposal is considered to comply with policy DP26 of the District Plan.

High Weald 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.

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 and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Policy DP16 of the District Plan requires that proposals conserve and enhance natural beauty in the AONB.

The proposed location for the gate is situated within the wall on the boundary of the rear garden of the dwelling and will be visible from the public domain. The modification to the wall is modest and as such,

would not have any adverse impact on the landscape quality, scenic beauty or special qualities of the National Landscape and therefore complies with Policy DP16, the High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities Policy DP26 in part seeks to ensure that development:

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

The proposal comprises the formation of a pedestrian gateway within an existing boundary wall and would not result in any significant changes to overlooking, loss of privacy, overbearing impact, loss of light or other material impacts upon neighbouring occupiers. Whilst the gateway would provide an additional means of access to the garden, the use would remain wholly incidental to the residential occupation of the dwelling and is not considered likely to give rise to unacceptable levels of activity or disturbance.

Given the domestic nature of the proposal, it is not considered that there will be any significant harm or impact in terms of noise, air or light pollution. Therefore, in terms of neighbouring amenities, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan.

Other Matters

Concerns have been raised regarding ownership of the wall. Ownership disputes are private civil matters and do not constitute a material planning consideration. The applicant has completed the relevant ownership certificates accompanying the application and the Local Planning Authority is entitled to determine the application on the basis of the information submitted. The grant of planning permission does not override any private land ownership rights or legal restrictions that may exist.

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.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is considered to be appropriate in terms of design, size and scale to the dwellinghouse and character of the area, would not have a harmful impact on the AONB, and would not cause significant harm to the amenities of neighbouring properties. Therefore, the proposal complies with policies DP16 and DP26 of the Mid Sussex District Plan, the relevant paragraphs of the NPPF and is considered acceptable. Furthermore, the proposal would preserve the character and appearance of the historic wall and the setting and significance of Buxshalls House as a non-designated heritage asset. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Tracie Axford