

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0823	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Repairs to historic boundary wall		
Site:	Sackville College, High Street, East Grinstead, West Sussex, RH19 3BX, , ,		
Validation Date	7 Nov 2025	Overall Expiry Date:	30 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Dec 2025
Target Date:	2 Jan 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	5 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0823

**Sackville College, High Street, East Grinstead, West Sussex, RH19 3BX, ,
Repairs to historic boundary wall
Rosalind Crowther**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Firstly, I would note that due to the likely age of parts of this structure and its location within the curtilage of Sackville College, the work will require the benefit of listed building consent as well as planning permission. In addition, due to the Grade I listing of the College building both applications should be subject to consultation with Historic England.

Sackville College is a Grade I listed former almshouse building dating from 1619 and located within the East Grinstead Conservation Area. The current proposal relates to a section of retaining boundary wall around the eastern and south eastern corner of the College grounds, between the grounds and College Lane, which drops away to a lower level as it runs northwards. The wall appears to have been constructed utilising existing sandstone bedrock, heightened and infilled by additional stone and brickwork. It is continuous with a brick and stone wall running west along the frontage of the College.

The current proposal, which follows on from pre-application advice, is for repairs to the wall including removal of vegetation and tree stumps, replacement of parts of the masonry infill and capping stones, and repointing. A detailed schedule is provided with the application.

The proposed works are not considered contentious and should be beneficial to the long-term repair and maintenance of the wall, which contributes positively to both the setting of the listed building and the character and appearance of the Conservation Area.

This meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

Historic England

No comment.

MSDC Ecology

No objection, subject to condition.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The planning application seeks permission for repairs to a historic boundary wall.

RELEVANT PLANNING HISTORY

DM/16/4384- Repairs to the Well House. Permission.

DM/17/0686- Installation of gas central heating into Sackville College Chapel entailing the installation of one boiler, four radiators and external flue. Permission.

DM/17/3200- Replace existing Oak 'Motto Boards' to Well House with new including re-locate existing boards within Well House. Permission.

DM/21/3709- Repair works to purlin in Southwest corner of main roof comprising the erection of a structural steel beam to strengthen the retained purlin. Permission.

DM/24/2173- Repairs to the boundary wall along College Lane at Sackville College. Permission.

SITE AND SURROUNDINGS

Sackville College is a Grade I listed range of former alms-houses dating from 1619 and located in a prominent position within the East Grinstead Conservation Area. The College is set in gardens, which are enclosed to the south and east by a stone boundary wall, which are regarded as curtilage listed.

The application site lies within the built-up area boundary of East Grinstead. Neighbouring properties are located to the north and west. Highway is located to the east and south.

APPLICATION DETAILS

The current proposal is for repair works to the curtilage listed boundary wall, specifically to a long section of retaining wall to the southeast of the College, adjacent to College Lane. The wall, which is apparently constructed from bedrock with gaps filled with other stone and brickwork, is in poor condition and requires urgent intervention, in several areas where capping stones appear unstable. The proposed works include de-vegetation, repointing and repairing, and new replacement stonework where necessary. The new stone will be locally sourced sandstone.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad

statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets.

DP35 - Conservation Areas

Site Allocations DPD

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

No relevant policies.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made in 2016.

Relevant policies:

EG3 - Promoting Good Design

EG4 - Designated and non-designated heritage assets.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and 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

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPN1 - Biodiversity, Geodiversity and Nature Recovery

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

ASSESSMENT

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

- o Design and Impact on the Conservation Area and setting of a Listed Building
- o Impact on Residential Amenity
- o Ecology

- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Design and Impact on the Conservation Area and setting of a Listed Building

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

'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.'

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Policy DP34 of the District Plan is relevant 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.'*

Mid Sussex District Plan policy DP35 states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area. New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

With regards to design, 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:

- 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 EG3 of the East Grinstead Neighbourhood Plan relates to design and states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Policy EG4 of the East Grinstead Neighbourhood Plan relates to Designated and Non Designated Heritage Assets. and states:

'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.

Paras 203, 205-208 of the NPPF state:

'203. 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.*

205. 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.

206. 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.*

207. 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.

208. 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 application property lies within the East Grinstead Conservation Area and is within the setting of Sackville College, a grade I listed building.

The Conservation Officer was consulted on the application and has provided a response. They have advised that the proposal would require listed building consent. However, listed building consent has already been granted for the works under application DM/24/2173. They have further advised that Historic England should be consulted on the application. Historic England have provided a response and have stated that they do not wish to comment on the proposal.

The Conservation Officer considers that the proposed works are not considered contentious and should be beneficial to the long-term repair and maintenance of the wall, which are considered to contribute positively to both the setting of the listed building and the character and appearance of the Conservation Area. These views are shared and agreed with from a planning perspective.

The works are therefore considered to preserve the special interest of the curtilage listed wall, and the setting of Sackville College, meeting the requirements of District Plan Policies DP34 and DP35, Neighbourhood Plan policies EG3 and EG4, the relevant paragraphs of the NPPF and legislation.

Impact on Residential Amenity

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 DP29);'*

To the north is 17 College Lane. Given the modest nature of the development and that this neighbour would be offset from the development by some 68 metres, it is not considered that the proposal would harm the amenities of this neighbour.

To the west is 81 High Street. Given the modest nature of the development and that this neighbour would be offset from the development by some 56 metres, it is not considered that the proposal would harm the amenities of this neighbour.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Ecology

Policy DP38 of the MSDP relates to biodiversity and states in part that biodiversity will be protected and enhanced by ensuring that development '*protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances)*'

The Council's Ecology consultants have been consulted on the application and have provided a response. They have raised no objection to the proposal, subject to conditions. The recommended conditions are considered reasonable as these are mitigation measures which would avoid and reduce disturbance to bats, which are a Priority species.

The proposal is therefore considered to accord with policy DP38 of the District Plan and policy of the Neighbourhood Plan.

Biodiversity Net Gain

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

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the East Grinstead Neighbourhood Plan.

In conclusion, the proposal is considered to be appropriate in terms of its design, size and scale to the locality and would not have an adverse impact on the amenities of neighbours. The proposal therefore complies with Mid Sussex District Plan policies DP26, DP34 and DP35, East Grinstead Neighbourhood Plan policies EG3 and EG4 as well as with the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin