

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2774	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 31 (approved plans) of planning permission DM/22/1774 (as amended by NMA DM/25/2016) to allow alterations to the approved scheme.		
Site:	Havelock Farm, Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN,		
Validation Date	28 Oct 2025	Overall Expiry Date:	8 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Feb 2026
Target Date:	27 Jan 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	19 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2774

Havelock Farm, Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN

Variation of condition 31 (approved plans) of planning permission DM/22/1774 (as amended by NMA DM/25/2016) to allow alterations to the approved scheme.

CO AGENT

SUMMARY OF REPRESENTATIONS

6 letters of representation have been received from No.s 3 and 4 Pondfield Cottages who raise the following concerns:

- Original application DM/22/1774 did not take into consideration the full ownership position of the entry track to Pondfield Cottages and Havelock Farm
- Redline of the application does not reflect ownership of Kew Wakehurst (RBGK)
- Access road now follows a realigned curve of the northern boundary of the site, following ownership boundary of RBGK
- No details are provided to prove ownership by RBGK
- Access route has been for the sole use of domestic vehicles to residential properties, and has not been used by the farm. Confirmed by deeds of No.s 1-4 Pondfield Cottages and Havelock Farm
- Has never been access to the farm and fields from the Pondfield access road
- Access road is for domestic use and not for commercial, business or industrial vehicles
- planning permission is giving RBGK right to use access road, which is illegal
- local residents have not been invited to any project meetings relating to the proposal
- false information has been provided with the current and original application with regards to ownership
- local residents were led to believe that the access to the development would be accommodated using a new secondary road alongside the existing, which is achievable

The current application seeks to vary conditions of an existing consent (DM/22/1774) where the principle of the development has been established. All pre-commencement conditions of this permission have been discharged and the existing buildings demolished; this permission is considered to be extant and can be constructed irrespective of this current application.

No change to the original redline of the application site has been proposed and Certificate B has been provided, as was considered under the original application. Any legal matters regarding access, including deeds, is a private legal matter and not a planning consideration.

SUMMARY OF CONSULTEES

MSDC Conservation Officer - raises less than substantial harm

Flood Risk and Drainage Team - no objection

MSDC Tree Officer - No objection

Landscape Consultant - No objection

MSDC Environmental Health - No objection

Historic England - no comment, defer to Conservation Area

PARISH COUNCIL OBSERVATIONS

No comments received.

INTRODUCTION

Variation of condition 31 (approved plans) of planning permission DM/22/1774 (as amended by NMA DM/25/2016) to allow alterations to the approved scheme.

RELEVANT PLANNING HISTORY

DM/22/1774 - Demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new conservation and research nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, and associated hard and soft landscape works. (Amended plans received showing Wakehurst Farmhouse accurately and amended Certificate B received 26th July) (Amended plans and further supporting info received 4th October) (Ecological Impact Assessment received 16/02/23).
Granted

DM/25/2016 - Non Material Amendment to planning application DM/22/1774 - to amend the description.
Granted

SITE AND SURROUNDINGS

The application site, Havelock Farm, measures approximately 1.67 hectares (16,685m²) in area and is part of the wider Wakehurst site, sitting to its northwest corner. Wakehurst itself measures around 40 hectares in area, comprising some 12ha of parkland, 9ha of ornamental gardens and 20ha of mixed native and ornamental woodland. Havelock Farm has not however been in operation as a farm since it was purchased by the Royal Botanic Gardens (RGB) Kew in 2012.

The application site formally consisted of disused farm buildings, which have subsequently been demolished as part of the permission on the site (DM/22/1774).

There are nearby neighbouring properties in the vicinity that fall within private ownership. The nearest of these is Wakehurst Farmhouse that borders the site to the east. Slightly further to the north are 1-4 Pondfield Cottages.

These properties, as well as the application site, are served by an existing access road that is also a designated public right of way (PROW) - 3Ar (footpath) that runs in the west/east direction at this point.

The site has quite a significant slope, with the land falling away in a broadly west/northwest direction towards the Ardingly Valley.

There are a number of trees within the site, with the most significant specimens being the mature trees found along the southern boundary. There is a modest historic pond located in the southwest corner of the site.

In terms of nearby heritage assets, these are described in more detail in the 'Heritage' assessment section of the report. The nearby heritage assets that affected by this application are considered to be:

- Wakehurst Place (Grade I listed),
- Wakehurst Stables (Grade II* listed),
- Wakehurst Place Park and Gardens (Grade II* listed),
- Wakehurst Farmhouse (regarded as a non-designated heritage asset (ndha), and
- The farm courtyard directly to the west of the farmhouse (ndha)

In policy designation terms, the site is located within the Countryside as well as the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for changes to the design of the extensions and alterations, which include:

- Reduced size of greenhouses 1, 2 and 3 along with their adjoining ancillary building with changes to the elevation treatment and materials to all four greenhouses
- Alterations to the landscaping to include earth banking and gabion retaining structures to replace concrete walls, changes to the access road, changes to the landscaping to the western side of the site and around the buildings
- Replacement of the proposed surface water storage reservoir with rainwater storage
- Polytunnels and shade structures, swapped locations
- Rationalisation of fences and new gates to the access
- Reconfiguration of external plant compound and removal of plant building

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,*
- 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 Allocation DPD and Ardingly 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 the Countryside
- DP13 - Coalescence
- DP16 - High Weald AONB
- DP22 - Rights of Way and other Recreational Routes
- DP26 - Character and Design

DP29 - Noise and Light Pollution
DP34 - Listed Buildings and Other Heritage Assets
DP36 - Historic Parks and Gardens
DP37 - Trees, Woodland, Hedgerows
DP38 - Biodiversity
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

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.

Ardingly Neighbourhood Plan (March 2015)

Relevant policies:

ARD 1 - The Presumption in Favour of Sustainable Development
ARD 2 - A Spatial Plan for the Parish
ARD 8 - Biodiversity
ARD9 - Heritage Assets
ARD20 - Wakehurst Place and Millennium Seed Bank

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPS5 - Water Neutrality
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPN4 - Trees, Woodland and Hedgerows
DPN5 - Historic Park and Gardens
DPN8 - Light Impacts and Dark Skies
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.

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

National Design Guide/Code

Other Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

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

- Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty
- Impact on heritage assets
- Impact on the amenities of neighbouring properties
- Trees
- Flood Risk and Drainage
- Biodiversity Net Gain

Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty

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. This is reflected in DP12 of the District Plan as noted in the previous sub-section. The aim of protecting the character of an area is also found in the NPPF at para 174 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

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.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

Mid Sussex District Plan policy DP16 states:

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

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

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

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Policy ARD2 of the Neighbourhood Plan states in part that:

'Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.'

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 proposed alterations to the positioning and size of the buildings would reduce the overall scale of the development, while retaining the originally approved overall design and appearance of the development.

The original application considered that the development was not considered to be major development, given the previous buildings on site and the associated proposed use of the site in association with Wakehurst. As the proposal would consist of a reduced scheme the proposal is still considered not to amount to major development.

The original application was also not considered to result in coalescence due to the rural location and scale of the proposal, which is still considered to be the case for the current proposal and is in accordance with Policy DP13 of the District Plan.

The Council's Landscape Consultant have been consulted on the application and consider that the proposed design and layout of the scheme does not form a greater landscape or visual effects impact compared to the consented scheme. They also consider that the replacement of the reservoir with an area of woodland accords with the local landscape characteristics and areas of existing woodland. This would also provide visual screening from the PRoW to the north.

Within their comments the Landscape Consultant raise concerns the inclusion of *Sambucus nigra* within the proposed hedgerow mix due to its vigorousness, which has subsequently been removed.

The sensitive and prominent nature of the site is noted and due to the reduced scale it is considered that the proposed plans would conserve the natural beauty and landscape of the countryside and the High Weald AONB. As such it is reasonable to conclude that the application complies with Policies DP12, DP13, DP16 and DP26 of the District Plan, Policy ARD2 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

Impact on heritage assets

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.'

Paras 210, 212-215 of the NPPF state:

'210. In determining applications, local planning authorities should take account of:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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.'

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:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*

- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;
- Special regard is given to protecting the setting of a listed building;
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'

Policies ARD9 and ARD20 of the Ardingly Neighbourhood Plan echoes the ethos of this policy.

Mid Sussex District Plan policy DP36 states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.

There may be potential to introduce a new character / development form and massing (refer to chapter 5):

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.

- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'

The Council's Conservation Officer has been consulted on the application and has provided the following comments:

'The proposed development site, now known as Havelock Farm, is an area of land to the west and south west of Wakehurst Farmhouse, the former home farmhouse of Wakehurst Place, which is located a short distance to the south east. The land is partly open and partly occupied by a range of buildings including the former farm courtyard to the home farm, as well as modern barn buildings. Immediately to the south is the boundary of Wakehurst Place gardens. A public right of way (PROW) runs east-west a short distance to the north. Due to position of the site on a hilltop above the valley of Ardingly Brook, which curves around Wakehurst to the west and north, there are far reaching view to and from the surrounding countryside.'

The current proposal, which follows on from the granting of planning permission and discharge of conditions, is for alterations to an approved scheme for partial redevelopment of the site (retaining the farm buildings which are of heritage interest) to provide a new conservation and research nursery.

There are a number of heritage assets both within the site and in close proximity to it:

- Wakehurst Place - the Grade I listed 16th century mansion house at the heart of the estate and located a short distance to the south east of Havelock Farm.
- Wakehurst Stables- Grade II* listed 18th century stable block to the north east of the house.

- Wakehurst Place Park and Gardens - Grade II* registered early-mid 19th century plantsman's and collector's garden- the site is directly adjacent to the northern boundary of the registered garden.
- Wakehurst Farmhouse - the former home farmhouse to Wakehurst Place, which is regarded as a non-designated heritage asset. Historical map regression suggests that the building dates from the mid-late 19th century or earlier. The farmhouse is just to the east of the site.
- The farm courtyard directly to the west of the farmhouse- again these buildings appear to date originally from the mid-late 19th century or earlier and although altered will be regarded as NDHAs and as having group value with the farmhouse. These buildings are located within the site, and the existing approval is for their retention, with a condition requiring repair work as appropriate.

The scheme for which approval was recently granted was considered to result in a slight positive impact on the registered park and garden, based on the reduced scale of the development immediately adjacent to the most part of the boundary with the most open views of the site, and the removal of an unattractive and unsympathetic blockwork wall along the boundary at this point, but a low level of less than substantial harm in respect of both Wakehurst Place and Stables, which results from the adverse impact of the development on Havelock Farm as the home farm of the Wakehurst estate, and its consequent group value with the listed buildings at the estate's heart. In respect of the NDHAs constituting the former home farmstead itself a mid level of harm to assets of a mid level of significance in the local context was identified, through impact on their setting.

The current proposal for amendments to the approved scheme follows on from pre-application advice, and includes:

- Reduction in size of three of the four main new buildings on the site and omission of the upper storey to an ancillary building;
- Omission of the surface water storage reservoir in favour of above ground rainwater storage tanks to the southern part of the site;
- Swapping of the positions of the polytunnels and shade structure;
- Repositioning of cold frames;
- Addition of a designated storage area for waste and recycling with screening planting;
- Addition of gates and fencing;
- Increase in size of the external plant compound with retention of the blockwork wall to the south and new timber slatted screening; and
- Associated alterations to hard and soft landscaping.

For the most part, these amendments are not considered to materially affect the impact of the proposal on the adjacent heritage assets, albeit that the reduction in scale of the principle buildings may result in a commensurate slight reduction to the level of harm caused, through impact on setting, to the significance of Havelock Farm and hence also to the designated assets at the centre of the estate with which the Farm has group value. There is no change proposed to the direct impact on the retained buildings within the former Havelock Farm farmstead.

At pre-application stage, concerns were raised regarding the location of the waste and recycling enclosure in relation to the adjacent PROW, and the expansion of the plant enclosure and its proximity to the registered park and garden.

- With respect to the waste and recycling enclosure screening by native hedgerow planting has been introduced to the northern and eastern sides of the enclosure. In addition, where the surface water reservoir has been omitted to the north east of the enclosure woodland planting is now shown, which will also act to screen the feature in public views from the PROW to the north. On balance, this aspect of the proposal is therefore now considered acceptable.

- In relation to the plant enclosure, I remain concerned about the scale and proximity of the enclosure to the boundary of the registered garden, including both the ASHP enclosure and the water tanks, which are 3m+ high. The submitted DAS comments in respect of the revised and expanded plant area that alongside slatted timber fencing around the area (and the native species hedging to its western side shown on the Landscape Masterplan), 'the existing wall and trees to the south are to be retained and will block views of the development.' However, the existing wall is a crude blockwork construction which detracts from the setting of the registered garden. Its removal, which formed part of the approved scheme, was considered a benefit to the setting of the garden to be weighed against the harm arising

from the scale of the new development, including the plant enclosure. The retention of the wall alongside the greater scale and proximity of the plant enclosure results in a reversal of the slight beneficial effect on the setting of the RPG noted in respect of the approved application, instead resulting in a degree of less than substantial harm. I would recommend that the current proposal should be amended to show the wall removed, and an alternative, contextually appropriate boundary treatment including new planting shown in its place to effectively and attractively screen the enlarged enclosure.

In summary, I would consider that the proposal in general has similar impacts on the affected heritage assets as the approved scheme, with the exception of the impact on the RPG :

- *The level of less than substantial harm to the listed buildings remains low, and arguably at a slightly lower level than the approved scheme due to the reduction in scale of the built form overall;*
- *Similarly, the impact on the NDHAs at Havelock farm would be likely to be a slightly reduced mid-level of harm;*
- *With respect to the designated park and garden, however, I am concerned that the revision to the plant enclosure coupled with the retention of the blockwork wall will reverse slight benefit to the asset previously identified, and instead result in a degree of less than substantial harm to the significance of this asset. This aspect of the proposal requires reconsideration, as noted above.'*

In response to these comments the agent has noted that land to the south of the application site, and the existing boundary blockwork wall, is not part of the publicly accessible part of Wakehurst gardens and has functioned as a 'back of house' operational area. This area is gated and screened from the main garden by existing trees. The existing boundary treatment also provides security given the proximity of water features and use by school groups.

In terms of the plant enclosure the agent has stated that the reduced height and scale of the proposed buildings and repositioned elements would limit visibility of the enclosure with very limited from the Registered Park and Garden.

Planning officers agree with the overall conclusions that the development would lead to less than substantial harm of varying degrees on the scale of the heritage assets, both designated and non-designated. This results in some conflict with policies DP34 and DP36 of the District Plan and policy ARD9 of the Neighbourhood Plan. In such cases, as set out within paragraphs 215 and 216 of the NPPF, where a development would lead to less than substantial harm to the significance of designated heritage assets, this harm is weighed against the public benefits of the proposal. In terms of the impact on the significance of the non-designated heritage assets this should weigh the scale of any harm and the significance of the heritage asset, and is a balanced judgement.

The proposal would contribute the Wakehurst's strategic objective to be a world-leading botanic garden and would enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research. Due to the public benefits of the proposal is of a national level, along with further public benefits during the construction and operational phases of the project from the employment it would provide.

It is considered that the public benefits from this proposal would outweigh the identified harm to the heritage assets.

Impact on the amenities of neighbouring properties

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);'

Policy DP29 of the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be

protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or

o an assessment of the effect of noise by an existing noise source upon a proposed development;

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'

The Council's Environmental Protection Team have commented on the application and request a condition relating to construction hours given the proximity to residential properties to the north of the south. Such a condition was included on the original decision notice for the development (condition No. 19), which will be carried over to the current application.

To the east of the site is Wakehurst Farm House, which is adjacent to the original farmhouse of Havelock Farm, which would separate the site from this neighbour. Due to the contours of the site the buildings would be positioned at a lower ground level than this neighbouring property, which would partly obscure the proposal from view of this neighbour and would not result in significant harm to the amenities of this neighbour.

To the north are No.s 1-4 Pondfield Cottages, which face towards the site, with a separate distance between the closest property to Greenhouse 3 of approximately 45 metres. Given this separation distance it is considered that the proposal would not cause significant harm to the amenities of these neighbouring properties.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*

- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Tree Officer has been consulted on the application and raises no objection to the amended plans provided.

It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP41 of the District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

1. *Infiltration Measures*
2. *Attenuation and discharge to watercourses, and if these cannot be met,*
3. *Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

The Council's Flood Risk and Drainage Team have been consulted on the application and the resulting changes to the surface water storage from the reservoir to rainwater storage. They raise no objection to the proposed amendments and the proposal is considered to comply with policy DP41 of the Mid Sussex District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

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 amended design and impact on the AONB landscape is considered acceptable and would not cause significant harm to the amenities of neighbouring residential properties. The proposal would also be acceptable in terms of flood risk and drainage and impact on surrounding trees. The application therefore complies with policies DP12, DP13, DP16, DP22, DP26, DP29, DP37, DP38, DP41 and DP42 of the District Plan, ARD 1, ARD 2, ARD 8 and ARD20 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

The proposal would lead to less than substantial harm of varying degrees on the scale of the heritage assets, both designated and non-designated. This means there is some conflict with policies DP34 and DP36 of the District Plan and Policy ARD9 of the Neighbourhood Plan. In such cases, and as outlined above, para 215 and 216 of the NPPF which requires the local planning authority to weigh the benefit benefits of the proposal against the harm identified to the heritage assets.

The proposal would contribute the Wakehurst's strategic objective to be a world-leading botanic garden and would enable Kew to further capitalise on the capabilities of the Millennium Seed Bank and open new avenues for science and horticultural research. Due to the public benefits of the proposal is of a national level, along with further public benefits during the construction and operational phases of the project from the employment it would provide.

It is concluded therefore that the public benefits from this proposal will outweigh the identified harm to the heritage assets.

The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams