

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1480	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Construction of a swimming pool pavilion and reinstatement of a historic glasshouse, within the grounds of a Grade II listed dwelling.		
Site:	Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ, ,		
Validation Date	16 Jun 2026	Overall Expiry Date:	17 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Sep 2026
Target Date:	11 Aug 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	4 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1480

**Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ,
Construction of a swimming pool pavilion and reinstatement of a historic glasshouse, within the
grounds of a Grade II listed dwelling.
Teresa Lake And Edward Ball**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

West Sussex Naturespace: We are satisfied with the measures included and would recommend that the measures detailed are secured via a compliance condition.

MSDC Tree Officer: I object to this proposed development, as I find that it is not in line with DP37 of the Mid Sussex District Plan 2014-2031.

MSDC Conservation Officer: The proposal is considered to preserve the setting of Nether Walstead house and the special interest of the curtilage listed outbuilding, meeting the requirements of NPPF policies HE4, HE5 and HE6. Subject to conditions.

PARISH COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Planning permission is sought for the construction of a swimming pool pavilion and reinstatement of a historic glasshouse, within the grounds of a Grade II listed dwelling.

RELEVANT PLANNING HISTORY

03/03182/FUL - Demolition of outbuildings and garden wall. Erection of single storey extension to form Breakfast Room, Cloakroom, Entrance Lobby. Replacement of balcony doors with window. (approved)

DM/25/3070 - Construction of eastern and western extensions to main house, dormer extension, porch and removal of modern extensions, alongside external and internal alterations. External and internal alterations to curtilage listed building, swimming pool, installation of courtyard gate, construction of garage, swimming pool pavilion, glasshouse/outbuilding, and wider landscape interventions. (refused)

SITE AND SURROUNDINGS

Nether Walstead is a Grade II listed building, the former farmstead to Nether Walstead Farm, which is located in a rural position outside Lindfield. From the list description, the building dates originally to the 17th century or earlier, but was altered in the 19th century and extended in the 20th century.

It is a large two storey detached pitched roofed dwelling characterised by various extensions to the front, rear and side. Walls are characterised by a mix of face brickwork, tile hanging, timber cladding and painted render with pitched roofed dormers to the front, side and rear elevations and side bay windows. The grounds characterised by outbuildings and a swimming pool.

To the north of the site is the long driveway to highway beyond, to the south of the site is the set higher rear garden with hedging and woodland to fields beyond, to the east of the site is the side garden and access path to The Cottage and the Coach House and to the west of the site is the set higher side garden with post and rail fencing to fields beyond.

The site is situated within the countryside as defined in the District and Neighbourhood Plans.

APPLICATION DETAILS

The proposed glasshouse approximately measures 10m in depth, 5.25m in width with a height to eaves of 1.7m and an overall height of 3.3m.

The proposed swimming pool pavilion approximately measures 8.75m in depth, 5.5m in width with a height to eaves of 2.3m and an overall height of 4.55m. This will be characterised by painted hardwood cladding and clay plain tiles. It will comprise of a WC, shower room, changing room, plant room with a pizza oven and dining area.

LEGAL FRAMEWORK AND LIST OF POLICIES

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.

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
DP26 - Character and Design
DP34 - Listed buildings and other heritage assets
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity

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.

Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was formally made on 23 March 2016
Relevant policies:

None relevant

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN4 - Trees, Woodland and Hedgerows
DPC1 - Protection and Enhancement of the Countryside
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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration.

ASSESSMENT

Protection and Enhancement of the Countryside

DP12 of the District Plan relates to the protection of development outside of the built up area, but this is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policies S3 and S5 of the NPPF.

S3 of the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development.

S5 of the NPPF relates to development outside of settlements and in part states the following:

'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces;

Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement'.

The proposed outbuildings are in character with the locality within a residential garden.

Given the domestic nature of the proposal it is not deemed harmful to its rural locality and therefore complies with DP12 of the Mid Sussex District Plan and policies S3 and S5 of the NPPF.

Design, Impact upon heritage assets and Character of the Area

As such the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the consideration of the application. S. 66 states:

'66.—(1) 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.'

Recent case law has stated that:

*"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

Policy DP34 of the District Plan relates to Listed Buildings, but this is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policies HE4, HE5 and HE6 of the NPPF.

Policies HE4 - HE6 of the NPPF are relevant and state that:

HE4

'1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and*
- b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.*
- 2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.*
- 4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned'.*

HE5:

- ' 1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.*
- 2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) '.*

HE6:

1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.'

The Conservation Officer has commented stating the following:

'Nether Walstead is a substantial Grade II listed house, a former farmhouse, located in a rural position outside Lindfield. The house dates originally, according to the list description, from the 17th century or earlier, but was substantially extended in several phases during the 18th, 19th and early 20th centuries, with further additions during the later 20th century including a rear dining room extension.

Nether Walstead is considered to possess architectural interest based on its construction and craftsmanship over several different phases of development, historical illustrative interest as a good example of a Sussex farmhouse, later country residence, altered and extended in response to changing socio-economic circumstances and the needs and aspirations of successive occupiers, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

To the northeast of the house is the former farmyard of the Nether Walstead farmstead, which includes a number of surviving 19th century or earlier former farm buildings. Nether Walstead is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the post medieval period. These farm buildings would be regarded as curtilage listed, and are likely to be considered to possess architectural interest based on their construction and craftsmanship, historical illustrative interest as examples of former farm buildings of their type and period, and aesthetic interest based partly on the use of vernacular materials. They also have group value with the former farmhouse, and contribute positively to its setting and special interest.

There are also a small number of outbuildings within the gardens to the house, including to the east of the house a structure which from historical map regression appears to date from the late 19th or early 20th century. Originally a glass house appears to have been built against its southern wall, presumably in a lean-to arrangement. Although the original glasshouse has been replaced with a more modern greenhouse, the outbuilding would appear to be broadly contemporaneous with the period of enlargement of the house which converted it from a farmhouse to a comfortable country residence, and as such is of some interest in terms of the narrative of the site.

The current proposal is for works within the grounds of the house comprising construction of a pool house, to sit alongside an existing swimming pool to the southeast of the house, and the demolition of the greenhouse mentioned above with reinstatement of a glass house attached to the outbuilding.

To consider these works in turn:

- *The proposed pool house is relatively modest in size within the context of the extensive grounds to Nether Walstead, and is set at a short distance from the house and partially screened by existing trees and planting. As a result it will not be inappropriately prominent within the setting of the listed building, and is not considered contentious in principle.*

In terms of form and detailed design, it has a broadly rural/agricultural aesthetic which is appropriate for the setting. The inclusion of tapered columns is perhaps an unusual detail which has been commented on in the context of other applications on this site, but which in the context of the pool house viewed in isolation is not considered contentious.

Subject to detail, this aspect of the proposal is therefore considered acceptable.

- *The existing greenhouse adjacent to the late 19th/early 20th century outbuilding is not of any particular interest and its replacement is not considered contentious in principle. Subject to detail, the construction of a replacement glass house against the southern wall of the retained outbuilding is likewise not considered contentious, and has the potential to reinstate (although it is presumed not with any great accuracy) a former feature of the estate. This aspect of the proposal is therefore also considered acceptable.*

The proposal is therefore considered to preserve the setting of Nether Walstead house and the special interest of the curtilage listed outbuilding, meeting the requirements of NPPF policies HE4, HE5 and HE6.

I would recommend the following conditions:

- *Details of roofing and facing materials.*
- *Detailed plans, at an appropriate large scale, including sections, and annotated to show materials and finishes, of the following:*
 - *Typical example of glazing to roof and walls of glass house*
 - *Door to glass house*
 - *Louvred openings and rear door to pool house*
 - *Rainwater goods to be of painted metal*
- *Details of any new or altered hard or soft landscaping, to include details of hard landscaping materials'.*

DP26 of the District Plan relates to character and design. However, this policy is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF relates to key principle of well-designed places and requires development proposals to respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings, amongst other things.

The officer has no reason to disagree with the Conservation Officer in regards to the impact on the setting of the listed building and special interest of the curtilage listed outbuilding. The proposals are modest outbuildings within the rear and side garden of the existing dwelling which would not be publicly visible. They would be characterised by suitable materials.

Therefore, the proposal is deemed to be comply with policies DP26 and DP34 of the Mid Sussex District Plan and policies DP3, HE4, HE5 and HE6 of the NPPF.

Residential Amenity

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26.

However, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy P3 of the NPPF.

P3 of the NPPF states in part that:

'Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).'

Given the relationship with neighbouring properties, neighbouring amenities are not deemed to be harmed by the proposal.

Therefore, in terms of neighbouring amenities the proposal complies with DP26 of the District Plan and policy P3 of NPPF.

Impact on Trees

Policy DP37 of the Mid Sussex District Plan relates to the impact on trees and woodland. However, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policies N2 and N3 of the NPPF.

N2 of the NPPF in part states:

'To contribute positively to the natural environment, and support nature's recovery, development proposals should:

Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings'

N3 of the NPPF in part states:

'In recognition of the benefits which trees can provide for biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment, development proposals should: Make provision for the long-term maintenance of both existing and newly-planted trees which form part of the development'.

The tree officer has noted that a group of yew trees (G5) will be removed, and that the proposal would be within the root protection of a grey poplar tree (T32) and would have an impact on its long term health. All the trees are identified as category B, and an objection has been raised on this basis.

In terms of the impact on T32 whilst the potential harm is noted with incursion into the RPA, as the tree is not protected it could be removed without the need for consent. Similarly, the yew trees are not protected, nor are they worthy of protection. Notwithstanding the objection, replacement trees could be secured via condition requiring a suitable landscaping scheme. Therefore, subject to this condition the proposal is considered to comply with DP37 of the Mid Sussex District Plan and policies N2 and N3 of the NPPF.

Ecology and Biodiversity

Policy DP38 of the Mid Sussex District Plan relates to biodiversity, however, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy N2 of the NPPF.

Policy N2 of NPPF in part states: *'Minimise any adverse impacts on biodiversity and include features which support priority or threatened species'*

The Council's Ecologist consultants have been consulted on the application and considered that the proposal is acceptable on ecology terms subject to conditions. This is agreed with by the officer. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and policy N2 of the NPPF.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. As a householder application, this development is exempt from the requirement to provide 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 proposed outbuildings are modest in size and scale, will not be publicly visible and would use sympathetic materials which would be in character with the rural locality and character of the dwelling. The proposal is deemed to conserve the setting of the listed building and curtilage listed outbuilding the impact on ecology and trees are deemed acceptable subject to condition.

In conclusion, the proposal would accord with the requirements of policies DP12, DP26, DP34, DP37 and DP38 of the Mid Sussex District Plan and policies DP3, HE4, HE5, HE6, P3, N2 and N3 of the NPPF. It is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Horrell