

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1079	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Replace existing wooden windows with like-for-like uPVC windows		
Site:	Burtenshaws, Church Platt, Cuckfield, Haywards Heath, West Sussex, RH17 5LA, ,		
Validation Date	23 Apr 2025	Overall Expiry Date:	30 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	16 Jun 2025
Target Date:	18 Jun 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1079

**Burtenshaws, Church Platt, Cuckfield, Haywards Heath, West Sussex, RH17 5LA,
Replace existing wooden windows with like-for-like uPVC windows
Mr Giles Darling**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Conservation Officer: Burtenshaws is an unlisted, attached house located within the Cuckfield Conservation Area, in a relatively prominent position adjacent to one of the main roads leading into the centre of the village. The house, which appears to date from the 1970s, is not of any particular architectural interest, but is broadly sympathetic to the more historic buildings which surround it in terms of its form and materials. It makes a neutral contribution to the character and appearance of the Conservation Area.

The rear of the house is also open to public view from Church Platt, which forms the western approach to Grade I listed Holy Trinity Church, and its associated Grade II listed lych gates and tombstones. The house is also within the setting of the group of Grade II listed buildings which are located to the north along South Street, including Chantry Cottage and the White Hart Inn. The house makes a neutral contribution to the settings of these buildings.

The existing windows are timber, multipane casements, which are in keeping with the broadly traditional 'cottage' style aesthetic of the building, and with the traditional materials found throughout the Conservation Area. The Council's adopted character appraisal for the Area notes the importance of these materials to its character. Further, as part of the Management Proposals contained within the document, it states that the Council should seek to:

'Prevent the replacement of timber windows with UPVC windows and the construction of UPVC conservatories in the conservation area.'

In my opinion, the current proposal to replace the existing timber windows to the house with uPVC units is unacceptable in principle, due to the impact on the character and appearance of the building and the wider Conservation Area. Notwithstanding its relatively recent date of construction, the house, as noted above, is relatively sympathetic to its historic context- one key reason for this is the use of appropriate, traditional materials. uPVC is not a traditional material, and is not one which we would support the use of in a sensitive historic setting such as this.

The proposal is therefore considered to detract from the character and appearance of the Conservation Area, and the settings of the nearby listed buildings mentioned above, contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF the proposal would result in both cases in less than substantial harm, such that the balancing exercise set out in paragraph 215 will apply, bearing in mind the great weight that should be given to the conservation of the heritage assets under the requirements of paragraph 212.

I would recommend that the applicant consider instead replacing the existing windows with new double glazed timber framed windows.

PARISH COUNCIL OBSERVATIONS

No objection

INTRODUCTION

Planning permission is sought for the replacement of the existing wooden windows with like-for-like uPVC windows.

RELEVANT PLANNING HISTORY

CU/003/75 - Outline application. Demolition of disused garage/filling station and erection of 2-storey dwellinghouse. (approved)

CU/165/76 - Dwellinghouse to replace existing garage (Reserved Matters for CU/003/75). (approved)

05/01211/FUL - Front porch. (approved)

DM/25/1141 - Proposed uPVC covering to existing soffit, fascia, bargeboards and cladding to ground floor and first floor rooflines, and replace old gutters and gutter downpipes with new, like-for-like (pending consideration)

SITE AND SURROUNDINGS

Burtenshaws is a mid-terrace two storey pitched roofed dwelling built under in the late 1970s. The walls are face brickwork with timber doors and windows.

To the north of the site is the highway (South Street), to the north-east of the site is the adjoining neighbouring Wayfarers, to the south-west is the adjoining neighbouring Chainwalk House and to the South-east is the driveway to Church Platt.

The site is within the built-up area and within the Cuckfield Conservation Area which is covered by an Article 4 direction.

APPLICATION DETAILS

The existing windows on both the ground floor and first floor to the front, rear and side elevations are to be changed from timber to uPVC.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Cuckfield 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:

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.

There are no relevant policies.

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was made on 1 October 2014.

Relevant policies:

CNP1 - Design of New Development and Conservation

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 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:

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3: Conservation Areas

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.

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 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 conservation preserving or enhancing the character or appearance of that area*'.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

ASSESSMENT

Impact to Setting of Listed Building

It is deemed that the site serves the setting of the Grade I listed Holy Trinity Church, and its associated Grade II listed lych gates and tombstones and the group of Grade II listed buildings which are located to the north along South Street, including Chantry Cottage and the White Harte Inn.

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.'*

Paragraphs 207, 212 - 215 of the NPPF are most relevant and state:

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

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- o 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* 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;*
- c) and conservation by grant-funding or some form of 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.'

As the application is within the setting of a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest must be taken into account when making any decision. In addition, in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The Conservation Officer as outlined above sees the proposal as detracting from the setting of the listed buildings to which it serves.

The planning officer sees no reason to disagree with the view conservation officer that the proposal detracts from the setting of the above listing buildings.

In terms of the NPPF, the proposal is considered to result in less than substantial harm, at around the mid-range of that scale. This harm stands, under paragraph 215 of the Framework, needs to be weighed against the public benefits of the proposal.

Although it is accepted that there will be some very limited public benefit arising from potential improvements to the energy efficiency of the property, this is not considered to outweigh the harm caused to the setting of the listed building, particularly bearing in mind that paragraph 212 of the Framework requires that 'great weight' must be given to the conservation of a heritage asset.

Therefore, the proposal is deemed harmful to the setting of the nearby listed buildings and therefore the proposal is deemed to be contrary to DP34 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Character and Design and Impact on the Conservation Area

DP26 of the 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;*
- 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'*

Cuckfield Neighbourhood Plan policy CNP1 states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) *Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. *height, scale, spacing, layout, orientation, design and materials of buildings,*

- ii. *the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) *Is sympathetic to the setting of any heritage asset and*
- c) *Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) *Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) *Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) *Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) *Makes best use of the site to accommodate development.'*

The site is located within the Cuckfield Conservation Area, which is also covered by an Article 4 direction. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Paragraphs 207, 212 - 215 of the NPPF is relevant. These paragraphs are outlined within the Setting of Listed Building section of the report.

Policy DP35 of the District Plan 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.'

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:

- 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 applicant has stated that nearby properties within the streetscene are characterised in part by uPVC windows and therefore the proposed alteration will not be out of character. The properties outlined are Dundas Cottage, Middle Cottage, Rosemary Cottage and The Shade and Peelers.

A refusal for a change of windows to uPVC from timber at Dundas Cottage (10/01592/FUL) with no subsequent approval is noted, as is application CU/048/96 where uPVC windows were approved at Middle Cottage. In terms of the latter case, given the age of the application and the distance between the two properties of in region of 70 metres, it cannot be seen to be in the immediate setting of Burtenshaws and a clear material consideration. No planning records have been found for the installation of uPVC windows at the other properties mentioned.

Notwithstanding this, uPVC represents a clear departure and a retrograde step from the traditional timber framing, especially to the front elevation as its highly visible from the streetscene.

For these reasons, this aspect of the proposal is considered harmful to the character and appearance of Burtenshaws and of the wider Cuckfield Conservation Area. This will be contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, the proposal is considered to result in less than substantial harm, at around the mid-range of that scale. This harm stands, under paragraph 215 of the Framework, needs to be weighed against the public benefits of the proposal.

Although it is accepted that there will be some very limited public benefit arising from potential improvements to the energy efficiency of the property, this is not considered to outweigh the harm caused to the Conservation Area, particularly bearing in mind that paragraph 212 of the Framework requires that 'great weight' must be given to the conservation of a heritage asset.

The proposal is therefore considered to be contrary with policies DP26 and DP35 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and paragraph 212 of the NPPF.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy CNP10 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the proposed works and the relationship with the neighbouring properties, significant harm is not deemed to be caused to neighbouring amenities. Therefore, the proposal in terms of neighbouring amenities is deemed to comply with DP26 of the Mid Sussex District Plan and CNP10 of the Cuckfield 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. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a

householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal to use uPVC windows to replace existing timber windows is considered to be a material that does not conserve the special character and appearance of the Conservation Area and protect the setting of the nearby Listed buildings. In terms of neighbouring amenities, the proposal is deemed to be acceptable.

In terms of the NPPF, the proposal is considered to result in less than substantial harm, at around the mid-range of that scale. This harm stands, under paragraph 215 of the Framework, needs to be weighed against the public benefits of the proposal.

Although it is accepted that there will be some very limited public benefit arising from potential improvements to the energy efficiency of the property, this is not considered to outweigh the harm caused to the setting of the listed building and the Conservation Area, particularly bearing in mind that paragraph 212 of the Framework requires that 'great weight' must be given to the conservation of a heritage asset.

Therefore, the proposal is considered to be contrary to policies DP26, DP34 and DP35 of the Mid Sussex District Plan, CNP1 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of NPPF.

Decision: Refusal

Case Officer: Andrew Horrell