

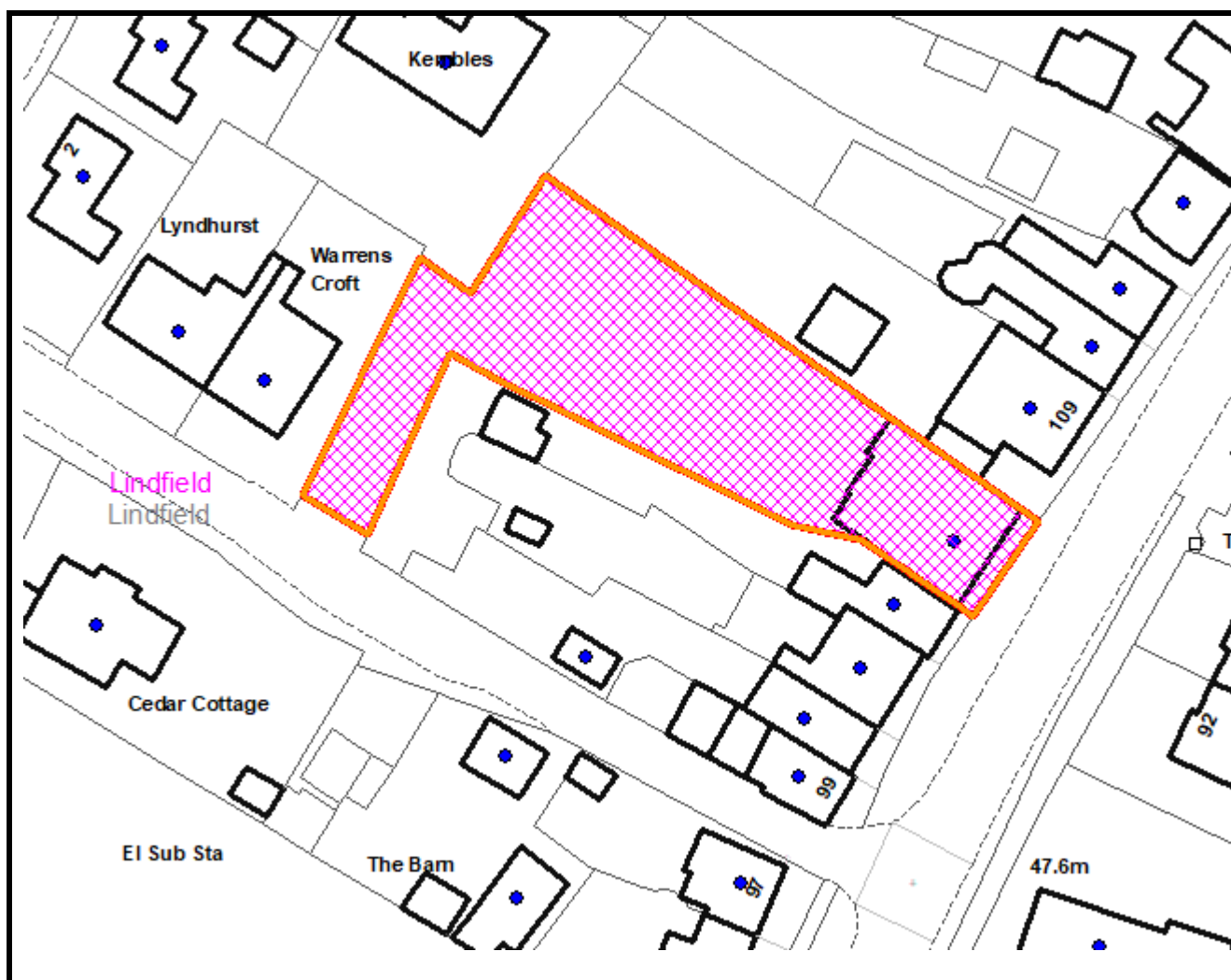
Planning Committee



Recommended for Refusal

11th June 2026

DM/25/3131



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Site:	Marlow House 107 High Street Lindfield Haywards Heath West Sussex
Proposal:	Retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.
Applicant:	Mr S Dougall
Category:	Householder
Target Date:	15th June 2026
Parish:	Lindfield

Ward Members:	Cllr Anne-Marie Cooke / Cllr Cavan Wood /
Case Officer:	Susan Dubberley

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T6Y2UAKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks retrospective planning consent for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works, following unauthorised works taking place.
- 2.2 The 2022 planning application gave consent for the demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of a partially built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting
- 2.3 The works that have been undertaken have for the most part been implemented in accordance with the original plans that were submitted for the 2022 application (DM/22/3695), however these plans were subsequently significantly amended following extensive negotiations during the course of the application, to overcome concerns regarding the impact on the listed building and conservation area, to enable permission to be granted. The works of particular concern in respect of this application were the replacement extension to the rear of the property, and the demolition and rebuilding of the bakehouse and works to the garden and rear access.
- 2.4 This current application is a resubmission following the refusal in December of last year of DM/25/1104 for retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.
- 2.5 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 National Planning Policy Framework (NPPF).
- 2.6 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3694, would detract from the special interest of the listed building and in particular the rear first floor extension, which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building. The first-floor extension has also

engulfed the historic 19th century rear wing. Due to the harms identified, the proposal is considered to be contrary to policies DP26 and DP34 of the Mid Sussex District Plan.

- 2.7 Given the proposal conflicts with the Development Plan, other material considerations are relevant, in particular the NPPF. The identified harm to the significance of the listed building is considered to be 'less than substantial' and thus para 215 of the NPPF applies.
- 2.8 While there are some public benefits, such as the refurbishment works to the front of the property, have been identified these would not outweigh the harm identified in heritage terms and the proposal would therefore fail the assessment within the NPPF.
- 2.9 It is relevant that the benefits identified could have been undertaken separately from any other works, or alongside the approved scheme, without any harm to the listed building arising. The benefits are not contingent on the works which have taken place which have resulted in harm to the special interest of the listed building through loss of historic fabric or plan form, or through the increased size and amended form of the rear extensions.
- 2.10 The LPA has a statutory duty to preserve and have special regard to the desirability of preserving listed buildings, the historic environment and to the setting of a listed building. "Preserve" in this context means causing no harm and any public benefits need to be tangible and justifiable.
- 2.11 Whilst the Council would still be seeking a reduction in the design, size and scale of the first-floor rear extension in line with the approved scheme, the appropriate mechanism for this is through the enforcement process, for which there is currently an ongoing investigation. This is a separate process and does not form part of the determination of this application and the availability of this route does not in itself justify the grant of permission on matters which in all other aspects would be contrary to the Development Plan and other material considerations (including the NPPF).
- 2.12 It is also relevant that the continued viable use of the building as a residential dwelling is not dependent on the proposals, as there was an ongoing residential use that would not have ceased in the absence of the works that have been carried out.
- 2.13 Furthermore, no alterations to the first-floor extension are proposed in this application to address the reason for refusal of DM/25/1104. As such, in officers view there is no clear justification for taking a different decision in respect of this application.
- 2.14 The proposal would therefore conflict with policies DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions of the NPPF. There are no material considerations which indicate that a decision should be taken other than in accordance with Development Plan.

3.0 Recommendation

- 3.1 It is recommended that planning permission be **refused** for the reasons as outlined at Appendix A.

4.0 Summary of Representations

- 4.1 16 letters of support:

- Every single aspect has been done sympathetically and completely in character not only to the listed building but to those that surround it, to the benefit of all.
- In my opinion the work has been carried out to a very high standard using appropriate materials and preserves many important features that would otherwise not be so thoughtfully retained.

- When the current owner took possession of the property it was in generally poor condition internally and externally.
- The officer's conclusion that there are "no material public benefits" is incorrect. The restoration of a Grade II listed building to optimal condition is a public benefit under NPPF. The enhanced High Street frontage directly benefits the conservation area and all residents.
- The landscaping and works to the rear of the house are equally well considered and have improved the appearance of the rear of the terrace when viewed from neighbouring properties. The rear design blends well with the historic character of the building.
- The proposed restoration clearly reinstates and conserves the original architectural features, which in turn contributes positively to the character and appearance of our conservation area. The works enhance the integrity of the properties on the street and preserve the area's historic identity for future generations.
- There is precedent for this listed building consent as similar works were granted consent and completed at 65b High Street.
- Unless substantial and reckless harm has/will be incurred, during the restoration of a Listed Building, then a sensible and constructive interpretation of planning policies is both necessary and wholly appropriate.

5.0 Summary of Consultees

MSDC Conservation Officer – Objects,

In my opinion, the proposal remains contrary to District Plan Policies DP34 and DP35 for the reasons set out. In terms of the NPPF, I would place the harm caused as less than substantial and remaining, despite the revisions made, within the higher range of that scale.

Historic England – Objects,

We continue to object to this application because the new proposals fail to meet the requirement of paragraph 208 of the NPPF to avoid or minimise conflict between the proposal and the conservation of heritage asset.

We consider that the majority of the works undertaken in variation of, or without, consent have caused harm - to varying degrees - to the significance of the listed building. They have removed or obscured important historic features that illustrate the building's evolution and multi-phased character, from its original 15th-century origins to the 19th century.

Although some of the currently proposed mitigations would reduce the harm caused by the unauthorised works, they would not do so to an adequate extent to counteract the harm.

In particular, some of the works implemented without consent have compromised the ability to appreciate the late Georgian phase in the building's evolution. These include the concealment and masking of the 1830s gable bay by the enlarged and redesigned first-floor rear extension, as well as the complete demolition of the chimney stack raising from ground to roof level on the north wall.

Overall, taking into account the latest proposed changes, we think that the harm would fall within the less than substantial range of the NPPF and at a mid-level within that spectrum

for certain elements of the scheme. In particular, the reconfigured first-floor rear extension, which has also adversely affected the character and appearance of the conservation area as appreciated from the west, is a particularly harmful element for the reasons explained above.

We consider that there remains scope to further reduce harm without preventing the legitimate objective of updating the house. As such, the revised applications still fail to avoid or minimise the conflict between the proposal and the conservation of the heritage asset, as required by paragraph 208 of the NPPF.

Your authority should carefully consider the situation of works that have been undertaken without consent and be clear over what is and is not acceptable. You should then consider taking appropriate enforcement action to address those elements that are deemed unacceptable.

6.0 Lindfield Parish Council Observations

6.1 Lindfield Parish Council defers to the opinion of the MSDC Conservation Officer.

7.0 Introduction

7.1 This application seeks retrospective planning consent for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works, following unauthorised works taking place.

7.2 The 2022 application gave consent for the demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of a partially built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting.

7.3 This current application is a resubmission following the refusal in December of last year of DM/25/1104 for retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.

7.4 Members should be aware that in regard to the unauthorised works that have taken place the carrying out of unauthorised works on a listed building is a criminal offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The council has a duty to investigate such matters and therefore while considering the planning applications, officers are also carrying out a separate investigation into the potential criminal offence that has taken place.

8.0 Relevant Planning History

There is a concurrent listed building application for the same as this proposal currently being considered under planning reference DM/25/3132.

DM/25/1104 Retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works. Refused 08.12.2025.

DM/25/1103 Retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works. Refused 08.12.2025.

DM/24/0987 Listed building consent is sought for retrospective consent to re-build the chimney after work commenced on previous application DM/22/3694, where chimney crumbled away. Approved.

DM/23/3089 Planning permission for replacement front entrance door. Approved.

DM/23/2785 Listed building consent for replacement front entrance door. Approved.

DM/22/3694 Demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of partially built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting. Approved.

DM/22/3695 Listed building consent for the demolition of the modern two-storey rear extension and demolition of the modern conservatory addition. Construction of a new, two-storey extension to the rear elevation. Alterations to Bakehouse structure to include reduced floor level, removal of mezzanine floor level, re-roofing works and internal insulation. Various works to the listed building to include roof and chimney repairs, window and door replacement, replacement of building services (mechanical and electrical) to include the installation of new sanitary accommodation. Demolition of partially built three-bay garage and construction of new detached garage building. Associated hard and soft landscaping works, to include new timber gates and brick wall to driveway entrance, new permeable driveway surfacing and new planting. Approved.

The pre-commencement conditions for the above applications have been fully discharged under references DM/23/1565 and DM/23/1605.

9.0 Site and Surroundings

- 9.1 The application site, 107 High Street, is a Grade II Listed building fronting the main High Street. The building was converted to residential use (from a former restaurant use) sometime in the early 1990s. The dwelling sits directly onto the frontage pavement and has a large rear garden with vehicle access off Hickman's Lane passing behind numbers 101, 103, and 105 High Street.
- 9.2 To either side of the building are other listed buildings - Everydens to the north is listed Grade II and dates from the 17th century, and Limes Cottage to the south, also Grade II listed, dates from the 16th century.
- 9.3 The dwelling is situated within the Lindfield Conservation Area and within the built up area boundary as defined in the District and Neighbourhood Plans.

10.0 Application Details

- 10.1 This application follows the refusal of DM/25/1104 and accompanying listed building application DM/25/1103 for retrospective planning permission for a variation to the scheme approved under DM/22/3694, incorporating some reinstatement works.
- 10.2 The application was refused for the following reason:

It is considered that the proposed retrospective variation to the scheme approved under DM/22/3694, would detract from the special interest of the listed building. The

rear first floor extension by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building. The first-floor extension has also engulfed the historic 19th century rear wing. Whilst such harm is deemed to be less than substantial to the heritage assets, this factor should be given considerable importance and weight. The harm is considered to be less than substantial and thus para 215 of the NPPF applies. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal would therefore conflict with policies, DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions of the NPPF.

- 10.3 This retrospective application has for the most part been implemented in accordance with the original plans that were submitted for the 2022 application (DM/22/3695), plans which were subsequently significantly amended during extensive negotiations, to overcome concerns regarding the impact on the listed building and conservation area. This included a significant reduction in the size of the first-floor extension.

- 10.4 The current application seeks retrospective consent for some of the unauthorised works, and also incorporates some reinstatement works, the works include:

The replacement extension to the rear of the house

- 10.5 Retrospective consent for rear first floor extension, as built, the rear extension at first floor exceeds the approved dimensions in width, depth and height, and extends across almost the full width of the building to both south and north. This extension has not been constructed in accordance with the approved drawings, and the applicant is not proposing any changes to this element following the refusal of DM/25/1104.

Demolition and rebuild of the bakehouse.

- 10.6 The 18th century bakehouse to the rear of the building was originally approved to be retained with some alterations but following its unauthorised demolition it has instead been rebuilt to a different design, including with respect to the form, design and extent of the fenestration, and the height of the chimney stack.
- 10.7 This current application now differs from the refused scheme in that the full height glazing in the west elevation is to be amended to correspond to the size of the window opening which were considered acceptable in the approved the 2022 scheme. The bakehouse as rebuilt also differs from the approved scheme in that the proposed rooflights to the bakehouse have also been omitted.

Works within the rear garden and to rear access

- 10.8 The current applications also seek to regularise landscaping works within the rear garden of the property and to the access from Hickman's Lane, which are also not in accordance with the approved scheme. In particular the landscaping includes new structures such as a substantial timber pergola, a Corten archway, and an irrigation tank and timber enclosure. A patio and terracing have also been created directly to the rear of the house, surfaced with a black slate. The rear access from Hickman's Lane, including the vehicle gates, have also been constructed to a different design to the approval. The approved gates were traditional style timber gates and have been replaced with a contemporary design with open metalwork at the base of solid timber gates.

11.0 Legal Framework and List of Policies

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

- 11.2 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD), and the Lindfield and Lindfield Rural Neighbourhood Plan.
- 11.3 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.

District Plan (adopted March 2018)

- 11.4 The most relevant policies are:

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Area

Site Allocations Development Plan Document (SADPD)

- 11.5 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.
- 11.6 There are no relevant policies in relation to this proposal.

Mid Sussex District Plan 2021-2039 Consultation Draft

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

Relevant policies:

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Area

Neighbourhood Plan

- 11.8 The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.

There are no relevant policies for consideration.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.9 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.

Other Material Considerations

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy Guidance (NPPG)

Listed Buildings and Conservation Areas Act 1990

12.0 Assessment

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

- Design and impact on Listed Building
- Impact on the Conservation Area
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Impact on Listed Building

12.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

12.3 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.'*

12.4 From a design perspective policy DP26 of the Mid Sussex District Plan is relevant and states, in part;

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;

- 12.5 Principle DG49 of the Mid Sussex Design Guide establishes principles for domestic extensions and in part states:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.'

Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

- 12.6 While Principle DG52: Loft conversions and roof extensions, states:

'A loft conversion is a space efficient means of extending the amount of living accommodation in a dwelling. Roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape.'

The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline.'

Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.'

- 12.7 The NPPF is an important material consideration and paragraphs 205, 208 and 212 to 215 relate to the conservation and enhancement of the historic environment, specifically designated heritage assets, and they state:

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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.'

- 12.7 Historic England, who are the government's statutory advisor on the historic environment with a remit including the preserving and listing historic buildings, have previously visited the site and as with the previous scheme, have again objected to the application. Their comments are available to view in full on the planning file and in summary Historic England state:

Omission of the upper triangular glazed section on the west elevation of the bakehouse - reconstructed after collapse/demolition - and insertion of a six-pane Crittal window, as approved in the consented scheme.

This change would make a minor contribution to re-instating the bakehouse's original significance as the reconstruction provides merely a superficial replica of the building's historic form....

We consider that the majority of the works undertaken in variation of, or without, consent have caused harm - to varying degrees - to the significance of the listed building. They have removed or obscured important historic features that illustrate the building's evolution and multi-phased character, from its original 15th-century origins to the 19th century.

Although some of the currently proposed mitigations would reduce the harm caused by the unauthorised works, they would not do so to an adequate extent to counteract the harm.

In particular, some of the works implemented without consent have compromised the ability to appreciate the late Georgian phase in the building's evolution. These include the concealment and masking of the 1830s gable bay by the enlarged and redesigned first-floor rear extension, as well as the complete demolition of the chimney stack raising from ground to roof level on the north wall.

Overall, taking into account the latest proposed changes, we think that the harm would fall within the less than substantial range of the NPPF and at a mid-level within that spectrum for certain elements of the scheme. In particular, the reconfigured first-floor rear extension, which has also adversely affected the character and appearance of the conservation area as appreciated from the west, is a particularly harmful element for the reasons explained above.

We consider that there remains scope to further reduce harm without preventing the legitimate objective of updating the house. As such, the revised applications still fail to avoid or minimise the conflict between the proposal and the conservation of the heritage asset, as required by paragraph 208 of the NPPF.

- 12.8 The Council's Conservation Officer has also considered the application in detail and has objected to the proposals with the full comments available to view on the planning file. In regard to the first-floor extension it is noted that the DAS suggests that the approved scheme revealed a great amount of the existing house, but that this resulted in a fragmented, unbalanced collection of volumes of differing styles and in different planes, however officers consider that this shows a clear lack of understanding of the nature of the special interest of the listed building, which is derived in part from its evolution over many centuries. The structures to the rear of the building, the 18th century bakehouse (now lost) and 19th century rear wing (enclosed by the enlarged extension at first floor) are a later part of this narrative, but still of interest.
- 12.9 While the design changes in the scheme as built, including the use of more uniform materials, are again claimed as benefits, Officers are of the opinion that this increased uniformity is not an advantage, as it also increases the apparent bulk of the additions to the building. The variety in roof form, and materials, apparent in the 2022 approved scheme act to break up the mass of the extensions and clearly differentiate them from the historic fabric. As built, the enlarged rear extension creates a bland and uniform rear elevation which disguises or removes these aspects of the building's significance.
- 12.10 In terms of the demolition and rebuild of the bakehouse Officers, while acknowledging that the proposed replacement of glazing with an area of brickwork above the French windows results in an elevational treatment closer to the approved scheme, agree with Historic England's comments that this does not mitigate for the loss of the original fabric of the bakehouse overall, as built it represents only a superficial replica of the building's historic form. This work remains unjustified. No adequate structural report to support the necessity for this work has been received, either at the time the works took place or subsequently.

This is not a matter for planning purposes and is considered further within the Listed Building Application.

- 12.11 In support of the application, the submitted design and access statement contains a long list of what the applicant considers to be the potential heritage or public benefits of the scheme, these include: the exposure of the historic well, cleaning and exposure of parts of the timber frame, reinstatement of an attic access hatch above the 17th century stair enclosure, repointing, omission of rooflights, replacement window to the south elevation, and underfloor heating and the removal of modern finishes such as plasterboard and wallpaper, exposure of previously covered areas of framing, and use of lime plaster for the refinished infill panels. The complete restoration of front elevation, new windows, new front door and re-rendering and lead work.
- 12.12 The Council has a statutory duty to preserve listed buildings and the historic environment and where a scheme is identified to cause harm to the significance of a heritage asset, public benefits can be weighed against this harm (para 215 of the NPPF), however any such public benefits need to be tangible and justifiable against the harm caused (less than substantial harm must still be given great weight in this process - para 212 of the NPPF).
- 12.13 Your Officers acknowledge that the list of works provided by the applicants outlined above, can be considered as benefits that contribute to on-going preservation of the building, however, most of these benefits are not contingent on the extent of works which have taken place, which have resulted in harm to the special interest of the listed building through loss of historic fabric or plan form, or through the increased size and amended form of the first floor rear extension. The fact that the identified harm was avoidable is material and it is considered that the weight that can be attached to the identified benefits is limited and certainly does not outweigh the less than substantial harm (which attracts great weight) caused by the unauthorised works, which are not fully mitigated by the current proposals.
- 12.14 It is noted that Historic England have also commented that they:

'consider that there remains scope to further reduce harm without preventing the legitimate objective of updating the house. As such, the revised applications still fail to avoid or minimise the conflict between the proposal and the conservation of the heritage asset'

It should be further noted the Officers have sort to engage with the applicant to further reduce the size of the first-floor rear extension, however they wish the application in its current form to be determined.

- 12.15 Having considered all the submitted information, your Officers would agree with the assessment of the Historic England that the retrospective development remains unacceptable and is considered to detract from the special interest of the listed building. In particular, the rear first floor extension by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building. Therefore, this aspect of the proposal remains unacceptable and has not overcome the previous reason for refusal when the Planning Committee refused the earlier application.
- 12.16 It is noted that Historic England has identified the harm at around the mid-level point of that scale on the spectrum of that harm, whilst the Conservation Officer has identified it as being in the mid-upper range. In this case Planning Officers would agree with Historic England regarding the harm caused, as they are the government's statutory advisor on the historic environment.

12.17 It is noted that most of the representations received refer to the high standard of workmanship and high-quality materials that have been used in the alterations that have been made to the building both internally and externally, and while this may be the case this, in itself, is not a benefit, nor a justification for granting consent for the scheme.

12.18 In regard to the duty to preserve listed buildings and the historic environment Members may have seen a recent appeal decision for 15 Lodge Lane, Hassocks which sought retrospective consent for the unauthorised conversion of a detached garage to an office with a walkway link to house. The appeal is worth noting as the appeal was dismissed by the inspector and it clearly highlights the duty to preserve a listed buildings or its setting or any features of special architectural or historic interest which it possesses. In dismissing the appeal, the inspector states:

'The appellant is of the view that the walkway is not visible to any neighbour, which contrasts with my own observations. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether views of the building are available.....

The proposal also fails to respect the established character and appearance of the extended listed building. In turn, this harms the character and appearance of the CA, as the property is a key contributor to its significance. The relatively small scale of the walkway in comparison to the original or extended listed building and its plot does not overcome the harm that I have found.'

12.19 In assessing the public benefits, the inspector states:

'The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Further, that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. I find the proposed works would amount to 'less than substantial' harm to the significance of these designated heritage assets and at the low part of that spectrum. Nevertheless, this harm is of considerable importance and great weight. In such circumstances, I am required to weigh this harm against the public benefits of the proposed works, including, where appropriate, securing its optimum viable use.'

12.20 The appellant argued that the walkway provides shelter from the weather when accessing the home office within the converted garage; and space and is required for nurturing or growing plants for the appellant's large garden, which assists in mental well-being. In addition, the appellant states that the property has been open to the public as part of the National Gardens Open Day and Hassocks Garden Trail schemes to raise monies for charity, and this would not be possible without a greenhouse.

12.20 However, the Inspector concluded:

'...it has not been demonstrated that the proposed walkway is the only way to achieve these objectives, nor the least harmful option. This limits the weight I can attach to these benefits. Any economic benefits during the construction phase would have been limited by the scale of the works.

Furthermore, there is no compelling evidence to demonstrate that the proposal is necessary to secure the optimum viable use of the property as whole, nor that the use of the property as a dwelling with a garden would cease if I were to dismiss the appeals. Consequently, the limited benefits of the proposal would not outweigh the harm I have found to which I am required to attach great weight.'

- 12.21 There are similarities in the cases, although the walkway is of a much smaller scale and has a significantly lesser impact than the large first floor extension that has been constructed at the application site, the walkway was nevertheless found to fail to preserve the special interest of the listed building. This clearly highlights the weight and importance that needs to be given to the asset's conservation and that as the inspector states: *any such harm should have a clear and convincing justification*. This is relevant here as no clear or convincing justification has been made for the unacceptable deviation from the approved plans to the first-floor rear extension.
- 12.22 There is still no clarity as to why the applicant decided to more or less build out the original plans that were submitted in 2022. The bulk and form of the extensions were subject to extensive negotiation to ensure that the scale of the additions to the rear remained appropriately subordinate to the historic building (in the context of the existing 20th century extensions which were to be replaced), including the surviving 19th century rear wing, which had a gabled roof with attractive arched window at first floor overlooking the garden. The first-floor extension, in its final approved form, was considered to achieve on balance an acceptable relationship with the listed house.
- 12.23 The appeal site and these applications are also similar in that benefits put forward are not reliant on the harmful aspects that have been identified in each case. Although this case does differ in that, the application site already had a consented scheme which the majority of the benefits that the applicant sets out could also been achieved in implementing the approved scheme, or have been undertaken separately from any other works, without any harm to the listed building. The works were also not dependent on the legitimate objective of updating the house.
- 12.24 In respect of the remainder of the works in the rear garden, in particular the landscaping which includes new structures such as a substantial timber pergola, a corten archway, and an irrigation tank and timber enclosure, a patio and terracing and the access gates from Hickman's Lane are not considered to be contentious and did not form part of the previous reason for refusal.
- 12.25 In general, although the works in the rear garden have a contemporary aesthetic which may not be appropriate in all circumstances in the context of a listed building, given the contemporary design of the replacement rear extension as approved, these works are not considered contentious or to cause harm to the setting of the listed building.
- 12.26 In terms of the NPPF the overall proposal would cause less than substantial harm (at the mid-level) to the heritage assets, as set out in paragraph 215, and is therefore weighed against the public benefits of the proposal.
- 12.27 While there are some public benefits in regard to the planning application, such as the refurbishment works to the front of the property, that have been identified these would not outweigh the harm identified in heritage terms, and the proposal would therefore fail the assessment within the NPPF paragraph 215.

- 12.28 In this case there are no public benefits identified that would outweigh the less than substantial harm (which needs to be given great weight) caused to the special interest of the listed building through loss of historic fabric or plan form arising from the development, as set out above. Therefore, the development is contrary to policies DP26 and DP34 of the Mid Sussex District Plan.

Impact on the conservation Area

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

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

- 12.30 Policy DP35 of the Mid Sussex District Plan relates to the development in conservation areas and 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:

- *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;*
- *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;*
- *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;*
- *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;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *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.'

- 12.31 In terms of the impact on the conservation area the rear access from Hickman's Lane, including the vehicle gates, are of a different design to those approved under the 2022 application. Planning permission was granted for a set of timber gates and while the design now differs from the approval, and is more contemporary, it is not considered so significant such that the gates now have a detrimental impact on the street scene. It is also relevant that the gates are set back from the street frontage.

- 12.32 Therefore, your Planning Officers consider this aspect of the proposal is acceptable.
- 12.33 In view of the above it is considered that the application complies with Policy DP35 of the Mid Sussex District Plan.

Impact on the amenities of neighbouring properties

- 12.34 Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.
- 12.35 In this case the retrospective works have increased the width of the first-floor extension so that it is now closer the adjoining neighbour to the south, 105 High Street. However, there are no windows on the south facing elevation of the extension and there are no windows on the rear of 105 adjacent to the boundary, the rear windows that do exist are at a sufficient distance so as not to be impacted by the extension.
- 12.36 While the balcony element of the first floor extension has also been extended and is now the full width of the extension, given that a balcony has been accepted under the earlier consent, it is not considered that the increase in width of the balcony will lead to any more overlooking to the extent that a refusal would now be justified.
- 12.37 Therefore, due to the orientation, and distance between the main properties, it is considered that the proposed extension would not result in a loss of light or be of an overbearing nature to the neighbouring amenities.
- 12.38 Therefore, the development is considered to comply with policy DP26 of the Mid Sussex District Plan with regard to residential amenity.

Biodiversity Net Gain

- 12.39 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.

13.0 Planning Balance and Conclusion

- 13.1 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.
- 13.2 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3694, would detract from the special interest of the listed building, in particular the rear first floor extension, which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building. The first-floor extension has also engulfed the historic 19th century rear wing. Due to the harms identified, the proposal is considered to contrary to policies DP26 and DP34 of the Mid Sussex District Plan.

- 13.3 Given the proposals conflict with the Development Plan, other material considerations are relevant, in particular the NPPF. The identified harm to the significance of the listed building is considered to be 'less than substantial' and thus para 215 of the NPPF applies.
- 13.4 While there are some public benefits, such as the refurbishment works to the front of the property, that have been identified these would not outweigh the harm identified in heritage terms, the proposal would therefore fail the assessment within the NPPF
- 13.5 It is relevant that the benefits identified could have been undertaken separately from any other works, or alongside the approved scheme, without any harm to the listed building arising. The benefits are not contingent on the works which have taken place which have resulted in harm to the special interest of the listed building through loss of historic fabric or plan form, or through the increased size and amended form of the rear extensions.
- 13.6 The LPA has a statutory duty to preserve have special regard to the desirability of preserving listed buildings, the historic environment and to the setting of a listed building. "Preserve" in this context means causing no harm. and the historic environment cause harm to the setting of the listed building and any public benefits need to be tangible and justifiable
- 13.7 Whilst the Council would still be seeking a reduction in the design, size and scales of the first-floor rear extension in line with the approved scheme, the appropriate mechanism for this is through the enforcement process, for which there is currently an ongoing investigation. This is a separate process and does not form part of the determination of this application.
- 13.8 It is also relevant that the continued viable use of the building as a residential dwelling was not dependent on the proposals, there was an ongoing residential use that would not have ceased in the absence of the works that have been carried out.
- 13.9 Furthermore, no alterations to the first-floor extension are proposed in this application to address the reason for refusal of DM/25/1104. As such, in officers view there is no clear justification for taking a different decision in respect of this application.
- 13.10 Therefore, the application is recommended for refusal.

APPENDIX A – Reason for refusal

1. It is considered that the proposed retrospective variation to the scheme approved under DM/22/3694, would detract from the special interest of the listed building. The rear first floor extension by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building. The first-floor extension has also engulfed the historic 19th century rear wing. Whilst such harm is deemed to be less than substantial to the heritage assets, this factor should be given considerable importance and weight. The harm is considered to be less than substantial and thus para 215 of the NPPF applies. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal would therefore conflict with policies, DP26 and DP34 of the Mid Sussex District Plan, principles DG49 and DG52 of the Mid Sussex Design Guide and the relevant provisions of the NPPF.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	900-25-0500		08.12.2025
Proposed Floor Plans	900-25-2000	c	16.04.2026
Proposed Floor Plans	900-25-2001	D	16.04.2026
Proposed Floor Plans	900-25-2002	C	16.04.2026
Proposed Roof Plan	900-25-2003		08.12.2025
Other	900-25-2400	A	08.12.2025
Other	900-25-2401	A	08.12.2025
Other	900-25-2402	A	08.12.2025
Proposed Elevations	900-25-3000	A	08.12.2025
Proposed Elevations	900-25-3001		08.12.2025
Proposed Sections	900-25-4000	C	16.04.2026
Proposed Floor Plans	900-25-5000		08.12.2025
Proposed Elevations	900-25-5001	A	08.12.2025
Proposed Elevations	900-25-5002	A	08.12.2025
Proposed Roof Plan	900-25-5010		08.12.2025
Proposed Roof Plan	900-25-5011	A	16.04.2026
Other	900-25-5012		08.12.2025
Other	900-25-5014		08.12.2025
Other	900-25-5018	B	16.04.2026
Other	900-25-5019	A	08.12.2025