

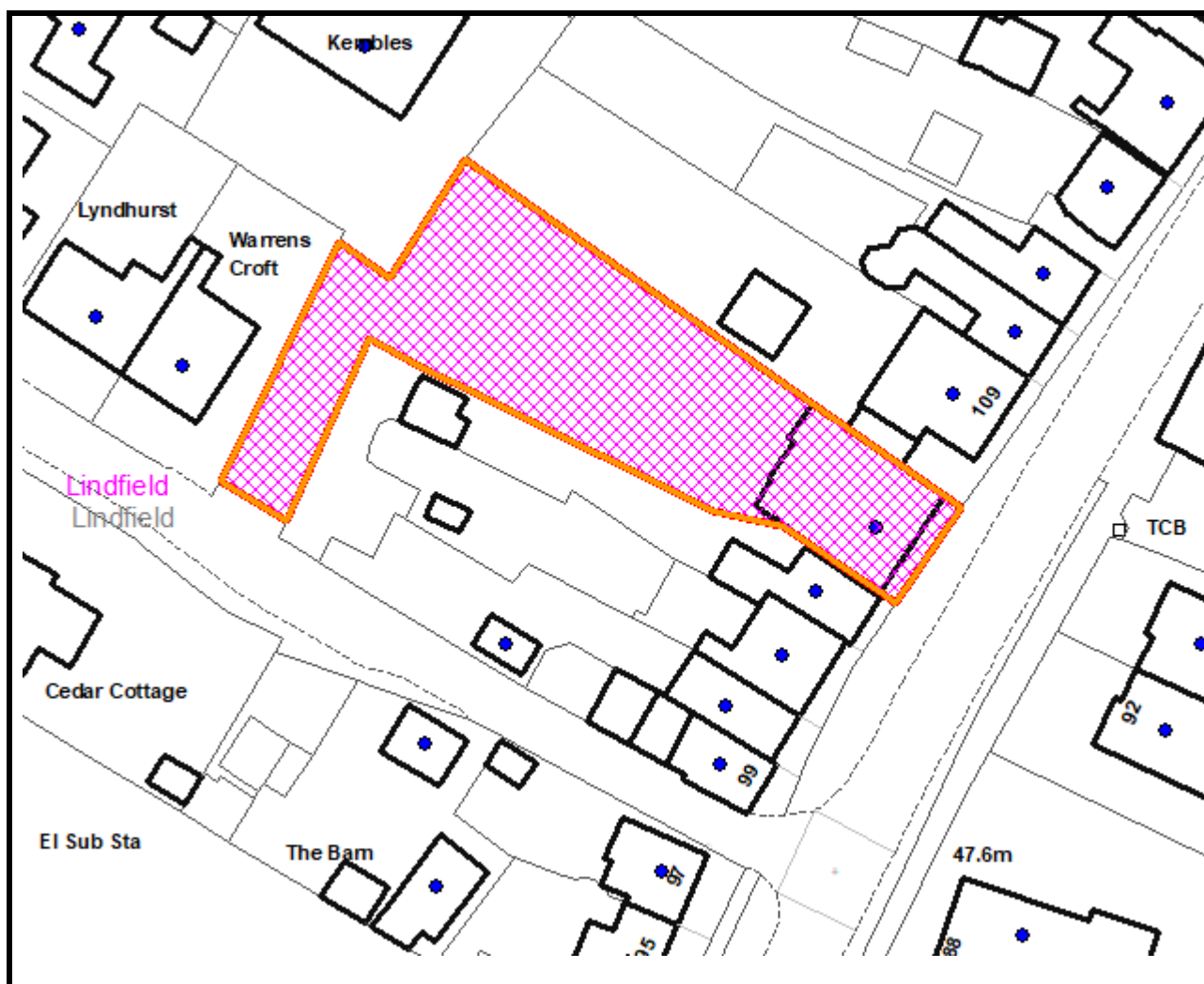
Planning Committee



Recommended for Refusal

11th June 2026

DM/25/3132



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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:	LBC Alterations
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=T6YGVLKT04L00>

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 listed building consent as detailed above.

2.0 **Executive Summary**

- 2.1 This application seeks retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works, following unauthorised works taking place.
- 2.2 The 2022 Listed building 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. Furthermore, other internal works to the building have taken place that were not identified at any stage as part of the previous application process.
- 2.4 This current application is a resubmission following the refusal in December of last year of DM/25/1103 for retrospective listed building consent for a variation to the scheme approved under DM/22/3695, 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/22/3695, cannot be supported. The current application has not sufficiently addressed the previous reasons for refusal of DM/25/1103, for example, no amendments to the first-floor rear extension are proposed. The proposed works to reinstate features such as the removed staircase and reduce the amount of glazing on the bake house are not considered an acceptable planning solution as the reconstructions provide merely a

superficial replica of the building's historic form, the loss of historic fabric which has occurred is considerable, and the harm arising from this initial and irrevocable loss will not be mitigated by the current proposal. There remains no clear and convincing justification for the loss of the historic fabric.

- 2.7 There are heritage benefits suggested by applicant that are considered to be potential heritage or public benefits of the scheme when taken as a whole and using the base line as being prior to any of the unauthorised works taking place. These benefits 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, re rendering and lead work.
- 2.8 While the above are acknowledged as benefits, your Officers agree that most of these benefits were 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. There are also only relatively minor benefits arising from these aspects of the proposal that are not considered to outweigh the significant harm caused by the unauthorised works, which are not fully mitigated by the current proposals.
- 2.9 The LPA has a statutory duty to 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. Any public benefits need to be tangible and justifiable.
- 2.10 Whilst such harm is assessed by your Officers as being less than substantial to the heritage assets, this factor should be given considerable importance and weight. The harm caused by the proposed development would clearly outweigh any public benefits and consequently the proposal cannot be supported.
- 2.11 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, and mitigation in the form of the reinstatement of the 17th century staircase and alterations to the rebuilt bakehouse 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 and while some further re-instatement works are proposed that did not form part of the previous application, it is not considered that this application addressed the reason for refusal of DM/25/1103. As such in the view of officers, there is no clear justification for taking a different decision in respect of this application.
- 2.14 The proposal would therefore conflict with policy DP34 of the Mid Sussex District Plan and the relevant provisions of the NPPF.

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 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.

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.

In addition, the formation of a skeiling in the south-east bedroom - achieved through demolition of the existing ceiling structure - has altered the room's proportions, giving a misleading impression of the historic roof form, and obscuring understanding of the building's development when, in the 17th century, the attic was brought into domestic use. This work may also have resulted in the loss of historic fabric.

The insertion of a partition to form an en-suite bathroom to the north bedroom, and the creation of a ground-floor lavatory, have altered the original plan form of these spaces, with potential loss of historic fabric in the case of the latter. The introduction of modern fireplaces in the ground-floor living room and study has also changed the historic character of these rooms and concealed their chimney breasts and hearths. The infilling of the internalised openings within the 15th-century rear wall - although their precise original position remains unconfirmed - has reduced interpretive value.

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.

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 listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works following unauthorised works taking place.
- 7.1 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.

- 7.2 This current application is a resubmission following the refusal in December of last year of DM/25/1103 for retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.
- 7.3 Members should be aware that in regard to the unauthorised works that have taken place that 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 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 planning 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 08.12.2026.

DM/25/1103 Retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works. Refused 08.12.2026.

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, contains 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/25/1103 and accompanying planning application DM/25/1104 for retrospective listed building consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.
- 10.2 The application was refused for the following reason:
- 'It is considered that, the application would cause less than substantial harm to the significance of a designated heritage asset, in particular the 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; The removal of at 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house; The unauthorized works to the bakehouse which as constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. As 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 is therefore considered to be contrary to the requirements of policy DP34 of the Mid Sussex District Plan and the requirements 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 and the retention of the 17th century staircase and enclosure.
- 10.4 The current application seeks retrospective consent for some of the unauthorised works and also incorporates some reinstatement works. As the application has been before members previously the report does not repeat all the alterations that have taken place but does include further works where historic fabric has been removed from the historic core of the building, or historic plan form compromised, which try to address the harm which has been caused to the special interest of the Grade II listed house, along with some reinstatement works.

Internal works

17th century staircase and stair enclosure

- 10.5 Construction of a timber winder staircase and partial enclosure in place of the 17th century staircase which has been removed and was explicitly to be retained in the 2022 application. A winder stair with a plaster soffit and plank door is also proposed at first floor, with an attic hatch above.

Ground floor proposals

- 10.6 At ground floor within the main reception room, it is now proposed to reinstate a wall jamb and horizontal timber member where a historic partition has been removed.

First floor proposals

- 10.7 To the southeast bedroom at first floor, above which the overlying 17th century attic floor structure and floorboards have been removed to create a vaulted ceiling, it is proposed to reinstate floor joists, but with the vaulted ceiling retained, and full floor structure including floorboards not reinstated.
- 10.8 The partition between the northern bedroom and dressing room: Lime plaster infill reinstated to the partition between the northern bedroom and adjacent dressing room.
- 10.9 'Reclaimed' aged oak timber floorboards are to be laid to southwest corner of the attic.
- 10.10 It is proposed to replace the first-floor level internalised casement window within the Gothic arch to the 19th century rear range with a sash window.
- 10.11 Loft insulation: The introduction of breathable insulation within the loft is noted in the revised Heritage Statement. Any benefit arising from this could have been achieved without the harms caused by other aspects of the scheme. This work could have sat alongside the previously approved applications, for example.

Works at basement level

- 10.12 The removal of lime plaster from one wall only is proposed.

'Improvement' of the timber frame throughout

- 10.13 Page 143 of the submitted DAS refers to the 'improvement' of the timber frame through removal of some overlying more modern finishes, and restoration. Further confirmation is however required specifically as to whether the frame has been cleaned, and the timber exhibiting soot blackening have not been affected.

External works

The replacement extension to the rear of the house

- 10.14 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/25/1103.

Demolition and rebuild of the bakehouse.

- 10.15 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.

- 10.16 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 2023 scheme. The bakehouse as rebuilt also differs from the approved scheme in that the proposed rooflights to the bakehouse have also been omitted.

Other changes for which retrospective consent is sought

- Demolition of the 19th century chimney. No further justification has been offered for this loss of historic fabric, which the revised HCUK Heritage Statement accepts results in harm to the special interest of the building.
- Built in cupboards to east of chimney stack at first floor retained.
- Layout of ground floor utility room unaltered.
- The removal or under implementation of a number of rooflights from the rear roofslope of the house.
- Built in cupboards to east of chimney stack at first floor retained.
- Layout of ground floor utility room unaltered.
- Insertion of WC to ground floor southern room.
- Refacing of both chimney breasts at ground floor and a first floor within the dressing room with modern fireplace inserts.
- Subdivision of the central room at first floor to create a dressing area and en suite.
- Modern oak flooring overlaying 17th century flooring at first floor level.

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:

Policy DP34 - (Listed buildings and other Heritage Assets)

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:

DPB2 - Listed Buildings and Other Heritage Assets

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.
- 11.10 *National Planning Policy Framework (NPPF) (December 2024)*
- 11.11 *National Planning Policy Framework (NPPF)*
- 11.12 *National Planning Policy Guidance (NPPG)*
- 11.13 *Listed Buildings and Conservation Areas Act 1990*

12.0 Assessment

- 12.1 The application site, Marlow House, is a Grade II listed building dating, from the list description, from the 15th century, located in a prominent position on Lindfield High Street, within the Lindfield Conservation Area.
- 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 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty placed on Local Planning Authorities to have special regard to the desirability of preserving a [listed] building or its setting or any features of special architectural or historic interest it possesses.

12.4 The NPPF states that 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.

12.5 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.'*

12.6 Paragraphs, 208, 210-215 of the NPPF are relevant and state that:

'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.

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

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

211. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts:

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:

Impact of Revised Proposals

The key changes to the refused scheme include the following:

Reinstatement of the 17th-century winder staircase *reconstructed in its original form using salvaged historic fabric, including lath-and-plaster soffits and the ground-floor enclosure. Access to the basement would also to be restored following the historic arrangement, and access to the attic reinstated via a new hatch. The reconstruction would however omit the first-floor enclosure.*

The proposal would mitigate some of the harm caused by the staircase's demolition, but there would still be a loss of 17th-century fabric and, due to the omission of the first-floor enclosure, a reduced ability to appreciate its historic form.

Reinstatement of the partition removed without consent, enclosing a small snug to the north-west corner of the main parlour. The reinstatement would include a horizontal oak member with lime plastered infill panels, as well as the door jamb.

This proposal would reduce some harm to significance by restoring the ability to appreciate the original bay planform; however, there would still be a loss of historic fabric.

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 reinstating the bakehouse's original significance as the reconstruction provides merely a superficial replica of the building's historic form.

Insertion of oak joists at ceiling level in the south-east bedroom, retaining the exposed new skelling formed without consent following removal of the existing attic floor structure.

This proposal would result in an awkward configuration and would therefore fail to mitigate the harm caused.

Reinstatement of lime-plaster infill panels to the historic timber-framed spine between the first-floor north bedroom and the adjacent room to improve the legibility of their original layout as distinct spaces.

However, the partitioned en-suite - installed without consent - would be retained. The harm caused would therefore only be partially reduced.

Reinstatement of lost floorboards in the southern part of the attic - fabric previously repurposed to make doors and the cellar hatch - using modern components in aged oak.

This intervention is welcome but cannot fully recover the significance that has been lost.

Historic England's Position on the Revised Proposals

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.

In addition, the formation of a skelling in the south-east bedroom - achieved through demolition of the existing ceiling structure - has altered the room's proportions, giving a misleading impression of the historic roof form, and obscuring understanding of the building's development when, in the 17th century, the attic was brought into domestic use. This work may also have resulted in the loss of historic fabric.

The insertion of a partition to form an en-suite bathroom to the north bedroom, and the creation of a ground-floor lavatory, have altered the original plan form of these spaces, with potential loss of historic fabric in the case of the latter.

The introduction of modern fireplaces in the ground-floor living room and study has also changed the historic character of these rooms and concealed their chimney breasts and hearths. The infilling of the internalised openings within the 15th-century rear wall - although their precise original position remains unconfirmed - has reduced interpretive value.

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. As much of the work included in the current proposals replicates that forming part of the recently refused listed building consent application, with which Members will be familiar, these comments do not repeat previous comments in full, but rather respond to any amendments which are now proposed, as well as briefly highlighting other remaining areas of concern.
- 12.9 Your Officers would concur with the comments of Historic England and are in agreement that the proposal to build a replica staircase will not mitigate the considerable loss of historic fabric which has occurred and the harm arising from this initial and irrevocable loss, nor will it be outweighed by the proposal to recreate the vertical functionality of the stair.
- 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, would agree with Historic England's comments that this does not mitigate for the loss of the original fabric of the bakehouse overall, and as re-built 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. For that reason, no clear and convincing justification for the heritage harm has been provided by the applicant.
- 12.11 In regard to the first floor while the DAS suggests that the approved scheme revealed a great amount of the existing house, this resulted in a fragmented, unbalanced collection of volumes of differing styles and in different planes, and 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. 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.
- 12.12 It is noted that both Historic England and the Council's Conservation Officer have concerns with most of the unauthorised works and have raised objections to these which include: a

loss of a partition within the ground floor reception room; Loss of historic 17th century attic floor structure and floorboards to create a vaulted ceiling; Insertion of WC to ground floor southern room; The introduction of modern fireplaces in the ground-floor living room and study and the demolition of the 19th century chimney.

- 12.13 In support of the application the applicant has also submitted suggested heritage and public benefits of the works carried out using the baseline as being prior to any of the unauthorised works being carried out. The Council's conservation officer has reviewed these benefits and made the following comments:

'The applicant suggests that the heritage benefits of the current proposals are not given adequate weight due to alleged ambiguity regarding the baseline against which the proposals should be considered. Clearly, as the approved scheme has not been implemented, we are considering the impact on the house and its special interest prior to the commencement of works. However, I believe that the above comments are unambiguous in demonstrating that harm has arisen on that basis.

Furthermore I would consider it a relevant consideration that although I would not dispute that aspects of the works which have taken place are beneficial, almost all of the works now claimed by the applicant as potential heritage or public benefits, including 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 could also have sat alongside the approved scheme, or have been undertaken separately from any other works, without any harm to the listed building arising.

The benefits claimed by the applicant 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.

Furthermore, the relatively minor benefit arising from these aspects of the proposal would not be considered to outweigh the significant harm caused by the outstanding issues raised above.'

- 12.14 Having considered all the submitted information, your Planning Officer would agree with the assessment of Historic England and the Conservation Officer that the unauthorised development remains unacceptable and is considered to detract from the special interest of the listed building. However, your Planning Officer is content with some of the works that have taken place.
- 12.15 Those elements that are considered to remain unacceptable are the loss of the historic 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house, as reconstructed would provide merely a superficial replica of the building's historic form, the loss of historic fabric which has occurred is considerable, and the harm arising from this initial and irrevocable loss will not be mitigated by the current proposal. The first-floor extension which by virtue of its design, size and scale appears as an obtrusive and overbearing feature that is out of character and harmful to the special interest of the listed building. Finally, the loss of the historic bakehouse, the change to the fenestration of the bakehouse would only make a minor contribution to re-instating the bakehouse's original significance as the reconstruction would merely provide a superficial replica of the building's historic form.
- 12.16 Those elements of the unauthorised works that your Officers consider could be acceptable include:

- Removal of rooflights
- Reinstatement of attic access as original
- Reinstatement of doorjamb and oak frame in northern reception room as original
- Reinstatement of the door between the hallway and central bathroom. Original door exists.
- Lime plaster infill panels reinstated to southern side of the north bedroom
- Reinstatement of joists to ceiling in south-eastern bedroom
- Reinstatement of floorboards in attic
- Soot Blackened timber frame
- Water well
- Removal of lime render on west wall to expose the original masonry finishes
- Ground floor W.C
- Works to chimney breast at ground and first floor
- Subdivision of central ground floor room
- Overlaying of floorboards
- Demolition of chimney
- Vaulted ceiling to southeast bedroom at first floor
- Underfloor heating
- Breathable insulation to the east facing Attic roof

- 12.17 There are heritage benefits suggested by applicant that are considered to be the potential heritage or public benefits of the scheme and 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, re rendering and lead work is also put forward as heritage benefit.
- 12.18 While the above are acknowledged as benefits your Officers agree that most of these benefits were 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. There are also only relatively minor benefits arising from these aspects of the proposal that are not considered to outweigh the significant harm caused by the unauthorised works, which are not fully mitigated by the current proposals.
- 12.19 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.
- 12.20 The Council, as an 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 the public benefits need to be tangible and justifiable. Officers do not dispute that some of the works that have taken place are beneficial, however the benefits are not contingent on the full extent of works that 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.

- 12.21 While mindful of the 'baseline' argument made by the applicant that the baseline is the original building prior to the works commencing, it is a material consideration of some weight that these benefits could have been achieved by another scheme, such as the approvals obtained, which would not result in harm to the listed building. For example, the removal of the 17th century staircase was not necessary to facilitate the overall renovation and modernisation of the building, it could with ease have been retained, as demonstrated by the approved applications.
- 12.22 Members need to be satisfied that the current application has sufficiently addressed the reasons they decided to refuse the previous application. No amendments to the first-floor rear extension are proposed. The proposed works to reinstate the historic staircase and reduce the amount of glazing on the bake house are not considered an acceptable solution as the reconstruction provides merely a superficial replica of the building's historic form, the loss of historic fabric which has occurred is considerable, and the harm arising from this initial and irrevocable loss will not be mitigated by the current proposal. There remains no tangible or justifiable reason for the loss of the historic fabric.
- 12.23 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 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.'

- 12.24 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.'

12.25 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.

12.26 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.'

12.27 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*. It is relevant here as no clear or convincing justification has been made for the unacceptable deviation from the approved plans to the first-floor extension.

12.28 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.

12.29 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 this case. Although this case does differ in that, the application site already had a consented scheme which the majority of the benefits that the applicants set out could also been carried out 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.

12.30 In conclusion the rectification works do not reduce the overall less than substantial harm to the significance of the listed building that has been identified. It is considered that there are not any material public benefits resulting from the development that would outweigh the identified harm. The proposal is therefore considered to be contrary to the requirements of policy DP34 of the Mid Sussex District Plan and the requirements of the NPPF.

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 National Planning Policy Framework (NPPF).
- 13.2 It is considered that the unauthorised retrospective variations to the scheme approved under DM/22/3695, cannot be supported. The current application has not sufficiently addressed the previous reasons for refusal of DM/25/1103, for example no amendments to the first-floor rear extension are proposed. The proposed works to reinstate features such as the removed staircase and reduce the amount of glazing on the bake house are not considered an acceptable solution as the reconstructions provide merely a superficial replica of the building's historic form, the loss of historic fabric which has occurred is considerable, and the harm arising from this initial and irrevocable loss will not be mitigated by the current proposal. There remains no clear and convincing justification for the loss of the historic fabric.
- 13.3 There are benefits suggested by applicant that are considered to be potential heritage or public benefits of the scheme, when taken as a whole, and using the base line as being prior to any of the unauthorised works taking place. These benefits 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, re rendering and lead work.
- 13.4 While the above are acknowledged as benefits your Officers agree that most of these benefits were 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. There are also only relatively minor benefits arising from these aspects of the proposal that are not considered to outweigh the significant harm caused by the unauthorised works, which are not fully mitigated by the current proposals.
- 13.5 The LPA has a statutory duty to 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. Any public benefits need to be tangible and justifiable.
- 13.6 Whilst such harm is assessed by Officers as being less than substantial to the heritage assets, this factor should be given considerable importance and weight. The harm caused by the proposed development would clearly outweigh any public benefits and consequently the proposal cannot be supported.
- 13.7 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, and mitigation in the form of the reinstatement of the 17th century staircase and alterations to the rebuilt bakehouse 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).
- 13.8 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.

- 13.9 Furthermore, no alterations to the first-floor extension are proposed in this application and while some further re-instatement works are proposed that did not form part of the previous application, it is not considered that this application addressed the reason for refusal of DM/25/1103. As such in the view of officers, there is no clear justification for taking a different decision in respect of this application.
- 13.10 The proposal would therefore conflict with policy DP34 of the Mid Sussex District Plan and the relevant provisions of the NPPF and there are no other material considerations that would indicate that a decision, other than in accordance with the Development Plan, should be taken in this instance.
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APPENDIX A – REASONS FOR REFUSAL

1. It is considered that, the application would cause less than substantial harm (and at around the mid-level point of that scale on the spectrum of that harm) to the significance of a designated heritage asset, in particular the 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; The recreation of at 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house, as reconstructed would provide merely a superficial replica of the building's historic form, the loss of historic fabric which has occurred is considerable, and the harm arising from this initial and irrevocable loss will not be mitigated by the current proposal; Similarly the change to the fenestration of the bakehouse would make a minor contribution to re-instating the bakehouse's original significance as the reconstruction provided a superficial replica of the building's historic form.

This harm requires clear and convincing justification in accordance with para 213 NPPF. No such justification has been demonstrated.

There remains no tangible or justifiable reason for the loss of the historic fabric. As the harm is considered to be less than substantial and 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 is therefore considered to be contrary to the requirements of policy DP34 of the Mid Sussex District Plan and the requirements 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
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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
Other	900-25-5003	B	16.04.2026
Other	900-25-5004		08.12.2025
Other	900-25-5005	A	08.12.2025
Other	900-25-5006		08.12.2025
Other	900-25-5007	C	16.04.2026
Other	900-25-5008	C	16.04.2026
Other	900-25-5009	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	900-25-5013	C	16.04.2026
Other	900-25-5014		08.12.2025
Proposed Floor Plans	900-25-5015		08.12.2025
Other	900-25-5016	A	08.12.2025
Other	900-25-5017	B	16.04.2026
Other	900-25-5018	B	16.04.2026
Other	900-25-5019	A	08.12.2025
Other	900-25-5020	B	16.04.2026
Other	900-25-5021		08.12.2025
Other	900-25-5022	A	08.12.2025
Other	900-25-5023	A	08.12.2025
Other	900-25-5024	A	08.12.2025
Other	900-25-5025		08.12.2025
Other	900-25-5026	A	08.12.2025
Other	900-25-5028	B	16.04.2026
Other	900-25-5029	B	16.04.2026
Other	900-25-700		16.04.2026