

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2218	Case Officer:	Andrew Clarke
Application Type:	Full Application		
Proposal:	Part retrospective planning application to retain existing outbuilding structure and material change of use to agricultural storage		
Site:	South Meadow Cottage, Brantridge Lane, Staplefield, Haywards Heath, West Sussex, RH17 6EW, ,		
Validation Date	8 Oct 2025	Overall Expiry Date:	7 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	19 Mar 2026
Target Date:	3 Dec 2025	Recommending Officer Signature:	<i>Andrew Clarke</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	20 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2218

**South Meadow Cottage, Brantridge Lane, Staplefield, Haywards Heath, West Sussex, RH17 6EW,
Part retrospective planning application to retain existing outbuilding structure and material
change of use to agricultural storage
Mr Jonathan Bickerdike**

SUMMARY OF REPRESENTATIONS

4 letters of representation received raising the following matters:

- no agricultural need
- building not suitable for agricultural use
- impact on national landscape
- impact on heritage assets
- does not support economy
- is not small scale
- enforcement action should be taken.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is a small field adjacent to South Meadow Cottage, which is an unlisted semi-detached cottage located in a rural position outside Staplefield. The cottage and its attached neighbour appear to have been constructed as farmworkers cottages in the 19th century or earlier, as part of the former farmstead associated with Tyes Place. This is a Grade II listed 17th century or earlier former farmhouse (previously known as Tyes Farm). The associated farmstead includes a number of surviving farm buildings grouped around a courtyard to the west of the farmhouse which would be regarded as curtilage listed. The cottages however, which are not in the same ownership, would not be regarded in this way. Tyes Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the Medieval period.

Tyes Place is likely to be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a Sussex farmhouse of its period, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. The building also has group value with the curtilage listed former farm buildings to the west, and arguably with the former farm cottages at South and North Meadow Cottages.

The curtilage listed farm buildings would similarly be considered to possess architectural and historical illustrative value as good examples of buildings of their type and period, as well as aesthetic value and group value with each other and the former farmhouse.

As such, the surviving rural setting of Tyes Place and the associated curtilage listed farm buildings would be considered to make a strong positive contribution to the special interest of the heritage assets and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values. The application site is located a short distance to the north of Tyes Place and the farm courtyard, adjacent to the gardens of the house and its driveway approach. As a largely green and open space retaining the character of a field (with some tree planting) it makes a positive contribution to the settings of the heritage assets, although this contribution is somewhat reduced by the degree of screening along the boundaries of the field to the west and south.

The current proposal, which is retrospective, is for the retention of a single storey building which has been placed within the field adjacent to its northern boundary, for agricultural storage purposes.

In many circumstances, the introduction of built form and/or domesticating features within the setting of listed former farm buildings with heritage values of the nature described above will be considered contentious, due to the impact on the rural character of that setting and the contribution this makes to the significance of the assets and the manner in which this is appreciated. However, in this instance the building which has been constructed is modest in scale, and although of a contemporary design, is faced in timber which relates relatively sympathetically to more traditional outbuildings in the area. The positioning of the building and the screening along the boundaries with Tye Place also reduce the visual prominence of the structure from the gardens of the listed building (it will not be seen from the house itself, or the curtilage listed farm buildings). In places, the planted screening is less dense than others, however, so although on balance the outbuilding is considered acceptable in terms of its impact on the setting of the adjacent heritage assets, an appropriate condition requiring a soft landscaping scheme showing further planting with native species trees and/or hedging along these parts of the southern boundary of the site is suggested.

For these reasons and subject to the condition suggested below the proposal is considered to preserve the setting of the listed and curtilage listed buildings at Tye Place, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

I would recommend the following condition:

- Soft landscaping scheme showing strengthening with appropriate native species trees/hedgerow planting of the planted screening along the southern boundary of the field in which the outbuilding is located.

PARISH COUNCIL OBSERVATIONS

Ansty & Staplefield Parish Council object to the application on the following grounds:

- o a sporadic building going against DP16 HWNL protecting the landscape setting
- o DP12 Protection and enhancement of the countryside
- o DP26 Protecting open spaces
- o visible from the footpath
- o para 189Nppf gives the National Landscape the highest status of protection o planning permission for a residential garden was turned down and we therefore request enforcement action.

INTRODUCTION

The application seeks partial retrospective planning permission to retain an existing building but for the purposes of agricultural storage.

RELEVANT PLANNING HISTORY

13/01132/FUL - To erect a greenhouse on agricultural land in an area of outstanding natural beauty. - Permission granted 4th June 2013

DM/22/3875 - Retrospective application for retention of domestic garden room on agricultural land to north-west of South Meadow Cottage. - Pending consideration.

DM/25/0886 - Retrospective planning application for the partial change of use of land to residential garden area. - Refused 30th June 2025 for the following reason:

The change of use, by virtue of its scale, siting and appearance would cause harm to the openness, character and appearance of the countryside and High Weald National Landscape in which it lies. Furthermore, it would cause less than substantial harm to the setting of the listed building at Tyes Place, for which there are no public benefits that outweigh the identified harm, contrary to policies DP12, DP16, DP26 and DP34 of the Mid Sussex District Plan, policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan and paragraphs 212 - 215 of the National Planning Policy Framework

SITE AND SURROUNDINGS

The building subject to the application lies on agricultural or paddock land to the north west (and in front of) of the main dwelling house at South Meadow Cottage. The dwelling itself is a two storey semi-detached dwelling with primary garden to the rear (east).

The application relates to an existing unauthorised building sited in the northern element of the paddock and which is a timber framed building 2.7m high, 5.5m wide and 3.6m deep sitting on a shallow concrete slab. The building is timber clad and is currently used as incidental accommodation (day room etc) to the residential property to which it relates. It is not considered to lie within the curtilage of the property.

The wider land upon which it lies measures approximately 0.35ha and is distinct and separate from the planning unit of the dwellinghouse to which it relates. The area is accessed independently from the main house and has high tree screening to three sides and a close board fence to a height of 1.8m along its eastern edge. The land has a lawful use as a paddock or agricultural use, however, does not form part of an agricultural holding and the land appears to be in use primarily in relation to the residential properties with residential paraphernalia in the form of bbq's and children's play equipment etc stored and stationed upon it.

The site is an a highly rural location designated as countryside by the Mid Sussex District Plan and lies within the High Weald National Landscape. To the east lies the similar property at North Meadow Cottage whilst to the south, and sitting at a higher level, lies the grade II listed building at Tyes Place.

APPLICATION DETAILS

The application seeks retrospective permission for the retention of the building but for the purposes of agricultural storage rather than the domestic garden room use it is currently put to. No physical changes to the building are proposed to facilitate this use.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Ansty, Staplefield and Brook Street Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Countryside

DP16 - High Weald National Landscape

DP26 - Design

DP34 - Setting of listed building

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan

The Ansty, Staplefield and Brook Street Neighbourhood Plan has been made and is a material planning consideration with full weight. The relevant policies are:

AS3 - High Weald Area of Outstanding Natural Beauty

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS4 - Drainage

DPN4 - Trees

DPB1 - Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

High Weald Management Plan

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

With respect to the NPPF (December 2024) paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.

Protection of National Landscapes is further enhanced by s.245 of The Levelling-up and Regeneration Act (2023) which places a duty on relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of the area.

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

The primary considerations relating to the application relate to:

- Principle
- Impact on National Landscape
- Impact on setting of Listed Building
- Biodiversity net gain
- Other material considerations

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site is located within the defined Countryside. Policy DP12 is relevant and states:

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

*o it is necessary for the purposes of agriculture; or
o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

The application states the building is to be used for the purposes of agricultural although details as to the requirement for the storage and what is to be stored is not apparently clear in the application. The residential summer house design of the building would appear to restrict the ability to store large machinery and the building would appear immediately capable of addressing any agricultural need.

Furthermore the land upon which is it located, which whilst its lawful use would appear to be agricultural (or potentially paddock), is not in use for agriculture (it appears to be in use primarily in relation to the residential properties with residential paraphernalia in the form of bbq's and children's play equipment etc stored and stationed upon it) and does not form part of an agricultural holding.

As such with respect to policy DP12 the building would not be necessary for the purposes of agriculture as no agricultural use is taking place upon the land. There are no other policies which would permit the retention or provision of such a building within a rural area such that the development does not comply with the two limbed requirement of policy DP12.

Design and impact on the character and appearance of the National Landscape

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of

Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

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

Policy DP16 of the District Plan states that development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald Management Plan and that small scale proposals which support the economy and social well-being of the AONB (now National Landscape) that are compatible with the conservation and enhancement of natural beauty will be supported.

Policy DP12 also seeks to protect the character and appearance of the countryside for its own sake.

Policy AS3 of the Neighbourhood Plan contains a similar ethos and that development should seek to further the aims of the High Weald Management Plan (HWMP).

Objectives FH2 and FH3 of the High Weald Management Plan relate to fieldscapes and heath and in respect of FH2 seeks to 'maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.' whilst FH3 seeks to 'protect and enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.'

Objective PQ2 relates to the aesthetic quality of the landscape and that development should 'protect the unspoilt rural landscape with its intrinsic sense of naturalness, valued views, and the extent of green space which foster experiences of rurality and tranquillity.'

This is further supported by the requirement of the NPPF and The Levelling-up and Regeneration Act (2023) where the development must further the purpose of conserving and enhancing the natural beauty of the area and the objectives of the Management Plan

The land subject to the application forms part of a wider historic field in use as a paddock or for agriculture. The wider parcel of land is open and bordered with high trees and fencing along historic boundaries and whilst the land is not open to substantial wider views its size and openness contribute to the character of the National Landscape and the setting both of the nearby residential properties at North and South Meadow Cottage and the listed building at Tyes Place.

The building itself is of a simple garden room form of timber construction and as a stand alone piece of design is acceptable, albeit that it does not seek to further the objectives of the HWMP.

The purpose of the development is, however, for agricultural use and the building itself is of a very domestic appearance, constructed primarily and principally for an incidental residential use. Whilst agricultural buildings in the form of barns, sheds etc may be in keeping with or expected with a rural landscape, domestic outbuildings may appear incongruous and lead to a residential and domesticated appearance to the area.

Therefore, notwithstanding the stand-alone design of the building, its retention and appearance contributes to a domestication of the field in which it lies, out of keeping with the lawful agricultural use of the land and the rural landscape in which it lies.

This causes harm to the character and appearance of the High Weald National Landscape such that it does not conserve or enhance the natural beauty of the area and contravenes policy DP12 and DP16 of the District Plan and policy AS3 of the Neighbourhood Plan and nor does it further the objectives of the HWMP.

Setting of the Listed Building

The land lies within the setting of the grade II listed building at Tyes Place which lies directly south of the land and which benefits from mutual views in and out of the land directly associated with Tyes Place.

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

Policy DP34 of the District Plan states:

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

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

The contents of the NPPF must also be applied and paras 212 - 215 states:

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

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The Council's Conservation Officer has made comments on the application and notes the contribution the land makes to the setting of the heritage asset, however, notes that the building is modest in scale, and the positioning of the building and the screening along the boundaries with Tye Place reduces the visual prominence of the structure from the gardens of the listed building as it will not be seen from the house itself, or the curtilage listed farm buildings.

As such the development of the building in itself does not cause harm to the setting of the heritage asset such that it is compliant with policy DP34 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73a of the Town and Country Planning Act 1990 and as retrospective development and relates solely to change of use the application exempt from the requirement to provide biodiversity net gain.

Other material considerations

The contents of the planning statement submitted with the application are noted but does not introduce or provide any reasons why the policies of the development plan should not be applied in full. There are therefore no additional material considerations to take into account.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the content of the application and the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Ansty, Staplefield and Brook Street Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

For the reasons set out within the assessment section, it is considered that the application does not comply with Mid Sussex District Plan policies DP12, DP16 and DP26 and Neighbourhood Plan policy AS3

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

The development, by virtue of its scale, siting and appearance causes harm to the openness, character and appearance of the countryside and High Weald National Landscape in which it lies and causes less than substantial harm to the setting of the listed building at Tyes Place contrary to policy DP12, DP16,

DP26 and DP34 of the Mid Sussex District Plan, policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan and paragraphs 212 - 215 of the National Planning Policy Framework

Decision: Refusal

Case Officer: Andrew Clarke