

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2887	Case Officer:	Anna Tidey
Application Type:	Listed Building Consent		
Proposal:	Demolition of existing outbuilding and conservatory. New extension and glass link, internal alterations, new laid patio and paths. New protecting timber box frame window and door in existing historic openings. Moving oil tank with additional screening and replacing cesspit / septic tank with treatment plant.		
Site:	North Hall Cottage, Mallions Lane, Staplefield, Haywards Heath, West Sussex, RH17 6AT, ,		
Validation Date	5 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Apr 2025
Target Date:	30 Jan 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
---	--	------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	24 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2887

**North Hall Cottage, Mallions Lane, Staplefield, Haywards Heath, West Sussex, RH17 6AT, Demolition of existing outbuilding and conservatory. New extension and glass link, internal alterations, new laid patio and paths. New protecting timber box frame window and door in existing historic openings. Moving oil tank with additional screening and replacing cesspit / septic tank with treatment plant.
Mr And Mrs C Mellish**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer: The site, North Hall Cottage, is a Grade II listed cottage located in a rural position outside Staplefield. The list description suggests that the building was constructed in the C18th or earlier; the submitted heritage statement suggests that the building in fact dates originally from the mid-late C16th, starting life as a three bay cottage with a smoke bay. A brick chimney stack was inserted within the smoke bay during the C17th, and a two storey rear wing was added during the late C18th or early C19th. Further alterations were carried out during the C20th, including the addition of a conservatory to the rear. There is also a substantial modern annexe building within the gardens to the north east of the house, which dates from the 1990s.

The current proposal is for external and internal works. Externally, the works include demolition of the modern annexe building and construction of a single storey linked extension to the rear of the house, attached to the rear of the two storey late C18th/early C19th extension by a glazed link; demolition of the existing conservatory extension to the rear of the house (and construction of a replacement glazed canopy); addition of double or vacuum glazed timber framed panels externally to a pair of original C16th mullioned windows which would be exposed by the removal of the conservatory; and installation of a pair of French windows to the southern elevation of the rear wing. Internally, the proposed works include removal of a modern spiral staircase at ground floor, removal of a modern partition at ground floor, lifting and relaying of flooring, and removal of bathroom fittings.

Within the gardens to the house, further works are proposed comprising introduction of a patio to the rear of the house where the conservatory is to be removed, relaying of the brick path to the front garden area, further new pathways from a parking area to the north of the house (consented under a separate recent application), and a replacement oil tank.

The existing modern annexe building - not of any particular age or architectural interest and has at best a neutral impact on the setting and significance of the Cottage. The proposed extension is substantial, and might in other circumstances be considered excessive in scale in the context of a building of such originally modest proportions. However, the removal of the existing annexe building which is set in close proximity to the house, and its replacement with a structure of a more sympathetic design and in a less visually prominent position will have a positive impact on the setting of the cottage which must be weighed against this.

The lightweight glazed link, which sets the extension off the existing rear elevation of the house, also aids in mitigating the impact of its bulk. On balance, this aspect of the proposal is considered generally acceptable. Further information in respect of some aspects of the design is requested:

- solar PV installation to the southern roof slope of the extension.
- proposed sections (annotated to show materials) to show the form of the proposed glazed link.

- The existing conservatory addition is unattractive and detracts from the appearance of the rear of the house. Its removal is welcomed in principle.
- Questions need for glazed canopy, shown on original to protect the C16th mullioned windows. The canopy is not a sympathetic feature, will add visual clutter to the elevation and reduce the benefit to be accrued by the removal of the conservatory. In my opinion, this aspect of the proposal requires reconsideration and/or further justification.
- The C16th timber mullioned windows are an unusual survival and one of the most significant features contributing to the special interest of the cottage. Their protection, following the removal of the conservatory, must be a priority. The addition of appropriately designed glazed external frames to protect the original fabric may be an appropriate solution, however I would like to see more detail at this stage of the design of the frames and how they will be attached to the elevation in order to avoid or minimise damage to the surrounding fabric, whilst providing adequate weathering, rather than requiring it by condition, due to the importance of this aspect of the proposal to preserving the special interest of the building.
- It would be useful if this detail could be seen and commented on by Joe Thompson, given his knowledge of the building and expertise in this field. This could take the form of a brief addendum to the submitted heritage statement.
- In terms of glazing to the frames I would suggest slimline double rather than vacuum units.
- The proposed French windows to the southern elevation of the rear wing replace existing double doors in the same position. This aspect of the proposal is therefore not considered contentious in principle, but I would suggest that the material and detailed design of the French windows are timber, multi-pane casements.
- The proposed internal works affect only modern fabric and plan form and are not considered to affect the special interest of the building.
- works to relocate the oil tank and replace an existing septic tank with a treatment plant. are not considered contentious, subject to detail.
- Proposed works to create a patio and relay, or introduce new pathways, are also not considered contentious, subject to details of materials.

TOWN/PARISH COUNCIL OBSERVATIONS

Ansty and Staplefield Parish Council: No objections.

INTRODUCTION

This application seeks Listed Building Consent for various internal and external works at a Grade II Listed Building at North Hall Cottage, off Mallions Lane to the south of Staplefield. There is a corresponding application for planning permission for the proposed works, reported separately for Approval under Planning application DM/24/2735.

RELEVANT PLANNING HISTORY

DM/24/2735. Demolition of existing outbuilding and conservatory. New extension and glass link, internal alterations, new laid patio and paths. New protecting timber box frame window and door in existing historic openings. Existing oil tank to be replaced with a new tank on a concrete base in a different position and to be screened by a fence and the existing cesspit is to be replaced with a new treatment plant. Yet to be determined.

SITE AND ITS SURROUNDINGS

North Hall Cottage, is a Grade II Listed building, sited on the eastern side of Mallions Lane to the south of Staplefield. The cottage is sited within a partly wooded garden which is accessed by a pedestrian bridge over a roadside stream, which also extends around the northern side of the garden.

The cottage has been extended in the past and benefits from a detached outbuilding, which is in associated residential use. There are other smaller garden sheds and structures located within the garden area.

APPLICATION DETAILS

This application seeks Listed Building Consent for demolition of an existing detached outbuilding and a rear attached conservatory, and the construction of a new extension and glass link to enlarge the living space at the cottage. Associated works include: internal alterations, new laid patio and paths, new protecting timber box frame window and door in existing historic openings. Within the garden the existing oil tank is proposed to be relocated and replaced with a new tank on a concrete base, screened by a new trellis fence and the existing cesspit is to be replaced with a new treatment plant.

Comments have been sought and received from the Conservation Officer with regards to the details of the development proposals.

The application has been supported by a detailed Design and Access Statement and a Heritage Statement. These documents are available to view on the planning file.

LEGAL FRAMEWORK AND LIST OF POLICIES

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,*
- b) And 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.

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

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

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

Mid Sussex District Plan

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

Relevant policies:

- DP26 Character and design
- DP34 Listed Buildings and other Heritage Assets

Site Allocations DPD

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

There are no relevant policies.

Neighbourhood Plan

Ansty, Staplefield and Brook Street Neighbourhood Plan, (Made February 2017)

No relevant policies.

Other Material Considerations

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

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

Relevant policies:

DPB1 Character and Design

DPB2 Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

The only issue to consider in this instance is the impact on the listed building.

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

"66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material

considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan relates to Listed Buildings. It states that:

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

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

Paragraphs 207- 210 of the NPPF provide guidance on proposals affecting heritage assets, and state:

'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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.

209. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.'

North Hall Cottage is Grade II Listed. It is an attractive rural cottage that has been previously extended, but retains some significant historic features and fabric.

Detailed comments have been provided by the Conservation Officer during the course of determining the application, and these are reported above. The Conservation Officer has made detailed comments on the various proposed works and has suggested certain additional details may be the subject of appropriately worded planning conditions. It is considered that such details in respect of the solar PV installation, sectional drawings for the extension link, mullion window glazing details, the French doors and patio/pathway construction are necessary and should be required to preserve the unique character and valuable historic fabric of the Listed Building. Given that the rear glass canopy has been removed from the proposal, this element if pursued, would require separate Listed Building Consent.

Subject to the receipt and approval of these additional details the proposal is found to accord with the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

The proposed works are therefore considered acceptable and will ensure the preservation of the Listed building at North Hall Cottage.

PLANNING BALANCE AND CONCLUSION

The proposed internal and external works will preserve the special interest of the listed building at North hall Cottage, which represents an important Listed building in a rural setting. The proposal is therefore found to meet the requirements of District Plan Policies DP26 and DP34, and the relevant paragraphs of the NPPF.

Detailed planning conditions will control the detail of the proposed works.

Consequently it is recommended that Listed Building Consent is granted.

Decision: Permission

Case Officer: Anna Tidey