

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2369	Case Officer:	Emily Wade
Application Type:	Householder Application		
Proposal:	Alteration of existing modern extension including changes to fenestration and replacement of chimney stack with bay window.		
Site:	Burstow Cottage, Hammingden Lane, Ardingly, Haywards Heath, West Sussex, RH17 6SR, ,		
Validation Date	17 Sep 2025	Overall Expiry Date:	24 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	11 Nov 2025
Target Date:	12 Nov 2025	Recommending Officer Signature:	Emily Wade

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	12 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2369

**Burstow Cottage, Hammingden Lane, Ardingly, Haywards Heath, West Sussex, RH17 6SR,
Alteration of existing modern extension including changes to fenestration and replacement of
chimney stack with bay window.
Mr And Mrs Finley**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

N/A

TOWN/PARISH COUNCIL OBSERVATIONS

West Hoathly Parish Council have no objections.

INTRODUCTION

Burstow Cottage is a Grade II listed 18th century cottage located in a rural position to the east of Ardingly. The current proposal is for external works to an existing rear extension comprising demolition of a chimney stack and construction in its place of a bay window extension, and changes to the fenestration.

RELEVANT PLANNING HISTORY

HO/064/87 and HO/065/87 Planning and listed building consent granted for replacement two storey rear extension.

DM/23/3237 and 3238: Planning permission and listed building consent granted for first floor internal re-configuration and introduction of a rooflight to the NE facing roof slope of the existing rear addition (revised plans and revised description of development 05.04.2024). (These applications were revised to remove the originally proposed demolition of the rear chimney stack and construction of a rear extension).

DM/25/0148 and 0150: Planning and listed building consent applications withdrawn for demolition of existing chimney, re-build and replicate the existing rear chimney stack, insertion of new bi-fold doorset, fenestration, the installation of rear pergola over new rear decking and patio with associated landscaping, proposed monopitch outbuilding for tool storage and log store (amended description 12/02).

DM/25/2370 Parallel listed building consent application relating to the current proposal.

SITE AND SURROUNDINGS

Burstow Cottage is a Grade II listed 18th century building located in a rural position outside Ardingly. The original cottage is a modestly sized brick building of two storeys, with a weatherboarded façade and Horsham stone slate roof. The gabled roof is terminated by two brick chimneys. During the 1980s a substantial two storey brick extension was built to the rear of the property, replacing an earlier 20th century flat roofed addition.

APPLICATION DETAILS

The current proposal is for various works to the existing rear extension to the building comprising demolition of an existing chimney stack, construction in its place of a flat roofed bay window extension with French doors, and other alterations to the fenestration.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

DP12 Protection and enhancement of countryside
DP16 High Weald Area of Outstanding Natural Beauty
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

There are no relevant policies.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

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 2023)

Paragraphs 210, 212-215 of the NPPF are relevant and state that:

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

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

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.'

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission [F1or 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.'

ASSESSMENT

Impact on countryside and AONB

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.'

Policy DP16 of the District Plan has similar aims.

Given the modest nature of the proposed change, it is not considered that the proposal would have any wider impact on the character of the countryside or AONB. As such it is considered that the character of the countryside and AONB would be conserved and there would be no conflict with these policies.

Design

District Plan Policy DP34 will be relevant, and states in part that:

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

- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric...'

Policy DP26 seeks a high standard of design in new development.

The current proposal is for various works to the existing late 1980s rear extension to the building comprising demolition of an existing chimney stack, construction in its place of a flat roofed bay window with French doors, and other alterations to the fenestration.

Although the fabric affected is in all cases modern, the demolition of the existing chimney stack is considered harmful to the appearance of the rear extension, and the manner in which it relates to the historic core of the building. The extension is (in the context of the original cottage) very substantial in size, and may only have been regarded as acceptable as it replaced an earlier 20th century flat roofed addition, albeit on an enlarged footprint. The retention of traditional and sympathetic design features such as the chimney stack is important to ensuring that the addition maintains a reasonably comfortable relationship with the host building. The chimney in question reflects the end stacks to the original cottage, albeit at a lower height. It provides a common architectural reference between the two parts of the building, and introduces roofline interest to the addition which reflects that of the historic cottage. For these reasons, its removal is considered unacceptable.

There is relevant planning history on this point- previous applications including this work have been either amended to exclude it or withdrawn on Officer advice. Pre-application advice has also been offered to the applicant on the subject.

In addition to the removal of the chimney, the form and design of the proposed bay window extension in its place are also considered unsympathetic to simple vernacular character of the original Cottage.

The remaining alterations to the fenestration of the rear extension are not considered contentious.

The proposal is therefore considered to harm the special interest of the listed building, failing to meet the requirements of District Plan Policies DP26 and DP34. The harm caused would be regarded as less than substantial, at around the mid-point of that scale. This harm stands to be weighed under paragraph 215 of the NPPF against the public benefits, if any, of the proposal. In carrying out this balancing exercise, the Council must also be aware of the great weight that must be given to the conservation of a heritage asset under paragraph 212 of that document, and that under paragraph 213 any harm should require clear and convincing justification.

As the proposal attracts only private benefit to the applicant, there is no public benefit to weigh against the less than substantial harm caused to Burstow Cottage, which must be afforded great weight. No clear or convincing justification for the work has been provided.

PLANNING BALANCE AND CONCLUSION

For the above reasons it is recommended that planning permission is refused.

Decision: Refusal

Case Officer: Emily Wade