

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2231	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Reinstatement of observatory tower, proposed construction of orangery and associated works, including removal of hanging tiles.		
Site:	Stonehurst, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN, ,		
Validation Date	3 Sep 2025	Overall Expiry Date:	17 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Nov 2025
Target Date:	29 Oct 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	10
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	12 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2231

**Stonehurst, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN,
Reinstatement of observatory tower, proposed construction of orangery and associated works,
including removal of hanging tiles.
Mr Laurence Tonna**

SUMMARY OF REPRESENTATIONS

There were 10 letters of representation received in response to the proposed development. All 10 letters raised an objection towards the proposed development for the following reasons:

- The sites context having changed since towers surroundings in the 1920's with the grounds having been broken up. Therefore, linking the reinstatement of the tower for observing the modern context is inappropriate and anachronistic.
- The dwelling to the south at the Holt being positioned close to the limit on overbearing and loss of privacy. Due to the scale of the tower, this limit should be seen as arbitrary.
- The tower resulting in a dominating presence towards nearby adjacent neighbouring dwellings.
- The current tower would fail to overcome the concerns raised in the previous 2007 refusal, both failing to conserve or enhance the AONB.
- The proposal would significantly detract from the visual amenity of the surrounding grade II listed park and garden.
- There having been no material changes in planning considerations since the previous refusal that would warrant a different view.
- Stonehurst and the original tower are unlisted and therefore the proposal would fail to restore any architectural integrity.
- Although the policies referenced within the previous Officer Report have been withdrawn, they have been replaced with replica policies.
- There being no buildings of a comparable size and scale to the proposal with only buildings consisting of churches, Gatwick Airport of Haywards Heath commercial office blocks.
- The tower would have an unacceptable loss of privacy impact on nearby neighbours, with direct views offered into habitable rooms.
- The information within the supporting statements being misleading as Many Waters owns more land including the pleasure grounds, SSI and scheduled monument.
- The inclusion of Many Waters within the supporting documents was done so without permission.
- The proposed tower failing to be of an exceptional design quality and neither preserving nor enhancing the landscape.
- The tower would dominate an unspoiled landscape and would be visible from afar.
- At night the tower would be an obtrusive artificial light source and would conflict with the dark skies goals.
- The residents of West Hoathly and Cob Lane were not notified who would be materially impacted.
- The tower could distract fast moving traffic on a bend nearby the busy Wakehurst Place entrance.
- The lack of consultation with the residents in the area undermining the community's ability to engage with the planning process.
- The tower would be visible from other properties and impinge on their views.

SUMMARY OF CONSULTEES

Conservation Officer: *'Stonehurst is a substantial country house located in a rural position to the north of Ardingly. The building itself is unlisted but is regarded with its ancillary garden and estate buildings as a non-designated heritage asset (NDHA), and the gardens within which it is set are part of an extensive Grade II listed registered park and garden.'*

The house at Stonehurst was constructed c.1910 to a design by architect Norman Searle for client John Stewart, on the site of an earlier farmhouse, Stone Farm. The building is in a loosely Arts and Crafts style, with brick and hung tile elevations, with mock timbering to gables, and slate roofs. Originally, the house had a large conservatory wrapping around the south-east corner of the building, as well as a tall central tower with a balcony providing views over the surrounding landscape. These features have both been lost, although the base of the tower remains.'

'With respect to the construction of the replacement tower top, the further information is useful in confirming that the construction will be largely traditional and that any necessary additional reinforcement will not affect the external appearance of the tower. In terms of alterations to the existing structure, it would appear that further detail is not available, although again it is confirmed that strengthening works will not affect the external appearance of the house. It is to be hoped that any internal works will be kept to a minimum and will be sympathetic to the original architectural character of the building, in as much as this survives, but as the house is not listed the lack of any external impact will be sufficient in this case for us to be able to support the proposal in terms of the impact on the NDHA and the RPG.'

On this basis the proposal is therefore considered to meet the requirements of District Plan Policies DP34 and DP36 and the relevant paragraphs of the NPPF.'

Landscapes Consultant: *'Following a desk-based review, the location and assessment of the viewpoint receptors within the LVIA are generally deemed appropriate. For such a unique development proposal, linked to historical references and historic design cues, the balance of 'beneficial impact' within such as sensitive landscape setting should be carefully considered. The LVIA has demonstrated this.'*

High Weald AONB Consultant: *'We do not wish to make detailed comments on this application. However, we trust that you will consider the application in the context of the High Weald AONB Management Plan 2024-2029, in particular the various Objectives set out for each of the Key Character Components of natural beauty. The Management Plan recognises the role that heritage assets, including registered parks and gardens, play in the character and natural beauty of the HWNL. In this regard, we note the comments from the Sussex Gardens Trust (member organisation of The Gardens Trust, the Statutory Consultee for RP&Gs), who have advised that they do not consider that the proposal would be harmful to the significance of either the RP&G at Stonehurst or Wakehurst Place. We also note the detailed assessment of the proposal by the MSDC Conservation Officer in this regard, and their comments regarding the need for detailed conditions relating to architectural detailing and external materials in this regard, should the LPA be minded to grant permission.'*

I would also draw your attention to the 'Dark Skies' Character component of the Management Plan, and the Objectives and Actions set out in that chapter. We would also expect the application to be considered in the context of the high-weald-national-landscape-dark-skies-planning-advice-note, which the LPA may consider would require the submission of a lighting assessment prior to determination of the application. Also, should the LPA be minded to grant planning permission, we would suggest that consideration should be given to imposing a condition specifying that no external lighting shall be affixed to the tower, in order to minimise light pollution on the dark night skies in the HWNL.'

Sussex Gardens Trust: *'Representatives of STG are familiar with the site and have studied the documents submitted with the application. The reinstated tower will be dramatic, but it is so far as we can see, a faithful reinstatement and in keeping with the house. Although it will be highly visible from the Registered Stonehurst Park, the adjacent road and to some degree from part of Wakehurst Park, we don't believe this will be harmful to the significance of the sites. Indeed the restoration of the tower is most welcome and positive that it will appear as a landmark again and good to have this late C19/Edwardian house restored as apiece with its garden once more.'*

The Gardens Trust: *'We have considered the information provided and, on the basis of this, we do not wish to comment on the proposal at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.'*

Historic England: No comment.

NatureSpace Partnership: *'It is considered that the proposed development would present a low risk to great crested newts and/or their habitats.'*

Ecology Consultant: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Ardingly Parish Council support this application'*

INTRODUCTION

The application seeks planning permission for the reinstatement of the observatory tower, the construction of an orangery and to remove the hanging tiles to various gable ends.

RELEVANT PLANNING HISTORY

05/02006/FUL - Retrospective application for the erection of a close boarded fence in place of a hedge between road and property. Permission 15.12.2005.

07/03885/FUL - A glass and hardwood timber conservatory with lantern. A tiled and glazed building to the top of an existing tower. Amended plan received 16.01.08. Refused 05.03.2008.

SITE AND SURROUNDINGS

The application relates to Stonehurst, a non-designated heritage asset composed in a Arts and Crafts style. The existing dwelling is two storeys and features a number of gable ends and dormers throughout, including the base of a former tower. Fenestration openings of mixed sizes are featured prominently to the different elevations with a loggia and terrace set to the eastern elevation. In terms of existing external materials, the dwelling features brick and weather tiles to the walls and clay tiles to the roof.

With regard to access, the property is served by a private driveway shared with North Lodge. There are formal gardens which immediately surround the dwelling with a number of bricked walled enclosures including an observatory and viewing bastion and a terrace with flanking tea pavilions. Lawns descend down to the valley moving in an easterly direction and there are several gravelled pathways meandering throughout this landscaped area immediately to the east.

In terms of policy constraints, the site is set outside of any defined settlement boundary and within the High Weald Area of Outstanding Natural Beauty (National Landscapes). The grade I listed Wakehurst Place and its grounds, the grade II* listed Stables and grade II South Lodge are set to the west of the site. The site's gardens are classified as a grade II listed registered park and garden. Stonehurst is considered to be a non-designated heritage asset.

APPLICATION DETAILS

The proposal would develop a tower above the existing stack and would measure at approximately 23.3m above terrace level and 11m above the tower base. The tower would feature clay hanging tiles, matching roof tiles, timber framed fenestration, balustrades and exposed timber framing.

A new orangery would be developed to the side (south) and rear (east) of the existing property. The orangery would be built above the retained dwarf wall and would measure at circa 12.8m in length, 9.6m wide, 3m high to the eaves and 6.1m high to the ridge when measured from the highest adjacent ground floor level. Proposed external materials would comprise timber framed glazing, a metal profile roof and ornate detailing at ridge level.

Works would also be carried out to the existing dwelling, including the removal of hanging tiles to the gable ends on all elevations. These works would be carried out in order to reveal the half-timbering beneath.

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 Ardingly 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 the Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP26: Character and Design
DP29: Noise, Air and Light Pollution
DP34: Listed Buildings and Other Heritage Assets
DP36: Historic Parks and Gardens
DP38 - Biodiversity

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

Ardingly Neighbourhood Plan 2013-2031 (Made March 2015)

Relevant policies:

Policy ARD2 - A Spatial Plan for the Parish
Policy ARD5 - Housing Design
Policy ARD8 - Biodiversity
Policy ARD9 - Heritage Assets

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN5 - Historic Parks and Gardens
DPN8 - Light Impacts and Dark Skies
DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPS2: Sustainable Design and Construction

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration.
Paragraphs 2, 8, 11, 39, 48, 131, 135, 139, 189, 207, 208, 209, 210, 212-215, 216, 219 & 220.

High Weald AONB Management Plan 2024-2029

High Weald Housing Design Guide (November 2019)

Planning Technical Advice Note: Dark Skies in the High Weald

The National Design Guide (2021)

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special Regard to be had to the preservation of a listed building or its setting.

ASSESSMENT

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

- Protection, Conservation and Enhancement of the High Weald AONB and Countryside
- Impact on Design and Character, Including Heritage Assets
- Impact on Neighbouring Amenities
- Ecological Impact
- Other Matters
- Biodiversity Net Gain

Protection, Conservation and Enhancement of the High Weald AONB and Countryside

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.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant as it states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

Among other matters, the High Weald AONB (National Landscapes) is valued for its rural setting, scenic views and dark skies as outlined within the High Weald AONB Management Plan 2024-2029. The Management Plan also outlines in planning principle 1 that development proposals within the AONB should be supported by LIVA reports, landscape assessments and Design and Access Statements. To this end, this criterion is considered to have been met through the current submission. The High Weald AONB Management Plan 2024-2029 also recommends within Planning Principle 4 that appropriate regard is given towards the conservation of Heritage Assets, including reference to the cultural value, character and natural beauty of the National Landscape.

The High Weald AONB Housing Design Guide states on page 13 that:

'Development also offers scope to reinstate or restore historic landscape and heritage features that have been lost or degraded over time, for instance existing and lost routeways (paths, tracks and lanes) and field boundaries. Studying historic maps, aerial photographs, conservation area appraisals and local history publications allows design teams to identify historic features, which it may be appropriate to then reference in the design'

With regard to development within the countryside, Policy DP12 of the District Plan states that:

'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.'*

Policy ARD2 of the Ardingly Neighbourhood Plan states that:

'Development proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan'

The proposal would be developed in association with the existing established residential unit and would not constitute an isolated form of new development within the open countryside. Accordingly, the proposal would protect the intrinsic character and beauty of the countryside, in accordance with DP12 of the District Plan.

It is acknowledged that the previous Officer Report under 07/03885/FUL concluded that the proposal would result in harm to the AONB by virtue of the towers landscape impact and in part, impact on the dark skies. The development plan considerations have changed since the aforementioned report and further supplementary documents have since been published, including The High Weald Management Plan 2024-2029, The High Weald Design Guide and The Planning Technical Advice Note: Dark Skies in the High Weald. Moreover, the design of the tower has since been altered from the previous scheme. Instead of utilising an alternative design, the current proposal seeks to reinstate the tower as a replica of the historic example that once stood on site.

The High Weald AONB unit as well as the Council's Landscapes consultant were notified with regard to the proposal. It was noted by the Landscapes consultant that following a desk based review considered that the submitted LIVA demonstrated the balance of 'beneficial impact' within the context of the historical references and cues. On the other hand, the High Weald AONB Unit chose to not comment on the proposed development but noted that regard should be paid towards the Management Plan and Dark Skies supplementary planning documents.

When considering the High Weald Management Plan, Design Guide and Dark Skies supporting documents, it is important to note that specific guidance does not apply for such a unique development proposal. However, the principals are considered to be applicable and offer further guidance.

It is considered in this case that The High Weald Design Guide notes on page 13 '*Development also offers scope to reinstate or restore historic landscape and heritage features that have been lost or degraded over time*'. It is considered that the previously refused scheme on site utilised an alternative design and did not seek to replicate the historic design of the tower. Accordingly, the proposal is considered to be a more faithful replica of the historic tower. Furthermore, in light of the specialist landscape comments and the lack of objection from the High Weald AONB Unit, it is not considered reasonable to resist the application on this basis.

With regard to the impact on the dark skies, the proposal would incorporate a number of window openings throughout the tower including an octagonal glazed turret. Whilst it was previously concluded that the light spill would detract from the visual quality of the AONB, the current proposal will be considered with the current dark skies guidance in mind. The proposed levels of glazing are not considered to be unduly large and no upward facing rooflights would be proposed. Furthermore, no external lamp fittings have been referenced nor shown on the proposed plans. It is considered that less than 50% of the elevation would be glazed and any light spill would likely be omitted vertically.

In relation to the proposed orangery, whilst this would utilise a larger amount of glazing throughout, the extension would be capped by a metal roof. The window openings would not be continuous throughout the elevations with regular intervals between each, nor would they be full height. The level of light spill would also likely be vertical without the use of skylights which would be less sympathetic to the dark skies context.

Accordingly, the proposal is considered to protect the intrinsic character and beauty of the countryside whilst also conserving the natural beauty of the High Weald AONB. The proposal is therefore considered to meet the provisions of DP12 and DP16 of the District Plan, Policy ARD2 of the Ardingly Neighbourhood Plan, Paragraph 189 of the NPPF, The High Weald Management Plan, The High Weald Housing Design Guide and Dark Skies Technical Note.

The High Weald National Landscape has been fully considered in this planning application and the proposal is not deemed to conflict with the statutory purpose to conserve and enhance the natural beauty of the AONB.

Impact on Design and Character, Including Heritage Assets

Policy DP34 of the District Plan states among other matters that:

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

With regard to the setting of listed buildings, DP34 elaborates further by stating:

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.*

With regards to the impact on the registered park and garden, DP36 of the District Plan states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

Policy ARD9 of the Ardingly Neighbourhood Plan notes:

'The Neighbourhood Plan requires development proposals affecting the setting of a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly'

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'* The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

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.

Paragraphs 212 - 215 of the NPPF 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.

Paragraph 216 of the NPPF notes:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Stonehurst, whilst undesignated is considered to possess historical, evidential and illustrative value within the local context.

DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*

Policy ARD5 of the Ardingly Neighbourhood Plan states with regard to the housing design that:

'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Proposed Tower

Starting with the proposed tower when considering the respective aspects in turn, this addition would likely be the most visually prominent aspect. The tower would in its entirety stand at circa 23.3m above terrace level and 11m above the existing stump. Following consultation with the Councils Conservation Officer, it was considered that the existing stump appears incongruous when observed within the context of Stonehurst's varying rooflines and chimneys. It is noted that the previous refusal on site under 07/03885/FUL did not pay regard to Conservation specialist comments within its assessment.

In terms of the towers setting, the proposal would likely be observed from the associated registered park and garden as well as the public rights of way further to the east. The Conservation Officer's response noted that the tower reinstatement has the potential to enhance the significance of this asset. It was

concluded by the Sussex Gardens Trust that the tower would not inflict harm towards its setting and has the potential to result in a positive impact.

By virtue of the proposed towers height, it is considered that the development would impact the setting of and views from the registered protected gardens at Wakehurst and the grade II listed South Lodge. It was concluded by the Conservation Officer that in light of the LIVA and Design and Access Statement, there would not likely be any impact on views from the Wakehurst mansion or stables. Whilst the tower would likely be visible from the parkland at Wakehurst, it was considered by the Conservation Officer that the recompletion of Stonehurst would likely compensate for any visual intrusion. It is noted that Historic England did not wish to comment with regard to the development proposal.

On balance it was thus concluded that the proposed tower would preserve the setting of the registered protected gardens as well as the listed buildings at Wakehurst and South Lodge.

The Orangery

A proposed orangery would be constructed above the retained dwarf brick wall as a historic replacement. This element in itself would constitute a substantial addition in footprint, however it was considered by the Conservation Officer in their response that the proposal has the potential to enhance the significance of the NDHA. Furthermore, it was considered that the extension could also enhance the relationship between the house and registered protected gardens as a sympathetic addition.

It is considered that despite the substantial footprint of the orangery that this element would remain subservient towards the main dwelling. Whilst the ridge would slightly protrude the existing eaves height in part, the use of subservient timber external materials would likely allow the proposal to be read as subsidiary to the original.

Removal of the Hung Tiles

Throughout the existing gable ends on the existing dwelling, the proposal intends to remove the tile hanging features. This in turn would expose the underlying mock timber framing and better reveal an original feature. It was considered by the Conservation Officer that this element of the development proposal would enhance the significance of the NDHA.

Throughout the proposal, further details of facing materials have been requested by the Council's Conservation Officer. Provided the historic context of the site and the dwellings identification as an NDHA further details to be obtained by way of pre-relevant work conditions are considered to be necessary and relevant should permission be granted.

In light of the above, the proposal would result in a neutral impact and is considered to preserve the special interest of the nearby listed buildings at Wakehurst and South Lodge as well as the registered protected gardens both on site and in association with Wakehurst. The proposal is therefore considered to comply with Policies DP26 and DP34 of the District Plan, Policies ARD5 and ARD9 of the Ardingly Neighbourhood Plan, the relevant paragraphs of the NPPF and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

Concerns have been raised through letters of representation with regard to the proposed towers impact on overlooking on other dwellings. The tower would be set at a high topographical position to the western side of the valley and would be of a considerable height itself. However, in terms of the proposals impact in terms of loss of privacy, the nearest dwelling to the east at Many Waters would be in excess of 200m away whilst the nearest dwelling to the south at The Holt would be positioned in excess of 100m away. Whilst the tower may be used for recreational activities with a telescope, it is not

guaranteed that this activity will take place. A condition restricting this activity would be unenforceable and is not considered to meet the six tests of the use of planning conditions. Views from the closest property to the north at North Lodge would primarily be towards the existing roof given the proximity to the tower. Accordingly, it is considered that a substantial distance would remain between the proposed tower and other properties to overcome a significant overlooking and loss of privacy impact.

Further concerns were raised with regard to the towers overbearing presence on other residential properties. As the above assessment has concluded, the tower would be positioned at a substantial distance from any other dwellings. The closest dwelling at North Lodge would still be afforded a separation distance in excess of 20m which is considered to overcome a significant overbearing and overshadowing impact.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Ecological Impact

Among other matters, DP38 of the District Plan seeks to ensure that development:

'Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances)

Policy 8 of the Ardingly Neighbourhood Plan relates to biodiversity and states:

'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'

The Council's Ecologist has offered their response in relation to the proposal, whereby no objection has been raised. Several conditions have been recommended in light of the information considered with regard to the submitted Bat Scoping Report and the Bat Emergence Survey Report. Accordance with these documents, requirement to obtain a relevant license for works affecting bats and for the submission of a biodiversity strategy were all recommended. Compliance with a bat license may be obtained through an informative appended to any permission that may be granted as this relates to separate legislation. Moreover, the biodiversity strategy would likely be overly onerous given that the works relate to the existing building and the extension would be constructed above an existing hardstanding.

A further condition was recommended by the Ecologist Consultant with regard to proposed external lighting and the requirement to be sensitive towards bats and their resting places. It is considered that the proposed plans do not show that any additional lighting would be installed to the exterior of the building and as such a condition requiring this detail would not be necessary and fail to meet the 6 tests of planning conditions. A condition requiring the proposed developments compliance with approved plans would mitigate against the requirement to use the aforementioned condition should permission be granted.

It is considered that the proposal would result in an acceptable impact towards the existing biodiversity on site and comply with the requirements of Policy DP38 of the District Plan and Policy ARD8 of the Ardingly Neighbourhood Plan.

Other Matters

Whilst the original neighbour consultation list only included two neighbouring properties by the Council's Service Support Team, the Case Officer consulted a number of additional nearby properties given the

scale of the proposed development. Moreover, a site notice was erected for public view within the consultation period.

The Highways Engineer has not been consulted for comments in relation to the current proposal, however some concern has been raised in terms of the towers highways impact. It has been raised as an issue that the tower could potentially result in a distracting impact towards motorists passing down Selsfield Road. The proposed development does not seek to alter the existing access to the site or make any other highways changes. It is considered that the proposed tower would not be significantly illuminated and the individual motorists passing down the road would be responsible for ensuring their safety.

The impact on private views of other residential properties is not considered to be a material planning consideration. Furthermore, boundary disputes are considered to be a civil matter and also not considered to be material towards the determination of the application.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

To summarise, it is considered that the proposal will protect the intrinsic character and beauty of the countryside whilst also conserving the natural beauty of the High Weald AONB. The proposal will also considered to preserve the special interest of the nearby listed buildings at Wakehurst and South Lodge as well as the registered protected gardens both on site and in association with Wakehurst. Finally, the proposal would not lead to significant harm in relation to neighbouring amenities and have an acceptable impact in terms of biodiversity. As such, the application complies with Policies DP12, DP16, DP26, DP29, DP34, DP36 and DP38 of the District Plan, Policies ARD2, ARD5, ARD8 and ARD9 of the Neighbourhood Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, The High Weald AONB Management Plan, Design Guide and Dark Skies Guidance Note and the National Planning Policy Framework.

Decision: Permission

Case Officer: Stefan Galyas