

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1349	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Retrospective installation of gateway and gates		
Site:	Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ, ,		
Validation Date	1 Jun 2026	Overall Expiry Date:	12 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Jul 2026
Target Date:	27 Jul 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	24 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1349

**Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ,
Retrospective installation of gateway and gates
Mr Ball**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer: This application follows on from the granting of planning permission for a similar proposal (also including other gates not part of this application), but with timber posts, and the inclusion of a further side panel to the first gate.

In my opinion, the use of painted metal in place of timber for the posts is somewhat regrettable. However, the applicant has confirmed that the gates themselves and the side panels are as previously approved, i.e. timber. On balance, I would not raise an objection in terms of impact on the setting of the listed and curtilage listed buildings.

The proposal is therefore considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

PARISH COUNCIL OBSERVATIONS

Lindfield Rural Parish Council: No comment.

INTRODUCTION

This application seeks retrospective planning permission for the installation of one entrance gateway at the vehicular access from East Mascalls Lane and a new gated access at the driveway to the garden at Nether Walstead. The shared driveway serves the property at Nether Walstead, The Cottage, Hindover Cottage and Keepers Cottage, off East Mascalls Lane, to the south east of Lindfield village.

RELEVANT PLANNING HISTORY

DM/25/0008. Listed Building Consent: Replacement of 1 gateway and installation of 3 new gateways and gates along the driveway that leads to Nether Walstead, The Cottage, Hindover Cottage and Keepers Cottage. Withdrawn January 2025.

DM/25/0007. Replacement of 1 gateway and installation of 3 new gateways and gates along the driveway that leads to Nether Walstead, The Cottage, Hindover Cottage and Keepers Cottage. Approved March 2025.

DM/22/1664. Retrospective application for replacement windows. Approved August 2022.

03/03184/LBC. Listed Building Consent: Demolition of outbuildings and garden wall. Erection of single storey extension. Replacement of balcony doors with window. Removal of circa 1970 partitions. New partitions to form larger bedroom. Re-designed kitchen. Approved February 2004.

03/03182/FUL. Demolition of outbuildings and garden wall. Erection of single storey extension to form Breakfast Room, Cloakroom, Entrance Lobby. Replacement of balcony doors with window. Approved February 2004.

LR/061/87. Alterations and improvements to kitchen area and to rear courtyard. Approved November 1987.

SITE AND SURROUNDINGS

The detached properties at Nether Walstead, The Cottage, Hindover Cottage and Keepers Cottage are located off a shared access drive located to the south of East Mascalls Lane in a rural setting beyond the built up area boundary of Lindfield.

Nether Walstead is a Grade II Listed Building located off a 270m long straight private access drive. The private drive has a tarmac surface and is flanked by wide grassed verges. The access road splits in a easterly direction in front of the grounds of Nether Warden, with the offshoot drive serving other neighbouring residential properties, which are located in a group to the north east of Nether Warden.

Formerly the northern entrance to the driveway was marked by a simple white painted open timber post and rail access gateway, creating the entrance off East Mascalls Lane. A separate shared name board remains at the vehicular entrance from East Mascalls Lane, which identifies the names of the properties that are located off the shared access. A new entrance gateway has been installed, which varies from the approved plans under the recent approval under DM/25/0007 (approved in March 2025). The gated access to the garden attached to Nether Walstead also varies from that shown on the approved plans for DM/25/0007.

A Public Footpath (route LIR/2LR/2) crosses the access road, at approximately the mid point on the straight section of the driveway, running in a north west to south easterly direction.

APPLICATION DETAILS

This application seeks retrospective planning permission for the construction of two new gateways, as described above. Each of the gateways and gates have an off white/grey painted finish. The following descriptions accord with details shown on the submitted plans.

Gateway 1 - the submitted plans show a 5m wide open gate, marked by two 200mm square painted steel posts, with a vertical timber panelled side section on which a property name board is to be fixed, but has yet to be added to the outside face.

The gate post and panel are shown to be positioned to either side of a rumble strip of three rows of gravel setts, laid into the driveway surface.

Gateway 2 - The central open gate/marker formerly referred to under application DM/25/0007 is omitted from this application.

Gate 3 - This gateway serves the principal entrance to Nether Walstead. The gateway, as detailed on the submitted plans, consists of a pair of 1.8m high, 200mm square painted steel posts, with vertical timber panels, with attached lighting, a letter box and a property name board. The steel posts serve a pair of side hung open painted timber electric operated gates, which each measure 2.8m wide and swing over a 2.9m deep area of granite setts.

During the course of the determination clarification has been sought from the applicant's agent to confirm the retrospective nature of the proposal and to confirm the materials and finishes of the components of the gates.

He has confirmed:

'- the application is retrospective in respect of Gate 1 and Gate 3, both of which have already been installed. The submitted plans accurately represent Gates 1 and 3 as they have been installed.

-Gate 2 was intentionally omitted from this application. The applicants are considering the most appropriate design approach to ensure that walkers using the public footpath which crosses the drive at this point are clearly directed to follow the definitive line of the footpath, rather than continue up the private drive. A separate planning application will be submitted for Gate 2, once that design work has been completed.

- In relation to the annotations on the drawings, the gate leaves and boarding are painted timber, as indicated. Whilst the posts may appear to be painted timber, they are in fact painted steel, which is also correctly identified on the drawings. No changes to the installed materials are proposed. This application simply seeks retrospective planning permission for the works as carried out.'

The submitted plans have been accompanied by a Design, Access, Heritage and Planning Statement, which is available to view on the planning file.

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, the Lindfield and Lindfield Rural Neighbourhood Plan and Site Allocations DPD.

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 Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Lindfield and Lindfield Rural Neighbourhood Plan -adopted on 23 March 2016.

There are no policies deemed relevant to this application.

Other Legislation

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction
DPC1 Protection and Enhancement of the Countryside
DPB1 Character and Design
DPB2 Listed Buildings and Other Heritage Assets
DPT2 Rights of Way and Other Recreational Routes

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)

ASSESSMENT

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

- The Principle of Development
- Design and Impact upon the Listed Building
- Impact on residential amenities
- Biodiversity Net Gain

The Principle of Development

The site for this application lies in an area of countryside, outside the built up area of Lindfield village, within the open countryside.

Whilst the entrance to the shared access drive can be seen in public views from East Mascalls Lane, these vantage points are limited. The Public Footpath crosses over the access drive and extends to the north west and south east of the site to meet up with other pathways.

The primary objective of the MSDC District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development that does not need to be there. Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

The gateway and gated access point that have been installed are sited on the line of the existing shared access drive and serve the established residential properties at the site.

The northern gateway has a set back position to East Mascalls Lane, and is in a similar location to the timber gate it replaced. As built the more modern gate consists of one side panelled section and a single gatepost. Whilst the proposed name board is yet to be attached, the proposed scheme will allow the removal of the separate shared name board at the site entrance.

Whilst the installed Gate 1 does not accord with the approval under DM/25/0007, in which each of the gateways and gates were proposed in painted timber, it is significantly more modern in appearance than the original post and rail gateway. However, the gateway is set back from the public highway and

verdant hedges have been retained to either side, which limit views from the street scene. It is considered that the impact that the revised gateway design and materials creates to the rural character and setting are not so significant or harmful that the installed gateway should be refused retrospective permission.

Installed Gate 3 has a similar design, utilising strong painted steel posts to serve the wide spanning gates. The gates are sited to the front of the house and allow public views into the site due to the open panelled gate design. The gate creates a secure, private entrance to the immediate curtilage around the house.

Given the overall design, scale and siting of the retrospective development within the established residential curtilage, off a shared driveway, it is considered that the development will not create a harmful impact upon the rural setting of the property or the wider landscape.

The proposal will therefore accord with District Plan Policy DP12 and the aims of the NPPF with regards to the conservation and protection of the natural environment.

Design and Impact upon the Listed Building

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages as well as addressing the character and scale of the surrounding buildings and landscape.

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in residential development.

It is considered that the proposed gateway entrance points are of an acceptable design and materials that will not significantly harm the rural setting of the properties they serve and they will not harmfully impact upon the public views of the site from East Mascalls Lane.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policy DP26, the principles of the Design Guide and the relevant provisions of the NPPF and can be supported.

Nether Walstead is a Grade II Listed Building, which is located within an historic farmstead. Associated with the property are the neighbouring residential properties and a number of former farm buildings, which can be regarded as curtilage listed. Together the buildings have group value with the former farmhouse, and contribute positively to its setting and special interest.

The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. Listed Buildings and their settings are afforded special protection under the planning regime by virtue of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA); paragraphs 200-214 of the NPPF and Policy DP34 of the District Plan.

District Plan Policy DP34 is relevant in the determination of this application. It seeks to protect listed buildings and their settings from new development.

Detailed comments have been provided by the Conservation Officer upon receipt of clarification of the works from the applicant's Agent. Her view is that the use of painted metal in place of timber for the posts is somewhat regrettable, but on balance she does not raise an objection in terms of impact on the setting of the listed and curtilage listed buildings. This view is accepted.

The proposal is therefore considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Impact on residential amenities

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties are located off the shared access and their occupiers will benefit from the proposed gateway additions on their private access drive. The gates will serve to remind visitors to the area that there are public and private spaces as they enter the driveway. It is deemed that no significant harm will be caused by the proposed development to the amenities of the immediate residents.

The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

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

The retrospective gateways do not create a harmful impact upon the rural setting of the property or the wider landscape. The proposal will therefore accord with District Plan Policy DP12 and the aims of the NPPF with regards to the conservation and protection of the natural environment.

The proposed gateways are of a design that can be accepted, taking into account their positions on the site on a private shared driveway. Gate 1 and 3 will not harmfully impact upon the public views of the site from East Mascalls Lane.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policy DP26, the principles of the Design Guide and the relevant provisions of the NPPF and can be supported.

The proposal will preserve the special interest of the Grade II listed building at Nether Walstead, and the character and appearance of the former farmstead setting. The proposal is therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

It is deemed that no significant harm is being caused to the amenities of the immediate residents by this retrospective development.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey