

Collective Formal Objection

Planning Application: DM/25/2478

Site: Land adjacent to *Great Haywards*, Wealden Way, Haywards Heath

Submitted on behalf of: The current owners of Great Haywards, Great Haywards Barn, The Shippen and The Byre. Amberley Close, Haywards Heath.

Introduction

We, the undersigned residents adjoining the site, write **STRONGLY** to object to application DM/25/2478 for the erection of one detached house and garage on land adjacent to *Great Haywards Farm*, Amberley Close.

Great Haywards Farmhouse was built c.1450 and it, along with the slightly later Great Hayward's Barn, forms an important part of the early history of Haywards Heath, a history that needs preservation rather than further unwarranted development (Fig 1). The development submerging Little Haywards, off Haywards Road, in a sub-urban setting should be a stark warning as to what happens when this is left unchecked and historical buildings are left unprotected (Fig 2). The land that is being proposed for additional development forms a key part of the original land surrounding the historical farmhouse, meanwhile it crucially acts as one of the few remaining undeveloped green lungs in this part of the town, and is a vital habitat in a rapidly diminishing home for local wildlife including a well-established badger sett. The green space protects the site and curtilage of the listed building which is a key tenement of the history of our area and the town.

Planning History and Consistency

This land has been the subject of repeated unsuitable and unnecessary planning applications, by the same developer, going back to previous proposals to build twelve properties in the late 1980's. The only consent that was eventually granted was in 2007 for two new houses on the old farm buildings site (the original application was reduced from three - as the density was believed to be overwhelming and over bearing) and came attached with important conditions by MSDC in relation to the Great Haywards field (the site of this application) and its future preservation and the protection of the curtilage of the listed buildings. The key conditions set out by MSDC, when the two new homes were agreed, stated that there should be no future development on the historical site, a nature management scheme would be established and the land would be subject to future amenity land status.

Notwithstanding this, the developer submitted new proposals in 2010 and 2015 to undertake further site development with the erection of a single new property, comparable to the current application. Both applications were refused by Mid Sussex District Council, taken to appeal by the developer, with both refusals were upheld on appeal by the Planning Inspectorate (Refs APP/D3830/A/11/2149796 and APP/D3830/W/15/3131938).

The site has also been subject to an enforcement notice by the council for the unauthorised change of land use by the applicant and an attempt to gain access to Wealden way (also refused by MDSC).

Both appeals were rightly dismissed similar grounds: the harm to the setting of the listed building, the character and appearance of the area, flooding issues and the living conditions of neighbours.

The 2011 decision notes that “*the appeal site is essentially part of surviving land surrounding a farmhouse. I find that, in conjunction with other areas, it contributes to showing the listed buildings off in their historic context, which is now restricted to a rural enclave. The two detached homes have reduced the extent of that rural setting in the past and the proposed development would make matters worse through a further encroachment of like development, which would be intrusive and unwelcome*”

In the 2015 decision the inspector described the site as forming part of “*a surviving rural enclave... whose openness contributes to the setting of Great Haywards.*” He concluded that any further dwelling would “*significantly erode the current rural setting of the listed building.*”

Those findings remain entirely relevant today.

Under Section 38(6) of the *Planning and Compulsory Purchase Act 2004* and Section 70(2) of the *Town and Country Planning Act 1990*, decisions must be made in accordance with the development plan *unless material considerations indicate otherwise*. Both the NPPF (Dec 2024, paras 2 and 48) and the PPG (Determining a Planning Application) reiterate this statutory duty, confirming that planning history and previous appeal decisions are material considerations which must be weighed in the balance.

The NPPF (Dec 2024) further emphasises *consistency and transparency* in decision-making:

- Paragraph 6 states that the purpose of planning is to contribute to the achievement of sustainable development in the public interest through a plan-led system;
- Paragraph 40 expects authorities to make decisions “in a proportionate and consistent way”; and
- Paragraph 48 requires due weight to be given to previous decisions and other material considerations.

These provisions align with established case law, notably *North Wiltshire DC v Secretary of State* [1992] 65 P.& C.R. 137, in which the Court of Appeal held that previous appeal decisions are a material consideration and that consistency is a fundamental principle. Decision-makers should not depart from earlier conclusions unless there has been a material change in policy or circumstances.

Neither the planning policy framework nor the physical or environmental context of this site has materially changed since 2015. The Mid Sussex Local Plan, the Haywards Heath Neighbourhood Plan, and the current NPPF all continue to prioritise protection of heritage assets, valued landscapes, and local character. Accordingly, the reasoning and conclusions reached by the earlier Inspectors remain directly applicable and should carry substantial weight in determining this application

Heritage Impact

Great Haywards and *The Barn* are Grade II listed buildings dating to the late 15th or early 16th century. Both were originally part of *Great Haywards Farm*, which itself formed part of the

historic Sergison Estate, one of the earliest landed holdings in this part of Mid Sussex. The farm once encompassed much of the surrounding area with woodland to the known historically as Great Haywards Wood. The farmhouse is named on historic ordnance survey and estate maps dating back to the 1600's giving an indication of its historic prominence in the area (Fig 3).

These surviving open areas that surround the properties are therefore not incidental; they represent the last tangible evidence of the historic agricultural landscape that once formed what is now Haywards Heath, and give the listed buildings their meaning and context.

The farmhouse is among the most ancient, and potentially the very oldest, properties in Haywards Heath, having been established centuries before the Victorian town itself. Allowing further development here would risk repeating the pattern of heritage loss in the area and would further erode the surviving historic setting.

The 2015 Planning Inspector found that the appeal site and adjoining land formed "*a surviving rural enclave... whose openness contributes to the setting of Great Haywards.*" That remains true today. The proposed dwelling would extend development into this enclave, introducing domestic curtilage, hard landscaping, and lighting that would diminish the rural character and legibility of the listed group.

We believe this would conflict with s 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, NPPF (Dec 2024, paras 208–213), and Policies B10 and DP35 of the Mid Sussex Local Plan. It also fails to uphold Haywards Heath Neighbourhood Plan Policy E1, which seeks to protect heritage assets and the historic landscape character of the town. The NPPF requires that great weight be given to the conservation of designated heritage assets, and that any harm to their setting, even if less than substantial, must be clearly and convincingly justified. No such justification has been provided in this case.

Landscape Character and Open Space

The 2015 Inspector described the site and adjoining field as providing "*a distinct, open and spacious character... contributing to the amenity value of the area.*" That assessment remains accurate. Development would further reduce the already-diminished open setting around the listed buildings.

The site also contributes to the local green corridor identified in Neighbourhood Plan Policy E5, connecting Blunts Wood, Great Haywards and Ashenground.

Ecology, Nature Management and Site Neglect

The site was subject to a Nature Management Scheme condition in the 2007 consent for the two existing dwellings. The land has since been allowed to become overgrown and unmanaged, contrary to the approved ecological commitments.

Neglect cannot be used to justify new development. The principle that *dereliction or non-maintenance is not a planning justification* was established in *Hall & Co Ltd v Shoreham UDC [1964] 17 P & C.R. 462*. The NPPF (Dec 2024, para 182) and PPG require authorities to consider whether ecological degradation has resulted from the applicant's own actions.

The ecology report submitted with the application states that the site is degraded and dominated by bramble, with no evidence of protected species seen, and that site access was hindered by the vegetation with much of the report reliant on observations from the site boundary and aerial imagery. In fact the site is effectively inaccessible due to dense bramble growth and any observations from the publicly accessible site boundaries are extremely limited (Fig 4). Part of the site can be more clearly observed from Great Haywards and it is clear here that there is still a current active badger sett on the land subject to proposed development which was confirmed by a representative from the Badger Trust Sussex (Fig 5).

The proposed dense development would effectively reduce the area under the NMS to half its present size, a similar reduction in size to previous applications. In the 2011 appeal the inspector noted *“I have no reason to conclude that the appeal site is, for some reason, no longer of value to nature conservation generally, or potentially so ... to reduce that area by about a third to half of its size would weaken its character, if not its integrity There is no question that the proposed development would alter the character of the NMS area, as it would be less robust in its function as a habitat, because of its reduced size and scope.”*

The loss of yet more precious wildlife corridor and vital green space in this area, with the recent extensions of the nearby Bolnore Village onto further ancient grasslands, would greatly impact those animals that rely on this special habitat for their survival and is entirely unwarranted and cannot be justified.

Flooding and Drainage

There is still persistent and concerning flooding in Wealden Way (Fig 6) which also affect Dunton Close and those accessing by foot Bolnore Village, all clearly linked to the three balancing ponds that form a crucial part of the drainage system in the area, and the natural fall of the land. The applicant has been unable to work with the residents and authorities on this matter over a number of years. This has led to consistent and growing local complaints.

These significant concerns echo the 2010 refusal reason 2 and the Council’s earlier finding of increased flood risk to land east of the site. Under NPPF para 183, development should not increase flood risk elsewhere. The proposed house and access would add impermeable surfaces on an already poorly-drained slope and potentially add to the incidence of the often substantial flooding and drainage issues in the area.

Conclusion

There have been no material changes in planning policy or site circumstances since the 2011 and 2015 appeal dismissals.

The proposal continues to:

- Cause harm to the setting of listed buildings (*Great Haywards and The Barn*);
- Result in the loss of important open space of landscape and amenity value;
- Fail to comply with the 2007 Nature Management Plan condition;
- Provide an inadequate ecological assessment omitting known protected species; and

- Exacerbate local drainage and access problems.

The proposed development conflicts with parts of the NPPF, the Mid Sussex Local Plan and the Haywards Heath Neighbourhood Plan Policies E1 and E5.

In light of the statutory duties under s 66(1) of the Listed Buildings Act, the findings of two previous Inspectors, and the weight of consistent community objection, this application we jointly and respectfully ask this latest unwarranted application should be roundly **REFUSED**.



Figure 1. Great Haywards Farmhouse and Great Haywards Barn. The track shown in the lower photo extends onto Amberley Close and eventually to Munster Green. This same track is visible on maps dating back to the 1700's.



Figure 2. Development completely enclosing Little Haywards Farmhouse, off Haywards Road.



Figure 3. Excerpts from 1790 (top) and 1870 (bottom) Ordnance Survey maps of the Haywards Heath area showing the historical context of Great Haywards Farm.



Figure 4. Photos showing the obscured site access and overgrown aspect from the lane off Amberley Close (top two images) and Wealden Way (lower image).



Figure 5. Entrance to an active badger sett on the land proposed for development. Viewed from Great Haywards property. Sussex Badger Trust have photographic and video evidence of this entrance being used in the last seven days.

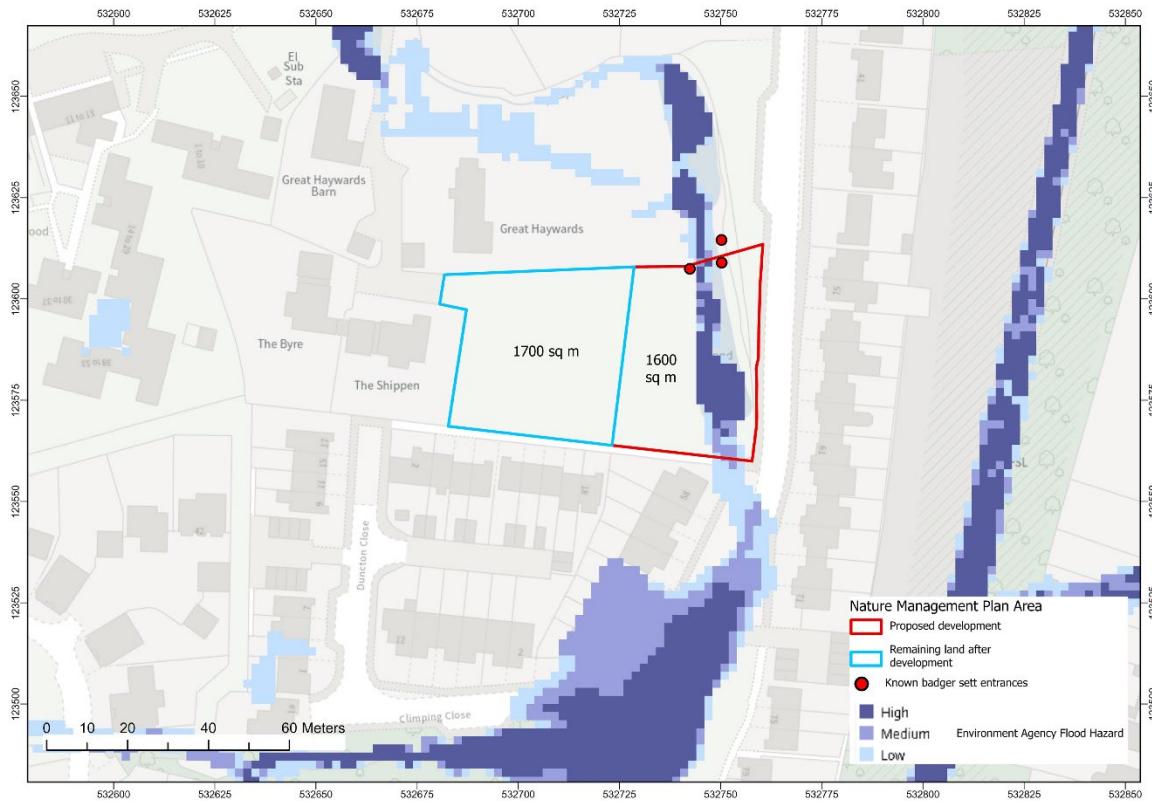


Figure 6. Flood risk map for Wealden Way. Risk data sources from Environment Agency. The area outlined in red shows the extent of the planning application, the area outlined in blue the remainder of the site. Red circles indicate the position of known active badger setts.