

Note on Planning Committee Meeting of 4th December 2025

Marlow House, 107 High Street, Lindfield, Haywards
Heath, West Sussex, RH16 2HR

Application refs: DM/25/1103 & DM/25/1104

Introduction

1. This Note has been prepared by Christopher Griffiths, Director at HCUK Group, in respect to the Planning Committee Meeting of 4th December 2025 which considered the above applications (hereafter referred to as the 'Application Scheme'). Members voted 7 to 3 in favour of the officer's recommendation to refuse both applications.
2. The Application Scheme is described as "*Retrospective Listed Building Consent for a variation to the scheme approved under DM/22/3695, incorporating some reinstatement works.*"
3. My credentials are set out at **Appendix 1**.
4. This note provides observations on the content and framing of the debate which took place on 4th December to help guide the applicant in considering next steps following the issuing of the decision refusal notice on 8th December 2025. The comments are made in good faith with the intention of also assisting the Members of Planning Committee at Mid-Sussex Council in the exercise of planning functions relating to statutorily listed buildings in the future, including Marlow House.
5. The Reason for Refusal is as follows:

"It is considered that, the application would cause less than substantial harm to the significance of a designated heritage asset, in particular the first floor extension which by virtue of its design, size and scale would appear as an obtrusive and overbearing feature that would be out of character and harmful to the special interest of the listed building; The first floor extension has also engulfed the historic 19th century rear wing; The removal of at 17th century staircase and stair enclosure, which previously connected the ground, first and attic floors of the historic house; The unauthorized works to the bakehouse which as constructed, the scale and form of the windows are considered to detract from the previously surviving historic character of the bakehouse, as an ancillary service range. As the harm is considered to be less than substantial and thus para 215 of the NPPF applies. In this case there are not considered to be any material public benefits resulting from the development that would outweigh the identified harm. The proposal is therefore considered to be contrary to the requirements of policy DP34 of the Mid Sussex District Plan and the requirements of the NPPF."

6. The two primary observations are presented as queries in relation to the approach taken by the LPA to determine whether the Application Scheme is acceptable in heritage terms. The two queries are as follows:
 - a) What was the baseline position adopted by Members of Planning Committee for determining the suitability of the Proposed Development in heritage terms?
 - b) In view of the submission of the Planning Team Leader (Steve Ashdown) that the Application Scheme presented 'no public benefits', were Members minded to agree with this and to what extent did this influence the NPPF Paragraph 215 balancing exercise?
7. Each of the above matters is addressed in turn below.

Baseline position for the purpose of Assessing Harm to the Significance of Marlow House, No. 107 High Street

8. During the debate among Members, which followed presentations from the Planning Case Officer, Susan Dubberly, and Conservation Officer, Emily Wade, there was considerable ambiguity concerning the baseline or benchmark against which the impacts of the proposed development were assessed. For the avoidance of doubt, the baseline should have been the condition of the building prior to the implementation of the unauthorised works. The latter was the baseline for determining DM/22/3695 & DM/22/3694 (the 'Approved Scheme').
9. Treating the Application Scheme on its own merits requires the same baseline position to be used as the yardstick for assessing the effects of proposed works of alteration, extension and demolition and their impact on the listed building's special interest in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with the provisions of Chapter 16 of the NPPF.
10. Reference to the Approved Scheme as a comparator or substitute baseline were made numerous times by Officers. Clarity is therefore sought as to whether the adopted baseline was the Approved Scheme rather than the building's condition prior to works being implemented for the purpose of determining the Application Scheme.
11. On point of fact the scheme approved under DM/22/3694 & DM/22/3695 has never existed and therefore constitutes an entirely hypothetical baseline. Whilst it is a material consideration it should not and cannot have been the comparator for assessing the suitability of the Proposed Development in Heritage terms. The condition of the property prior to works commencing is the correct baseline to use in this instance. This is the approach taken by HCUK Group in its submitted Heritage Statement dated 4th September 2025.
12. Against such a baseline it is evident that the Application Scheme would result in a range of impacts, some positive and some negative. However, a holistic assessment, notwithstanding the unauthorised nature of the works undertaken to date, identifies numerous heritage benefits when compared to the state of the

property as found at the baseline position. These are discussed in more detail below under the second query.

NPPF Paragraph 215 Balancing Exercise and Public Benefits

13. The Application Scheme secures heritage benefits which do not form part of DM/22/3694 & DM/22/3695 (the Approved Scheme) such as the removal of modern rooflights from the 15th century roof, the installation of sash windows to the south elevation, the reinstatement of access to the attic via the reinstated 17th century staircase (in modified form), the in-filling of timber framed panels to the west wall of the 15th century house (now internalised) where there were previously non-historic and poorly detailed softwood casement windows, and the revealing and restoration of a historic well within the kitchen area. The Council's Conservation Officer did not necessarily agree with all of these as heritage benefits; however, Members are at liberty to decide whether they do indeed constitute heritage benefits.
14. My view is that, collectively, the Application Scheme presents substantive *additional* heritage benefits which should be given due consideration and weight as part of the balancing exercise required under paragraph 215 of the NPPF as a mandatory material consideration.¹
15. Likewise, as in the case of DM/22/3694 & DM/22/3695, these benefits should have been considered in conjunction with the overarching benefit of securing the heritage asset's beneficial use as a high quality single family residence on a long term basis as part of a fully restored property which was previously in very poor condition. The fact that DM/22/3694 & DM/22/3695 has not been implemented (Mr Ashdown affirmed there is no planning permission for what presently exists) means that this considerable heritage benefit has not been 'banked' and therefore should form part of the assessment of benefits versus harms arising from the Application Scheme.
16. The building's poor condition prior to works proceeding is evident from copious visual records and the fact that the bakehouse collapsed during the process of implementing the scheme as completed to date. The implemented scheme also

¹ DAEJAN PROPERTIES LIMITED ref: AC-2025-LON-000526.

included the restoration of the building's external envelope and adjoining gable wall to No. 109 which has been repointed in hydraulic lime mortar.

17. It is unclear from the Committee Meeting which took place on 4th December that these heritage benefits were given due, or indeed any weight. The Planning Team Leader stated several times that there were 'no public benefits' arising from the Application Scheme. However, this can in no way be regarded as a reasonable or fair minded position to take when the Application Scheme is assessed against the correct baseline as a starting point, noted above.
18. It is furthermore not credible on planning grounds to claim that because a less harmful scheme (as assessed by Planning Officers) had already been agreed (DM/22/3694 & DM/22/3695), any innate or additional benefits arising from the Application Scheme should be disregarded. The Committee ought to have considered the Application Scheme on its own merits insofar as it is materially different to the Approved Scheme.
19. Considered holistically and in the round, it is my view that when the heritage benefits of the Application Scheme are gauged against the correct baseline, the identified less than substantial harm is outweighed, resulting in no residual harm based on an internal heritage balance.²
20. For the avoidance of doubt, the removal of the 17th century staircase has been factored in to HCUK's assessment. However, it should furthermore be pointed out that the owner has agreed and now intends to reinstate the staircase exactly as it was prior to its unauthorised removal, using salvaged materials though with the added benefit that it will once again provide access to the attic. This had previously been sealed off. Historic circulation as well as plan form will therefore be restored, which is a further benefit of the Application Scheme that was not included in the Approved Scheme.
21. This, alongside several other concessions, was proposed as an amendment during the lifetime of the application but was not accepted by planning officers. The reason given was that these further changes would not accrue sufficient heritage

² R (Palmer) v Herefordshire Council [2016] EWCA Civ 1061 established that where proposed development would affect a listed building or its settings in different ways, some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting.

or public benefit to potentially outweigh the identified less than substantial harm. However, while the acceptance of minor amendments is at the discretion of the LPA, the reason provided, i.e. that there would be no or insufficient public benefits (a claim repeated several times by the Planning Team leader at the Committee meeting of 4th December), is indicative of officers adopting an inflexible position. This is problematic insofar as it risks pre-determination in relation to current applications on Marlow House (specifically DM/25/3131 & DM/25/3132) and would undermine the fairness and objectivity of the planning process in this case. This would also be contrary to the council's NPPF paragraph 39 duty to approach decision making in a positive and proactive way.

22. The applicant's willingness to co-operate and make concessions during the application process is underscored by the prompt submission of an amended scheme validated on 8th December 2025 under refs: DM/25/3131 & DM/25/3132. This amended scheme seeks to address the concerns of Historic England and the Conservation Officer in relation to the staircase, ground and first floor partitions as well as the modified design of the Bakehouse, whilst advocating a balanced approach to the retention of the full width rear extension and bathroom dormer extension.
23. Finally, on the matter of public benefits for the purpose of the paragraph 215 balancing exercise, Paragraph 020 Reference ID: 18a-020-20190723 of the NPPG states, *"benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example works to a listed private dwelling which secure its future as a designated asset could be a public benefit."*
24. The guidance goes on to note that examples of heritage based public benefits include:
 - Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset; and
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation.

25. It is submitted that the Application Scheme would deliver heritage and public benefits on account of the proposed changes. As noted above these include:

- The removal of modern rooflights from the 15th century roof;
- The installation of hardwood sash windows to the south elevation;
- The reinstatement of access to the attic via the reinstated 17th century staircase (in modified form);
- The in-filling of timber framed panels with wood wool and lime plaster to the west wall of the 15th century house (now internalised) where there were previously non-historic modern softwood windows;
- The revealing and restoration of a historic water well within the kitchen area;
- Refurbished brickwork to chimney breasts and restored fireplace to north bedroom;
- Provision of fitted wardrobes to chimney breast alcoves (enhancing quality of habitable space);
- Breathable insulation to the roof space;
- Exposure (60% plus revealed) and repair of oak frame throughout the property by a Heritage craftsman;
- Renovation of the building's external envelope, including external joinery brickwork and render finishes;
- Renovation of the building's interior finishes, including replacement of blockwork and non-breathable cementitious render finishes with wood wool boards and traditional lime plaster finishes; and
- Securing the heritage asset's beneficial use as a high quality single family residence on a long term basis as part of a fully restored property which was previously in very poor condition.

26. These heritage and public benefits should be given due weight as a mandatory material consideration in line with the recent ruling in the case of *Daejan*.³
27. Historic England guidance set out in HEAN 16 (Listed Building Consent) is also pertinent to the determination of this and related current applications. At paragraph 18 this document notes that *"change that leads to better conservation of the listed building may also be a public benefit. Examples of heritage benefits may include (PPG, paragraph 020) securing the use of a listed building which is both most useful to the owner and most supportive to its long-term conservation."*
28. The approach taken by the Applicant is also aligned with the "Constructive Conservation" philosophy advocated by Historic England, in that it seeks to find a sustainable way to adapt the subject property for modern use, by improving energy efficiency and the quality of the living spaces, while protecting its unique character and significance. The "Constructive Conservation" approach involves sensitive repairs, new technologies, and thoughtful design to keep heritage assets viable and relevant. This enables necessary changes through holistic, informed decisions that respect heritage value, rather than resisting all modifications.

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³ DAEJAN PROPERTIES LIMITED ref: AC-2025-LON-000526.

Appendix 1

Qualifications and experience

I am Christopher Griffiths, a Director at HCUK Group. HCUK Group (formerly Heritage Collective) is an independent heritage consultancy that was established in 2010. I hold an undergraduate Bachelor of Laws degree (LLB Hons) from the University of Birmingham and a postgraduate Master of Arts degree in History of Art (Architecture) from the Courtauld Institute of Art (University of London). I have been a full member of the Institute of Historic Building Conservation (IHBC) since 2006.

I have over twenty five years of professional experience of the historic built environment in the public and private sectors as an architectural historian and built heritage consultant. Before joining HCUK in November 2019 I worked for CgMs / RPS for three years as a Senior Associate Director. Prior to working as a built heritage consultant, I was Principal Conservation Officer at Liverpool City Council for eleven years following three years as Assistant Conservation Officer at Shrewsbury & Atcham Borough Council from 2003 to 2006.

In my time as a Conservation Officer I have advised on and been closely involved in the successful repair and / or restoration of more than 500 listed buildings, many of outstanding significance including St George's Hall, Liverpool (Grade I), Liverpool Town Hall (Grade I), Croxteth Hall (Grade II*), The Royal Insurance Building, Liverpool (Grade II*), Liverpool Central Library (Grade II*), Stanley Dock North Warehouse (Grade II*), the Florence Institute in Toxteth (Grade II) and West Derby Library (grade II).

In my role as a consultant, I have been involved in a diverse range of cases relating to the assessment of physical changes to, and development affecting the setting of, heritage assets of various types. This includes highly graded listed buildings (e.g. Hotel Russell – Grade II*, Eltham Palace – Grade I, 39 Harrington Gardens – Grade II*, and Sydney Lodge, Hamble – Grade II*), major urban regeneration (Anglia Square (Norwich), Brentford, Basildon Town Centre and Watford Town Centre) and world heritage sites (Liverpool Maritime Mercantile City, Ironbridge Gorge and the Royal Botanic Gardens, Kew).

I have acted as an expert heritage witness at numerous Appeal Hearings, Examinations in Public and Public Inquiries and I have given expert evidence on heritage in both civil and criminal courts.