

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0180	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Condition No: 1 of planning application DM/22/0917 - to amend the wording to allow for an extension of time of the Portacabins for a further 3 year period.		
Site:	Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN, ,		
Validation Date	29 Jan 2025	Overall Expiry Date:	14 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Mar 2025
Target Date:	26 Mar 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	21 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0180

**Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN,
Variation of Condition No: 1 of planning application DM/22/0917 - to amend the wording to allow
for an extension of time of the Portacabins for a further 3 year period.
Royal Botanical Gardens**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTees

Conservation Officer - No objection

Historic England - Defer to Council's Conservation Officer

PARISH COUNCIL OBSERVATIONS

The Parish Council support the application.

INTRODUCTION

This application seeks permission for a variation of condition 1 of planning application DM/22/0917 - to amend the wording to allow for an extension of time of the Portacabins for a further 3 year period.

RELEVANT PLANNING HISTORY

AP/039/88 - New stair between 1st and 2nd floor with removal of present fire screen on 1st floor landing and construction of new fire screens in 1st floor corridor. Granted

AR/021/89 - Removal of bathroom, cupboard and related partitions from parts of second floor attic area. Granted

04/01769/LBC - Change of use of storage room and 2 no. education rooms to kitchen facility involving two new openings in one wall and new floor, wall and ceiling finishes. Change of use of 3 no. storerooms to an education room involving the part demolition of 3 no. walls. Granted

DM/19/5123 - Rebuild Memorial Garden Wall. Granted

DM/19/5126 - Rebuild Memorial Garden Wall. Granted

DM/20/0041 - Rationalise, upgrade and relocate the main electrical services from within the basement plant room W-1001-B1-005 to the first floor unused HR Room, involving some removal and later re-instatement of sections of timber wall panelling to access existing risers enroute to the new location. Granted

DM/22/0198 - Proposed re-roofing of the existing Sussex/Wealden sandstone and Horsham stone slate roof of Wakehurst Place. The proposed works also include external fabric repairs, repairs to rainwater goods, masonry repairs, glazing repairs, temporary works, structural repairs, fire compartmentalisation, fire alarm installation, and co-ordinated maintenance access. Granted

DM/22/0197 - Proposed re-roofing of the existing Sussex/Wealden sandstone and Horsham stone slate roof of Wakehurst Place. The proposed works also include external fabric repairs, repairs to rainwater goods, masonry repairs, glazing repairs, temporary works, structural repairs, fire compartmentalisation, fire alarm installation, and co-ordinated maintenance access. Granted

DM/22/0917 - Erection of two temporary portacabin structures within the existing staff carpark to provide educational and welfare facilities in connection with Wakehurst. Granted

SITE AND SURROUNDINGS

Wakehurst Place consists of a Grade I listed building which is run by the National Trust. The building is a large E-shaped three storey sandstone ashlar house dating from 1590 with 19th century additions. This building has recently undergone re-roofing works (DM/22/0197 and DM/22/0198). To the north of the building is the original stable building for the property which is Grade II* listed and has been subsequently converted to form a restaurant. Beyond this building are the associated buildings, structures and infrastructure used in association with the use and management of the property, which are of designs and forms which are simple and functional design and appearance, which are screened

from visitor view by mature planting and trees. Further to the north is the Millennium Seed Bank. These buildings are accessed by and private access road which extend to the western side of Selsfield Road.

The application site consists of an existing staff carpark located to the north of the listed buildings and outside the Grade II* Registered Park and Gardens of Wakehurst. Temporary portacabins have been erected on this carpark to provide educational and welfare facilities for visiting schoolchildren while the works and re-roofing of Wakehurst Place.

The site is within the High Weald Area of Outstanding Natural Beauty, also known as National Landscapes and the countryside.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to amend the wording of condition 1 of planning application DM/22/0917 to allow for an extension of time of the Portacabins for a further 3 years period.

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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and 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 Countryside

DP21 - Transport
DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP36 - Historic Parks and Gardens

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.

Ardingly Neighbourhood Plan (made March 2015)

Relevant policies:

ARD 9 - Heritage Assets
ARD 20 - Wakehurst Place and Millennium Seed Bank

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 the 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
DPN5 - Historic Park and Garden
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
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable

development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that '*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

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

- Design and Impact on the setting of the listed buildings
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Impact on parking

Design and Impact on setting of the listed buildings

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

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP34 of the District Plan is relevant and states:

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

- 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;*
- 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;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- 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;*
- Special regard is given to protecting the setting of a listed building;*
- 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.'*

Policy ARD9 of the Ardingly Neighbourhood Plan echoes the ethos of this policy. Policy AR20 specifically relates to Wakehurst Place and states:

'The Neighbourhood Plan will support development proposals which will enable Wakehurst Place and the Millennium Seed Bank to expand to meet new and changing needs as both a tourist destination and centre of research of international importance, provided that the design is sympathetic to the heritage assets and the important landscape setting.'

Policy DP36 of the Mid Sussex 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 protect and enhances its special features, setting and views into and out of the park or garden.'*

Paras 205, 212-215 of the NPPF state:

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

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

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.'

Policy DP26 of the Mid Sussex 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:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- 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;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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 Policy DP27);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Historic England has been consulted on the application, however, do not wish to make comments on the current application and suggest that the views of the Council's Conservation Officer are sought.

The Council's Conservation Officer has been consulted on the application and has provided the following comments:

'The proposal relates to portacabins located adjacent to the administration building at Wakehurst, within the settings of the Grade I listed mansion and II listed stables building, and of the II* registered park and*

garden. Planning permission was granted for these in 2022 on a temporary basis, for the duration of refurbishment and upgrading works to the mansion house, in order to accommodate some of the activities normally taking place within the house including educational facilities for visiting schools. The applicant has now decided to relocate these facilities to the underused former farmhouse buildings at Havelock Farm, the former home farm to the estate. This will require securing planning permission to refurbish and/or alter the buildings with this purpose in mind, followed by carrying out of the works. The applicant estimates that the facilities will not therefore be ready for use until 2027. For this reason, they are seeking an extension to the temporary permission for the retention of the portacabins in their current arrangement for a further three years.

Whilst the portacabins are not a positive feature of the settings of the adjacent heritage assets, they are located in a utilitarian 'back of house' part of the estate, and are not unduly visually prominent. Their retention for a further three year period is not therefore considered contentious, particularly since establishing a beneficial long term use for the historic farm buildings at Havelock Farm is desirable.

The proposal is therefore considered to meet the requirements of District Plan Policies DP34 and DP36.'

The proposed retention of temporary buildings for a further 3 years would allow the continued welfare and education facilities to be provided as these facilities will not return to the main Wakehurst Place but instead be relocated to the former farmhouse buildings at Havelock Farm, the former home farm to the estate.

The portacabins are located on the existing hardstanding of the carpark to the north of the listed buildings and registered park and garden and is largely obscured from view of visitors by the mature planting and trees to east. The portacabins are seen against the existing 'back of house' structures and buildings which are of similar functional design and form and would allow the continuation of the educational services provided to visiting schoolchildren, which are intended to be relocated to Havelock Farm following the works to Wakehurst Place. Although the design and appearance of the portacabins are not considered acceptable as permanent structures, given the temporary nature of the proposal for a further 3 years it is considered that the proposal is acceptable on balance in this instance.

It is therefore considered that the proposal would not have an impact on the character and appearance of the registered park and garden or the special interest of the listed building.

Impact on the High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
and
- the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'

A similar ethos is found within the High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

Given the design, form and scale of the portacabins in relation to the surrounding buildings, and the temporary nature of the portacabins, it is considered that that proposed retention of the portacabins for a further 3 years this would not have an impact on the AONB and would conserve it.

Impact on neighbouring properties

Policy DP26 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 Policy DP29);'

The closest neighbouring residential property to the portacabins is Garden Cottage, which is some 28 metres from the buildings with other building in between. Given the nature of the proposal, it is considered that it would not cause harm to the amenities of this neighbouring property.

Impact on parking

The proposal would be positioned on the existing staff carpark north of the stable restaurant, however given the temporary nature of the proposal, these spaces would be reinstated following the removal of the portacabins. There is also considered to be sufficient parking within the rest of the property to mitigate any short term loss of park due to the proposal. It is therefore considered that the proposal would be acceptable in terms of parking.

CONCLUSION

In conclusion, the proposed retention of the portacabins for a further 3 years it is considered to be appropriate in terms of the impact to the listed building and registered park and garden, would not harm the AONB, would not cause harm to the amenities of neighbouring properties and would be acceptable in terms of parking. Therefore, the proposal complies with Mid Sussex District Plan policies DP16, DP21, DP26, DP34, and DP36, policies ARD 9 and 20 of the Ardingly Neighbouring Plan, the relevant provisions of the NPPF, and the Listed Building and Conservation Area (LBCA) Act 1990. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams