

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1214	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Partial removal of garden wall. Construction of hard landscaped area across the front amenity space for off street parking, with associated dropped kerb.		
Site:	13 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9TT, , ,		
Validation Date	13 May 2025	Overall Expiry Date:	13 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	8 Jul 2025
Target Date:	8 Jul 2025	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:	8 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1214

**13 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9TT, ,
Partial removal of garden wall. Construction of hard landscaped area across the front amenity
space for off street parking, with associated dropped kerb.
Mr David Brooks**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer: The site, 13 High Street, is a Grade II listed early C19th mid terraced cottage located within the Hurstpierpoint Conservation Area. The property is one of 4 houses within the terrace, which although sharing an overall Classical style, are not consistent in appearance. Nos. 11 and 13 are similar in having narrow rendered facades, rusticated at ground floor, with Ionic pilasters framing the elevations at first floor. No. 15 has a wider frontage with a central projecting porch, and an archway at ground floor to one side, and no. 17 is also on a wider plot, with a central archway and a shop front addition to one side. A second terrace of 5 early 19th houses located just to the east at nos. 19-27 is also Grade II listed; the parish church of Holy Trinity, which is to the southern side of the High Street is listed II*.

The current proposal, which follows on from pre-application advice, relates to the frontage of 13 High Street and is for the substantial removal of the existing front garden wall and creation of a dropped kerb in order to facilitate conversion of the front garden to an off street parking area. The existing front boundary treatment is of a brick wall and wooden picket gate. The wall appears to be of some age and character, and would be regarded as curtilage listed. Behind the wall is a hedge and planted front garden area.

The frontage to the terrace at 11-17 High Street has been affected by the removal of the boundary treatment to nos. 11 and 17 to create off street parking. The adjacent listed buildings at 19-27 have also lost their front boundaries and front gardens to hard surfaced parking areas. Both nos. 13 and 15 however retain a front wall, or wall and fence, although that to no. 15 is only partial. Where the front boundary treatment of these listed buildings has been lost in favour of off street parking this has adversely affected the character of the settings within which they are appreciated. The remaining front boundary wall and garden area to no. 13 are in this context important survivals which bear witness to the original appearance of the terrace and of the wider street scene along this part of the High Street. They contribute positively to the setting and significance of the listed building. For this reason I would consider the proposal to substantially remove the wall and give over the garden area to hard surfacing to be contentious in terms of the impact on the setting of the listed house and terrace. The partial demolition would also be contentious in terms of the impact on the significance of the curtilage listed wall in its own right.

Furthermore, the partial loss of the wall and the garden area would be harmful to the character and appearance of the Hurstpierpoint Conservation Area. The impact of works of this nature on the Conservation Area is recognised in the Council's adopted character appraisal, which states at p.23 that: 'Gardens, particularly front gardens, are important to the character of this part of the High Street- shallow to the north of the street, and deeper to the south. Some of the gardens have been given over to off street car parking, which detracts from the street scene. The presence of the gardens reduces the sense of enclosure on this part of the High Street, giving it a relatively open feel, as well as adding colour and softening greenery.' The appraisal also notes at p. 27 that brick and flint walls are characteristic of this part of the High Street. The partial loss of the wall to the front of no.13 would therefore also be harmful in itself to the character and appearance of the

Conservation Area.

For these reasons, the proposal is considered to detract from the setting of the listed terrace at 11-17 High Street, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the proposal will result in less than substantial harm to the special interest of the listed buildings, at the mid range of that scale, such that the balancing exercise set out in paragraph 215 will apply. The proposal will also result in substantial harm to the curtilage listed boundary wall, which would be substantially lost - paragraph 214 will apply in this respect. The proposal is also harmful to the character and appearance of the Conservation Area, contrary to DP35, and resulting in a low-mid level of less than substantial harm to this asset.

WSCC Highway Authority: This application seeks the partial removal of garden wall and construction of hardstanding with dropped kerb for vehicle access and off-street parking. The site is located on High Street, a B-classified road subject to a speed restriction of 30 mph in this location.

The proposed access works would be subject to a licence obtained through the local WSCC Highway Area Office, and constructed to a specification agreed with the local WSCC Highway Area Engineer.

The applicant is advised that in order for a licence to be granted, a minimum site frontage depth of 4.8m is required, to facilitate a car parking space of 2.4m x 4.8m positioned perpendicular to the highway. Therefore, the current proposals are likely to be refused a licence from WSCC, and thus unimplementable. I would advise the applicant to refer to WSCC's VCO Application Criteria, which outlines reasons for refusal (see Vehicle Crossover Guidance Notes PDF by following the informative note link).

<https://www.westsussex.gov.uk/roads-and-travel/highway-network-permits-and-licences/highwaylicences/>

[west-sussex-county-council-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways/](https://www.westsussex.gov.uk/roads-and-travel/highway-network-permits-and-licences/highwaylicences/)
The applicant may wish to consider whether the current proposals are worth pursuing, or if amendments to the plans can be made to satisfy the requirements set out by WSCC's Application Criteria. Please raise this with the applicant.

TOWN/PARISH COUNCIL OBSERVATIONS

Hurstpierpoint & Sayers Common Parish Council: The committee are minded to support the application because removing another car off the road in this area of Hurstpierpoint is essential. On road parking in this area creates hazards for all road users. Adjacent properties have implemented similar off road parking solutions.

INTRODUCTION

This application seeks planning permission for the partial removal of the front garden wall and picket pedestrian entry gate and the construction of a hard landscaped area across the building

frontage to accommodate off road parking space, with an associated dropped kerb, at a Grade II Listed building located at No 13 High Street in Hurstpierpoint.

The application affects the front garden area and involves the demolition of the front boundary wall, which is curtilage listed, associated with the Listed Building. These works are considered in detail under associated Listed Building application DM/25/1215.

RELEVANT PLANNING HISTORY

DM/25/1215. Listed Building Consent: Partial removal of garden wall. Construction of hard landscaped area across the front amenity space for off street parking, with associated dropped kerb. Yet to be determined.

01/00681/LBC. Listed building consent for alterations to rear outbuilding, to form ensuite bathroom.

Approved May 2001.

01/00281/FUL. Erection of 1.8 metre treated softwood close board fencing along rear western boundary of garden, to include a gate for access. Approved April 2001.

SITE AND ITS SURROUNDINGS

No 13 High Street is a mid terraced cottage located on the main road through Hurstpierpoint village, close to the Holy Trinity Church. The cottage is Grade II Listed.

The property has a small front garden, with shrubs and planting forward of the cottage enclosed by a low brick wall. A picket gate and a brick laid path provide pedestrian access to the front door. The property is located in the Conservation Area within the Built up Area boundary of Hurstpierpoint.

APPLICATION DETAILS

This application seeks planning permission for works to remove a 2.8m length of the frontage wall and the picket gate, leaving a 0.5m section of wall at the western end of the front boundary. The plans also show the provision of a corresponding 3.4m wide section of dropped kerb, affecting the 1.5m wide brick paved pavement, as it passes across the dwelling frontage. The rendered gate pier on the shared front boundary with No 15 is shown as retained.

The front garden area will be changed from a planted border with gravel and planting to a 3.75m deep by a maximum of 4.3m wide brick paved area. A pair of 1m wide by 0.35m deep planting beds are shown to be retained to either side of the cellar lightwell, immediately to the front of the cottage.

The application has been accompanied by a Heritage statement and a Design and Access Statement. These documents are available to view on the planning file.

The Heritage Statement contains the following points:

- 'No information is readily available as to the age of the garden wall, and it is therefore assumed to be curtilage listed.
- The partial demolition of the garden wall is proposed to facilitate a small hard landscaped area in front of the cottage for off-street parking, as has previously been carried out by the majority of the other listed homes along this stretch of the High Street.
- No alteration is proposed to the Grade II listed cottage itself, the form, material and detailing of which contribute significantly to the property's special interest. The front elevation is maintained as existing, can be appreciated in its entirety, and may be considered to be better revealed.
- The partial loss of the garden wall will have an impact on the setting of the listed cottage within the Conservation Area.
- It is accepted that the front gardens were important to the character of this stretch of the High Street, and that the gradual transformation from gardens to off-street parking over a period of time has detracted somewhat from the original street scene. The change has occurred over time to facilitate widespread car ownership, and to reduce parking congestion on this stretch of the High Street and other relatively narrow streets in the surrounding area.
- This, in turn, benefits both the individual homeowners and road users alike.
- The presence of the front gardens reduces the sense of enclosure along this part of the High Street and remains unchanged by this proposal.
- Overall, it is considered that the proposal will result in less than substantial harm to the significance of the Grade II listed cottage at 13 High Street.
- Since no information regarding the age of the wall is readily available it is assumed to be curtilage listed. The partial removal of the wall must therefore be considered to harm the significance of the wall itself. It should be noted that the wall is substantially less important than the Grade II listed cottage.
- By retaining a section of the wall, we reduce the negative impact of its removal and maintain a level of punctuation along the boundary between the property and highway, and the neighbouring

property, as can be seen in many other instances along this section of the High Street.
-On balance, we consider that the benefit to the young family who reside at 13 High Street and wish to be able to park in reasonable proximity to their home, together with the benefit to road users, outweighs the harm associated with the partial removal of the garden wall'.

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) And 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 Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common 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:

DP26 Character and design
DP34 Listed Buildings and other Heritage Assets
DP35 Conservation Areas
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

Hurstpierpoint & Sayers Common Neighbourhood Plan, made March 2015.

No relevant policies.

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:

DPS2 Sustainable Design and Construction
DPN1 Biodiversity, Geodiversity and Nature Recovery
DPS6 Health and Wellbeing
DPB1 Character and Design
DPB2 Listed Buildings and Other Heritage Assets
DPB3 Conservation Areas

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:

Impact upon the Conservation Area
Impact upon the Listed Building
Impact on residential amenities
Parking Provision
Biodiversity Net Gain

Impact upon the Conservation Area

No 13 High Street is located within the Hurstpierpoint Conservation Area, which was established in

July 1972, extended in January 1989 and February 1999 and amended in July 2018.

This application needs to be considered with reference to guidance contained in Paragraphs 207-221 of the NPPF and with regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the character or appearance of the Hurstpierpoint Conservation Area, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The District Plan contains Policy DP35, which requires development to conserve or enhance the special character and appearance of Conservation Areas. The Policy states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.'*

It is recognised that the line of the original front wall of the terraced houses on this part of the High Street has already been broken by the removal of sections of enclosure over time and the creation of other off street parking spaces. Immediately next to No 13, at Nos 11 and 15, sections of original walling appear to have been demolished. Similarly off road parking areas have been formed for houses with wider frontages which are sited further along the road, mostly on the northern side of the High Street closer to the church.

The proposed removal of the front wall and garden vegetation at No 13 High Street would have a significant impact upon the character and appearance of this part of the High Street. The existing wall and gated access at No 13 does make a positive contribution to the appearance of the Conservation Area. The Conservation Officer supports this view, stating:

'The remaining front boundary wall and garden area to no. 13 are in this context important survivals which bear witness to the original appearance of the terrace and of the wider street scene along this part of the High Street.'

The demolition of the wall, introduction of the dropped kerb, removal of the pedestrian gate and loss of the established front garden at No 13 will have a detrimental and harmful effect upon the wider character and visual appearance of this part of the High Street and will fail to preserve this the section of the Hurstpierpoint Conservation Area, resulting in a low-mid level of less than substantial harm to this asset. There are not considered to be any public benefits that would outweigh this less than substantial harm, which has been given significant weight to reflect the statutory position that the preservation of heritage assets is desirable. This is contrary to the aims of District Plan Policy DP35 and the aims of the NPPF with regards to preserving heritage assets.

Impact upon the Listed Building

No 13 High Street and the neighbouring attached terraced properties, extending from No 11 to 27(odd numbers) are Grade II Listed. They stand in close proximity to the Grade II* Listed Holy

Trinity Church on the main route through the village.

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 states:

'DP34: Listed Buildings and Other Heritage Assets

Listed Buildings

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.*

Other Heritage Assets

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.'

Detailed comments have been provided by the Conservation Officer on the proposed works at preapplication stage and for the determination of this, and the accompanying Listed Building Consent application. The Conservation Officer makes a distinction between the less than substantial harm to the setting of the listed buildings and the substantial harm that would be caused to the listed wall itself by its removal. In your Planning Officers view, the removal of the listed wall is fundamental to the proposal and therefore the test is against paragraph 114 of the NPPF. It is not considered that there are substantial public benefits from the proposal that would outweigh this harm. In the alternative, if the test was against paragraph 215 of the NPPF, there would be no public benefits that would outweigh the less than substantial harm to the setting of the listed buildings.

Impact on residential amenities

In assessing the potential impact of the proposed works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26. Policy DP26 requires that 'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.'

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 the attached houses at Nos 11 and 15 High Street, who have car parking in front of their properties.

It is considered that the proposed use of the frontage space at No 13 for off street parking would not cause significant harm to the amenities of these neighbouring properties

Parking Provision

The proposal seeks permission to create an off road parking space to the front of No 13 High Street. The relevant District Plan Policy is DP21, which states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*

- o Access to services, employment and housing; and*

- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*

- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*

- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*

- o The scheme protects the safety of road users and pedestrians; and*

- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so'.

The Highways Authority has been asked to comment on the proposal. They have advised that the current proposal fails to provide a parking space that is useable. They advise that the proposal is likely to be refused a licence from WSCC, and is therefore unimplementable. There is insufficient space to create a larger area of hardstanding to the front of No 13. Therefore this application is recommended for refusal as it cannot practically achieve an off road parking space at this site and is therefore contrary to the aims of District Plan Policy DP21.

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 proposed works to demolish the frontage wall would impact upon the appearance of the front enclosure and garden space at No 13, affecting in public views and the street scene.

The proposal would fail to conserve the character and appearance of the Hurstpierpoint Conservation Area. The proposal therefore fails to meet the requirements of District Plan DP35 and the relevant paragraphs of the NPPF.

The proposal would cause substantial harm to the curtilage listed wall, contrary to policy DP34 of the District Plan. There are no public benefits to outweigh the less than substantial harm to the Conservation Area, the setting of the listed buildings or the substantial harm to the curtilage listed wall itself.

The space available is not sufficient to provide a standard car parking space. The proposal therefore fails to accord with the aims of District Plan Policy DP21 to provide adequate car parking for the proposed development.

Decision: Refusal

Case Officer: Anna Tidey