

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1215	Case Officer:	Anna Tidey
Application Type:	Listed Building Consent		
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/25/1215

**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.

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 Listed Building Consent 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.

There is a corresponding application for planning permission for the external alterations, reported separately for Approval under Planning application DM/25/1214.

RELEVANT PLANNING HISTORY

DM/25/1214. 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.

APPLICATION DETAILS

This application seeks Listed Building Consent 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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan and the Site Allocations DPD.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

The following policies are considered relevant when considering this application:

DP26 Character and design

DP34 Listed Buildings and other Heritage Assets

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:

DPB1 Character and Design

DPB2 Listed Buildings and Other Heritage Assets

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

The only issue to consider in this instance is the impact on the listed building.

The LPA is under a duty by virtue of s.16(2) of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): 'In considering whether to grant listed building consent for any works the local planning authority or 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.'

The NPPF states that 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.

Paragraphs 207-210 of the NPPF state:

'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

209. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

210. 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.'

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 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, particularly as the area of hardstanding that would be created is of insufficient size (measuring just 3.75m deep by 4.3m in width) to accommodate a parked car, which is the stated purpose for the works. 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.

PLANNING BALANCE AND CONCLUSION

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 setting of the listed buildings or the substantial harm to the curtilage listed wall itself.

Consequently it is recommended that Listed Building Consent is Refused.

Decision: Refusal

Case Officer: Anna Tidey