

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0041	Case Officer:	Katherine Williams
Application Type:	Householder Application		
Proposal:	Retrospective consent for the removal of paint finish from the brick plinth to front bay. Proposed external finish to brick plinth to front bay.		
Site:	The Old Bakery, 65 And 65A High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HN, ,		
Validation Date	16 Jan 2025	Overall Expiry Date:	14 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	10 Mar 2025
Target Date:	13 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:	10 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0041

The Old Bakery, 65 And 65A High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HN, Retrospective consent for the removal of paint finish from the brick plinth to front bay. Proposed external finish to brick plinth to front bay.

Mr Stephen Yeomans

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Conservation Officer - Objects

Historic England - No comments to make, defer to LPA Conservation Officer

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to this application

INTRODUCTION

The application seeks retrospective planning permission for the removal of paint finish from the brick plinth to front bay. Proposed external finish to brick plinth to front bay.

RELEVANT PLANNING HISTORY

05/01392/LBC - Provide new porch to rear elevation and replace existing dormer window with hipped and tiled roof. Refused

05/02641/LBC - Replacement of 4 No. (rear) defective windows. Refused

07/00175/LBC - Provide new porch to rear elevation, replace existing dormer window with hipped and tiled roof, and replacement windows. Granted

DM/23/2298 - Change of use from Class E to residential dwelling Class C3 to form part of the existing residential property. Proposed and retrospective internal and external alterations including rear gates. Granted

DM/23/2304 - Change of use from Class E to residential dwelling Class C3 to form part of the existing residential property. Proposed and retrospective internal and external alterations including rear gates. Granted

DM/25/0042 - Retrospective consent for the removal of paint finish from the brick plinth to front bay. Proposed external finish to brick plinth to front bay. Under Consideration

DM/25/0131 - Replacement front door. Under Consideration

DM/25/0129 - Conversion and refurbishment of outbuilding for ancillary use. Under Consideration

DM/25/0130 - Conversion and refurbishment of outbuilding for ancillary use. Under Consideration

DM/25/0131 - Replacement front door. Under Consideration

SITE AND SURROUNDINGS

The application site is located on the western side of High Street, within the built up area, Conservation Area, Archaeological Notification Area (Red- Historic Core of Lindfield) of Lindfield. The property is also located within an Article 4 direction, which restricts household permitted development rights in order to retain the character of the area.

The site comprises of No.s 65 and 65a High Street, which is now a single dwellinghouse following the conversion of the previous retail unit to form part of the residential unit, which was granted planning permission and listed building consent under applications DM/23/2304 and DM/23/2298. The property is Grade II* listed along with the attached neighbour No. 63 High Street and dates back to the early 14th century. To the rear of the building is an existing courtyard and garage building with the original Bakehouse building beyond, which has been converted and extension to form a separate retail unit (DM/22/2133).

The property is positioned within the village centre of Lindfield which is characterised largely by commercial ground floor units on both sides of the highway, which some residential properties in between. As the highway continues to the north the character of the streetscene changes to predominantly residential. The commercial aspect of the properties along High Street, along with the application properties forms part of the distinctive character of the village centre and this part of the Conservation Area.

The property has a pitched roof form which form which extends over the attached neighbour, No. 63 High Street to the south. The roof form above the previous shop portion of the property has a front gable end with a rear gabled roof. The character and appearance of the previous shop unit has been retained with the appearance of two separate front entrances and shopfront window. This retains the character and special interest of the listed building as well as the contribution it makes to the historic core of the Lindfield Conservation Area. The building is constructed at the front in white render, painted brick, and weatherboarding, timber frame and render to the northern side and brick and weatherboarding to the rear. The roof is clad in plain clay roof tiles with timber windows.

APPLICATION DETAILS

The application seeks retrospective planning permission for the removal of paint finish from the brick plinth to front bay. Proposed external finish to brick plinth to front bay.

The paint to the front brickwork below the shopfront has been removed with the use of a steam cleaner. It is suggested within the Heritage Statement that the exposed brickwork is in good condition and reveals the historic work blocking up the arched airbrick and the insertion of two brick sized vents. Concerns were also raised that due to the busy highway, the flow of surface water and rainfall that any paint would disfigure quickly.

It is also stated that these works are to also improve the passage of water vapour from the cellar and breathability of the fabric to improve the damp conditions of the cellar.

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, Site Allocation DPD and Lindfield and Lindfield Rural 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 Area

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.

Lindfield and Lindfield Rural Neighbourhood Plan (made March 2016)

None relevant

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 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
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPB3 - Conservation Area

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)

National Planning Policy Guidance

ASSESSMENT

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 Conservation Area and Listed Buildings
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Impact on the Conservation Area

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.'

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

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 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.'*

Mid Sussex District Plan policy DP35 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:

- *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;*
 - *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;*
 - *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;*
 - *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;*
 - *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
 - *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*
- Development will also protect the setting of the conservation area and in particular views into and out of the area.*

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

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.'*

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

'The Old Bakery is a Grade II listed building located within the Lindfield Conservation Area. The property has a complex recent planning history, but planning and listed building consent have been granted for various internal and external works to the building, including works to the façade facing over Lindfield High Street. The current proposal is for the retention of unauthorised work to remove the painted finish to the brickwork below the shop window to the northern cross wing of the building.*

The proposal relates to the street facing elevation of the building, and specifically to the area below the shopfront window to the northern cross wing. The previous paint finish has been stripped back, exposing the brickwork beneath. The current application is for the retention of this work. The applicant has offered three justifications for this:

- Leaving the brickwork exposed will, they argue, improve the breathability of the fabric and aid with alleviating damp conditions in the adjacent cellar.*
- A reinstated paint finish would be exposed to wear and tear based on its location adjacent to the pavement.*
- Leaving the brickwork exposed allows phases of alterations to the area to be appreciated- the 18th or 19th century origin of the plinth, and the later work to block a window to the cellar.*

To respond to these points in turn:

- I am not convinced that removing paint from the external surface of the brickwork concerned will make a significant difference any issues with damp which the cellar is experiencing, particularly given the ready availability of breathable paints. We have no evidence before us, such as a statement from a damp specialist with experience of dealing with historic buildings, to support this assertion, and as such, it can be given only very limited weight.*
- Whilst it is likely that reinstated paintwork would require periodic cleaning or refreshing given its location adjacent to the pavement, there are numerous other buildings along Lindfield High Street which also have painted facades fronting straight onto the pavement, to which the same consideration must apply. In addition, any facing material in this location is likely to require maintenance. This in itself is not in my opinion a convincing argument. If the applicant is particularly concerned in this respect they could consider the introduction of a band of darker paintwork in an appropriate colour across the base of this part of the elevation, such as is present to several other buildings on the High Street, which would help to reduce the visibility of splash marks etc.*
- Whilst this is true, it also exposes brickwork to view which it seems likely was not intended to be exposed. We have no evidence before us that the brick plinth was originally left unpainted, and given that the remainder of the façade has been rendered and painted for many years it seems unlikely that just this one area would have been left as brickwork, especially given the somewhat unsightly alterations which have taken place. In my opinion, the exposed plinth looks out of place within the façade as a whole, and detracts from the appearance of the building's frontage.*

For these reasons in my opinion the proposal to retain the brickwork in its exposed condition will detract from the special interest of the listed building, and from the character and appearance of the Lindfield Conservation Area. This will be contrary to the requirements of District Plan Policies DP34 and DP35, and will in terms of the NPPF result in less than substantial harm in both cases, such that paragraph 215 of the NPPF will apply.'

The brickwork below the shopfront was previously painted white which provided a consistent appearance across the front facade and is seen alongside the white render and timber boarding of the property. Exposed brickwork is present on the building, however, it is contained to the rear and not seen within the context of the front elevation. No evidence has been provided to demonstrate that the brickwork has ever been exposed and that the works reflect a historic appearance of the building. Alterations have occurred to this area of the front facade following the removal of the arched air brick which resulted in infill brickwork. These works have resulted in an unsightly and patchy appearance which detracts from the appearance of the frontage of the building.

The justification for the works in part states that it is to improve the passage of water vapour from the cellar and breathability of the fabric to improve the damp conditions of the cellar. No information has been provided to demonstrate that the previous paint contributed to conditions of the cellar nor that the removal of the paint was the only solution. The disfiguring of the paint due to its proximity to the highway and footpath along with rainfall and surface water has also been stated. This is considered to be maintenance as expected for any property and similar to a number of properties in the locality and not considered to be a justification.

It is considered that the removal of the paint to the front of the property detracts from the special interest of the listed building and the contribution the building makes to the character and appearance of the Conservation Area, contrary to policies DP34 and DP35 of the Mid Sussex District Plan.

In terms of the NPPF the proposal would cause less than substantial harm to the heritage assets, as set out in paragraph 215, and is weighed against the public benefits of the proposal. The justification provided is largely considered to be a private matter and considered to provide little evidence and would not amount to a public benefit and therefore does not outweigh the harm identified.

Impact on neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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);*'

To the southern side of the property is No. 63 High Street, a residential property which is attached to the application property through its northern side elevation. On the northern side is No. 67 High Street, a restaurant with accommodation above. This neighbour is separated from the application property by an access road which leads to No. 65B High Street to the rear of the application property, which is used as a shop.

Given the scale and nature of the works it is considered that the proposal would not cause harm to the amenities of neighbouring properties.

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.

CONCLUSION

In conclusion, it is considered that the works do not cause harm to the amenities of neighbouring properties. However, the removal of the paint is considered to detract from the existing special interest of the listed building and the positive contribution it makes to the character and appearance of the Conservation Area and is considered to cause less than substantial harm to the heritage assets. There are no public benefits to outweigh this less than substantial harm. The proposal is therefore considered to be contrary to the requirements of District Plan Policies DP34 and DP35; the Mid Sussex Design Guide, and the relevant provisions of the NPPF.

Decision: Refusal

Case Officer: Katherine Williams