

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0271	Case Officer:	Anna Tidey
Application Type:	Listed Building Consent		
Proposal:	Proposed restorations, revision of outbuilding, insulation, new consumer unit, removal of modern wall, addition of shower room and minor reconfigurations.		
Site:	The Toll House, 56 High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HL, ,		
Validation Date	10 Feb 2025	Overall Expiry Date:	9 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 May 2025
Target Date:	7 Apr 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	20 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0271

**The Toll House, 56 High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HL,
Proposed restorations, revision of outbuilding, insulation, new consumer unit, removal of
modern wall, addition of shower room and minor reconfigurations.
Mr Jonathon Perez**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer:

Toll House is a Grade II listed building located in a prominent position on Lindfield High Street. The building originally dates from the C15th - 16th, possibly constructed as a cross wing to a larger medieval house sited to the south, which was later replaced. It was extended to its west, street facing elevation c.1630, at which time a substantial chimney stack was also added to the rear of the building. A lean-to addition was made to the rear of the building during the C18th. The building was used as a toll house between 1803 and 1884, in association with toll gates placed across the adjacent road. The property has a rear yard which is partly occupied by a range of outbuildings along its southern edge, which are suggested to date from the first half of the C20th, replacing earlier structures in this position.

The current applications follow on from refusal of planning and listed building consent for works including the reconfiguration of the rear ground floor layout, other internal alterations including installation of insulation and restoration of the main fireplace, and external works including removal of part of the existing rear addition and construction of a single storey rear extension, a new porch to the side of the building, rebuilding of a party boundary wall, and a new front boundary fence and gate. Subsequent appeals were dismissed.

The current proposal attempts to address the contentious aspects of the previous applications. The works now proposed include:

Externally:

- Removal and replacement of the outbuildings to the rear with a single storey extension with a glazed link to the house;
- Reinstatement of a fence and gates to the front of the property;
- Reinstatement of the cellar window to the side elevation;
- Replacement of the existing window to the front gable at attic level;
- Removal of lettering from the front elevation;
- Replacement of guttering;
- Timber frame repairs;
- New rooflight to the side roof slope;
- Repair and rebuilding of the northern side boundary party wall;
- Relaying of the brick path to the side of the house.

Internally:

- Installation of internal insulation to some external walls;
- Reconfiguration of the layout at ground and first floors;
- Reconfiguration of staircase and creation of a shower room at second floor; and
- Replacement of modern floor finishes.
- Reinstatement of a fireplace to the ground floor front room.

To consider these works in turn:

Externally:

- The existing outbuildings are suggested to date from the first half of the 20th century. In dismissing the previous appeals on the site, the Inspector concluded that their removal would result in only minor harm to the special interest of the listed building. In this context, the principle of their demolition and replacement is considered potentially acceptable, subject to the quality of the design of the replacement structure. As shown, the extension would take the form of a brick built annexe under a monopitch roof forming a lean-to resting against the retained high brick southern boundary wall. This annexe would have large metal framed doors and windows to both western and northern elevations, large rooflights to the slate roof, and would be attached to the house by a fully glazed link. The existing lean-to to the rear of the house itself, which is partly 18th or 19th century in date, would be partly retained, with the fabric to be removed identified as dating from the 20th century. Large rooflights would be included within the roof of this addition.

On the basis of the Inspector's comments, the principle of the demolition and rebuilding of the existing outbuildings is considered difficult to resist. It is noted that the existing lean-to, which is of more interest, is to be partially retained. This is also considered acceptable, although see below re. the rooflights to the lean-to roof.

The proposed replacement rear annexe/outbuilding retains a similar monopitch lean-to roof set against the party boundary wall to the existing structure, but is slightly wider in footprint. It is however set off the rear of the house by a fully glazed link. On balance, this is considered acceptable, as the extension has a similar relationship to the house and in particular the 17th century chimney stack as the existing situation. As noted with previous applications, the submitted elevations are quite basically represented and are lacking in detail. Conditions are recommended to require the submission of further detailed plans.

I would also note that the rooflights to the roof slope of the existing, retained lean-to appear over scaled - notwithstanding that this fabric is suggested to date from the 20th Century I would suggest that they should be reduced in size in terms of both their width and their depth so that they are more subordinate to the existing solid roof of the structure.

- The proposed new fence to the front of the building is sympathetic to the context and is not considered contentious.
- The reinstatement of the cellar window in an existing opening is not considered contentious subject to detail.
- The proposed replacement window at attic level is not considered contentious subject to detail.
- The removal of the lettering to the front elevation is not considered contentious and should enhance the appearance of this part of the building.
- The proposed replacement rain water pipework includes faux 'cast iron' uPVC guttering, which would not normally be considered acceptable in the context of a listed building within a Conservation Area, however in this instance plastic guttering is already in place. On balance, this aspect of the proposal is therefore considered acceptable.
- Repairs are proposed to the timber framing to the side elevation of the building. While this is not considered contentious in principle, further information on the nature and extent of the repairs would be required, which could be requested by condition.
- The new rooflight to the side roofslope appears somewhat incongruous in this currently unbroken roof slope. We also have no information in front of us regarding the impact on the historic fabric of the roof. I would recommend that this aspect of the proposal is omitted.
- The proposed rebuilding of the brick wall is justified by a structural report which confirms the poor condition of the existing wall. The proposal is to rebuild the wall on a more or less like-for-like basis, saving the inclusion of weep holes and a differing corner detail, which are not considered contentious, although I do have a query stemming from the structural report. This states that to be structurally sound the wall can be reconstructed in the same manner as existing (i.e. a single brick in thickness) to a height of 1.35m, which is the height of the majority of the existing wall. However the front portion of the wall, adjacent to the High Street, is 2.05m high, and the plans suggest that the proposal is to also reconstruct this section to its existing height. Can the applicant please confirm that this is also a structurally sound detail?

- The proposal to lift and reinstate the brick pathway to the side of the house is not considered contentious.

Internally:

- Although the internal insulation was not considered contentious in principle, the level of detail provided with the previous applications was insufficient and was a reason for refusal. The current applications contain further information with respect to the location and detailing of the insulation, which confirms that existing exposed timbers will remain exposed, as well as providing typical sectional details. The proposed drawings also confirm that relevant Historic England guidance will be conformed to in terms of the methodology of the work. This aspect of the proposal is now therefore considered acceptable.
- The proposed alterations to the layout at ground and first floor are minor and do not adversely affect fabric or floorplan of interest. This work is therefore not considered contentious.
- The proposed staircase reconfiguration and new shower room at second floor affect only modern fabric and plan form and are not considered contentious, subject to detail.
- The replacement of modern floor finishes is unlikely to be regarded as contentious subject to detail.
- A detailed method statement has been provided relating to the proposed reinstatement of a blocked up hearth to the front room at ground floor. This is not considered contentious subject to detail of the stone to be used for the new hearth.

In summary the majority of the scheme before us is considered acceptable, and successfully addresses the issues raised by the previous appeal scheme. However, elements of the proposal require amendment/further information.

On a technical note, just to double check please that in any eventual determination all of the application documents including the Design and Access Statement and the HE guidance note will be included among the plans listed on any decision notice, as these are material to the content of the application.

Recommends a series of planning conditions to cover details of the works.

Further comments: Following the receipt of further plans detailing the proposed roof lights.

These are acceptable.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council: Lindfield Parish Council has no objection to this application, subject to the satisfaction of MSDC's Conservation Officer.

INTRODUCTION

This application seeks Listed Building Consent for various internal and external alterations to a Grade II Listed Building at The Toll House, on the High Street in Lindfield. There is a corresponding application for planning permission for the external alterations, reported separately for Approval under Planning application DM/25/0270.

The proposed external works involve additions and alterations to publicly visible parts of the building on the building frontage, affecting the curtilage, the front and side elevations and at the rear of the building, for the benefit of the current occupiers.

The proposed internal works include internal wall insulation works, alterations to the layout at ground and first floor, the reconfiguration of a staircase and a new shower room at second floor, the replacement of modern floor finishes and the proposed reinstatement of a blocked up hearth to the front room at ground floor.

RELEVANT PLANNING HISTORY

DM/23/0907. Proposal is to reconfigure the rear modern ground floor layout and minor amendments throughout the property, such as insulation, removal of modern breeze block wall and restoration of the main fireplace and externally removal of part of a rear addition and erection of a single storey rear extension, new porch, rebuilding a party wall, new front boundary fence and gate. Refused February 2024. Appeal Dismissed October 2024.

DM/23/0908. Listed Building Consent - Proposal is to reconfigure the rear modern ground floor layout and minor amendments throughout the property, such as insulation, removal of modern breeze block wall and restoration of the main fireplace. Refused February 2024. Appeal Dismissed October 2024.

DM/19/4656. Listed Building Consent - Change of use of shop to residential accommodation. Withdrawn November 2019.

DM/19/4652. Change of use of shop to residential accommodation. Approved January 2020.

10/02267/COU. Continue to operate as a dress shop but also operate a small cafe serving tea, coffee and cake, Approved September 2010.

LF/054/92. Listed Building Consent - Cutting into existing weather boarding and fabricating within existing structure window apertures where previously situated. Approved August 1992.

LF/053/92. Fitting a sympathetic white painted timber gate to side entrance path fixed adjacent to but not affixed to property. Approved August 1992.

SITE AND SURROUNDINGS

The Toll House, 56 High Street is a two storey building, with rooms in the roof space, occupying a prominent position in Lindfield High Street.

The white painted brick and black timber framed building occupies an end of terrace position, being attached to residential properties at Nos 50, 52 and 54 High Street. The Toll House fronts onto the High Street with a gabled frontage and has a side access pathway leading to a small rear garden.

The building dates from the C16th and was formerly in use as the Toll House on Lindfield High Street. It was Listed in 1951. The property is now in use as a residential house, is located on the eastern side of the High Street in the centre of the village of Lindfield.

The Toll House lies within the Lindfield Conservation Area, close to other Listed buildings located to the east and west of the High Street, and directly to the south of the Grade II Listed house at Porters, 58 High Street.

The site boundary extends forward of the building and includes the paved frontage, which adjoins the public pavement serving the High Street. Whilst there is a small glazed doorway and a former shop window at ground floor in the front elevation of the building facing onto the High Street pedestrian access to the house is via a side gateway leading to a side pathway to the north of the building. The main access door is located on the northern side elevation of the building. The path leads into a small rear garden space to the north east of the building and serves a further rear doorway and outbuildings. The side path is accessed directly from the High Street, via a solid timber gate, and is divided from the garden with the adjacent house at Porters, 58 High Street by a boundary wall.

APPLICATION DETAILS

This application seeks Listed Building Consent for various external works to the property:

- Removal and replacement of the outbuildings to the rear with a single storey extension with a glazed link to the house;
- New palisade fencing and a pedestrian gate to enclose the front garden area of the house;
- Reinstatement of the cellar window to the side elevation;
- Replacement of the existing window to the front gable at attic level;

- Removal of lettering which reads 'The Toll House' from the front elevation;
- Replacement of guttering;
- Timber frame repairs;
- The addition of new rooflights;
- Repair and rebuilding of the northern side boundary party wall;
- Relaying of the brick path to the side of the house.

To the rear of the building it is proposed to demolish the existing link addition, kitchen and the attached outbuildings, which extend along the southern site boundary and to construct a replacement single storey extension over part of the building footprint. The proposed new extension would measure approx. 7.7m deep (max) and 3.6m wide (approx.).

The proposed addition is shown to be constructed with reclaimed brick from the existing building and would be largely glazed with full height sliding glass doors and a lean to slate roof, into which three heritage roof lights are proposed. A small glazed link is proposed to attach the new extension onto an existing single storey projection at the rear of the house. This has an existing slate tiled lean to roofline, into which two new heritage rooflights are proposed.

Other internal works are proposed, which include: wall insulation works, alterations to the layout at ground and first floor, the reconfiguration of a staircase and a new shower room at second floor, the replacement of modern floor finishes and the proposed reinstatement of a blocked up hearth to the front room at ground floor.

The application was supported by Method Statements, a Heritage Statement, a Design and Access Statement and a Structure Wall Assessment, which are available to view on the planning file.

During the course of determining the application the applicant has also provided additional plans to show the position and size of the proposed rooflights at the rear.

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 Lindfield and Lindfield Rural 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:

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.

Lindfield and Lindfield Rural Neighbourhood Plan

The plan was made in March 2016.

There are no relevant policies.

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:

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)

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

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

As such the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the consideration of the application. S. 66 states:

"66.—(1) 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." Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other*

if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."

Policy DP34 of the District Plan relates to Listed Buildings. It states that:

'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.'*

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 207-211 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.

211. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

The Toll House is located within a grouping of Listed Buildings on this part of Lindfield High Street, in the centre of Lindfield.

Detailed comments have been provided by the Conservation Officer during the course of determining the application, and upon receipt of the supporting plans, and these are summarised above. Her view that the proposed works are acceptable, subject to planning conditions to ensure additional details are provided before the development commences. The conditions have been accepted by the applicant and with these in place it is considered that the proposal will enhance and preserve the special interest of the listed building.

The proposed works are therefore considered acceptable and will ensure the preservation of the Listed building at The Toll House and within the context of the adjacent Listed Buildings. As such the proposals as a whole are considered to accord with District Plan Policy DP34 and relevant guidance contained in the NPPF.

CONCLUSION

The proposed internal and external works will preserve the special interest of the listed building at The Toll House, which represents an important Listed building in the centre of Lindfield. The revised proposal is therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Detailed planning conditions will control the detail of the proposed works.

Consequently it is recommended that Listed Building Consent is granted.

Decision: Permission

Case Officer: Anna Tidey