

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2289	Case Officer:	Caroline Grist
Application Type:	Householder Application		
Proposal:	Proposed demolition of existing chimney.		
Site:	Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP, ,		
Validation Date	17 Sep 2025	Overall Expiry Date:	17 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Dec 2025
Target Date:	12 Nov 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	10 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2289

**Mulberries, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DP,
Proposed demolition of existing chimney.
Frank Marckus**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Conservation Officer

First Response

The application site, Mulberries, is an unlisted detached house located within the Horsted Keynes Conservation Area. Adjacent to the site to the north east is Rixons, a Grade II listed timber framed house dating from the 17th century. Mulberries, which from historic map regression dates from the mid 20th century, is in a loosely vernacular style, with brick and hung tile elevations, and a tiled roof with a catslide to the eastern end, and a recessed porch with tiled hood. The building has been extended and altered, including by the addition of a flat roofed garage to the east, and a conservatory addition to the north west corner.

The current proposal is for the demolition of one of the two chimneys to the property.

Firstly, I would note that although the submitted Heritage Statement suggests that a justification for the work is provided in the form of a copy of previous email correspondence, the emails attached do not appear to include any reason for the work. If I have missed something please let me know, otherwise the applicant may wish to submit this separately if they would like it to form part of our consideration of the proposal.

In the absence of a compelling justification for the loss of the chimney, it is in my opinion contentious in principle. Although the property is relatively modern, it is constructed in a vernacular style sympathetic to the character of the Conservation Area. The presence of chimneys contributes to the roofline interest of the building and to its traditional design. The loss of one of the chimneys would detract from the character and appearance of the building and of the wider Area, contrary to the requirements of District Plan Policy DP35.

The loss of the chimney, in adversely impacting the appearance of Mulberries, would also have a minor negative impact on the contribution that the building makes to the setting of Rixons, contrary to the requirements of District Plan Policy DP34.

In terms of the NPPF, the proposal would result in less than substantial harm to both heritage assets, at the lower end of that scale.

Final Response

Further comments on the above application following the receipt of an expanded heritage statement.

The revised statement suggests that the removal of the stack is desirable to the applicant as it would facilitate internal alterations. These works would not be impossible were the stack retained above roof level, but additional structural support would be necessary.

In my opinion, this is not a sufficiently robust justification for the loss of the chimney. Paragraph 213 of the NPPF requires that 'Any harm to, or loss of, the significance of a designated heritage asset... should require clear and convincing justification.' I have already identified a low level of less than substantial harm to both the Horsted Keynes Conservation Area and, through impact on setting, to the adjacent listed building at Rixons, which would result from the removal of the chimney, for the reasons which I have previously set out. Whilst I appreciate that the retention of the chimney above roof level would result in a degree of inconvenience and additional expense for the applicants, who I note have invested considerably in the property, this does not constitute the required 'clear and convincing justification' for the harm which would result.

'Before and after' photographs are included in the expanded Statement, which I have reviewed, however they do not alter my opinion regarding the impact of the proposal.

The applicant has also included two suggested precedents for the current proposal in the form of previously approved applications. The first, Horton Villa, is not located within the Conservation Area. The second permission, for removal of a chimney at Hurst Cottage, which is within the Area, related to a secondary stack located towards the rear of the property. Although Street View suggests that it will have been visible from the road, it was not as visually prominent as the ridge top stack which is the subject of the current application. There also appears to have been historical work internally to the property which rendered the chimney structurally unsound. For these reasons, and notwithstanding that each case must be regarded on its own merits, I do not consider that these approvals have direct relevance to the current case.

For these reasons, my previous conclusions regarding the merits of the proposal are unaltered.

PARISH COUNCIL OBSERVATIONS

No response received.

INTRODUCTION

Planning permission is sought to demolish an existing chimney.

RELEVANT PLANNING HISTORY

HK/015/87 - Ground and first floor addition. Permission.

HK/015/88 - Ground first floor rear addition and conversion of garden shed to bedroom with linking corridor. Permission.

07/01823/FUL - Single storey conservatory. Permission.

DM/20/3933 - Retrospective application for the removal of existing pedestrian gate and hedge and construction of new vehicular access over existing grass verge. Refused. Dismissed at appeal.

DM/24/0873 - A new garden outbuilding. Demolition of existing front porch and replaced with a new front porch. Withdrawn.

DM/25/0411 - Proposed side extension replacing existing conservatory and new porch replacing existing canopy. Permission.

SITE AND SURROUNDINGS

Mulberries is a south facing, detached, two storey dwelling, angled away from the highway. It is constructed of brick, with tile hanging at the first floor level, a plain tile roof and upvc windows. The dwelling is characterised by a cat slide roof to the side, with an adjoining garage, as well as an open, canopy porch.

The site is located within the built up area of Horsted Keynes. It is also within the High Weald Area of Outstanding Natural Beauty and the Horsted Keynes Conservation Area. Neighbouring dwellings are located to the north and south, whilst Lewes Road is to the east and Rixons the west. The dwelling is set back from the highway by a gravel frontage and garden. It should also be noted that the neighbour to the north, Rixons, is a Grade II listed building.

APPLICATION DETAILS

Planning permission is sought for the removal of a chimney. Mulberries currently has two chimneys, one at the western and the other at the eastern end of the main roof. Permission is sought to remove the easternmost chimney. The roof is then to be finished in materials to match the existing building.

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 Development Plan Document (DPD) and Horsted Keynes 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

Site Allocations Development Plan Document

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Horsted Keynes Neighbourhood Plan

The Horsted Keynes Neighbourhood Plan was formally made on 4th May 2023.

Relevant policies:

HK4 - Maintaining Local Character and Good Quality Design

HK5 - Infill Development and Domestic Extensions

HK9 - The High Weald Area of Outstanding Natural Beauty

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

DPS6 - Health and Wellbeing
DPC4 - High Weald Area of Outstanding Natural Beauty
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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

Legislation

Countryside and Rights of Way Act 2000
Levelling-Up and Regeneration Act 2023
Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

Impact on the High Weald Area of Outstanding Natural Beauty

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan, which is a material consideration in the determination of planning applications in the AONB, as well as policy HK9 of the Horsted Keynes Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

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

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

The application relates to extending an existing dwelling, sited within the built up area of Horsted Keynes, and therefore would not form an isolated development within the wider landscape. The proposal would not have any adverse impact on the landscape quality of the AONB due to it being viewed in context with existing built forms within the village. As such the proposal would comply with the requirements of Policy DP16 of the District Plan, policy HK9 of the Horsted Keynes Neighbourhood Plan, The High Weald Management Plan and paragraph 182 of the NPPF.

Design and impact upon heritage assets

The application site is within the Horsted Keynes Conservation Area. Section 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 conservation preserving or enhancing the character or appearance of that area'*.

Policy DP35 of the Mid Sussex District Plan relates to development within Conservation Areas:

'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.*

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'.

To the north of the application site is Rixons, a Grade II listed building. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Policy DP34 of the District Plan is relevant in terms of listed buildings and states:

'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'.*

Policy HK6 of the Horsted Keynes Neighbourhood Plan relates to conserving heritage and establishes that relevant developments will be assessed against policies DP34 and DP35 of the Mid Sussex District Plan. The policy goes on to state:

'In particular, development proposals should have regard to the following special features of the two conservation areas:

Horsted Keynes

- o the spacious character of The Green, the attractive groupings of buildings around The Green and the sense of enclosure created by both buildings and landscaping*
- o the variety of age and style of buildings, several of which are listed buildings*
- o the use of traditional and natural building materials*
- o the extensive views of the countryside from within the Conservation Area, especially around St Giles Church and the views of the church from within the village*
- o the hedgerows, trees and banked verges, including those in Church Lane, Bonfire Lane and Wyatts Lane'.*

In terms of design, 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

Policy HK4 of the Horsted Keynes Neighbourhood Plan reflects this ethos. Policy HK5 of the Horsted Keynes Neighbourhood Plan specifically relates to extensions:

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- o the spacing between buildings reflects the character of the street scene (in the case of domestic extensions, the scale, height and form must fit unobtrusively with and be subservient to the existing building); and*
- o existing gaps between buildings which provide important views out of the village to the surrounding countryside (as referenced within paragraph 5.29 above) are retained; and*
- o materials are compatible with materials of existing/surrounding buildings; and*
- o suitable access and on-site parking is provided without detriment to neighbouring properties; and*
- o there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.*
- o Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6).*

Development outside the built-up area boundary that complies with policy HK1, including small scale domestic extensions, should also meet the criteria listed above'.

Paragraph 6.3.12 of the Mid Sussex Design Guide SPD relates to chimneys and states:

'Chimneys are a traditional feature within Mid Sussex which contribute to the character of the area. Developments are encouraged to include chimneys where they contribute positively to the architecture and perform a function'.

The application relates to a detached, unlisted, dwelling that is situated within the Horsted Keynes Conservation Area. To the north east of the site is Rixons, a Grade II listed timber framed house that dates from the 17th century.

Whilst acknowledging that information appeared to be missing from this submission, the Conservation Officer provided initial comments on the proposed development. It was identified that, whilst the property is relatively modern, Mulberries is constructed in a vernacular style that is sympathetic to the character of the Conservation Area. Furthermore the chimneys contribute to the roofline interest of the building and its traditional design and, as such, the loss of one of the chimneys would detract from the character and appearance of the building. The proposal would therefore have a harmful impact on the character and appearance of the Conservation Area and have a minor negative impact on the setting of Rixons.

An expanded Heritage Statement was provided and further considered by the Conservation Officer, who concluded that the justification provided would not be sufficient to address their concerns or the harms identified.

The view of the Conservation Officer is shared in that that vernacular style of Mulberries is sympathetic to the character of the Conservation Area. The property, however, is located on the edge of the Conservation Area and the works would relate to the removal of one of the chimneys at the property. This chimney is smaller of the two and is not as substantial or distinctive than those found in surrounding properties. Furthermore, in views from the heart of the Conservation Area, its positioning is such that it is not considered to make a significant contribution to the character and appearance of the area. It is therefore concluded that, whilst regrettable, the loss of this secondary chimney would not result in harm to the application property, the overall character and appearance of the Conservation Area or the special interest of Rixons.

Impact on neighbouring amenity

Policy HK5 of the Horsted Keynes Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development should not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on access, noise, privacy, daylight, sunlight and outlook. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy HK5 is considered to take precedence and therefore the test in this instance is whether the development causes harm to neighbouring amenities as outlined above.

As the proposal relates to the removal of a chimney, it would not result in a loss of light, outlook or privacy to neighbouring dwellings, nor would there be a harmful impact in terms of noise, air or light pollution.

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

In conclusion, the proposal would accord with the requirements of policies DP16, DP26, DP34 and DP35 of the Mid Sussex District Plan and policies HK4, HK5 and HK9 of the Horsted Keynes Neighbourhood Plan. It is therefore considered acceptable.

Decision: Permission

Case Officer: Caroline Grist