

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2036	Case Officer:	Susan Dubberley
Application Type:	Householder Application		
Proposal:	Proposed alterations to fenestration on south elevation, proposed alterations to fenestration to west elevation (retrospective), proposed alterations to interior layout and finishes (retrospective).		
Site:	Little Pakyns, Albourne Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9ET, ,		
Validation Date	12 Nov 2025	Overall Expiry Date:	3 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Feb 2026
Target Date:	7 Jan 2026	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	6
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	6 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2036

**Little Pakyns, Albourne Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9ET,
Proposed alterations to fenestration on south elevation, proposed alterations to fenestration to west elevation (retrospective), proposed alterations to interior layout and finishes (retrospective).
Mr And Mrs Spirou**

Hurstpierpoint and Sayers Common Parish Council:

The committee recommends refusal of this application. We request that the Conservation Officer be consulted to confirm what was originally approved and what has been completed, to ensure the works align with the approved plans. This is a property of significant historic value, and all alterations must be sympathetic to its character. The use of plastic elements on the exterior is inappropriate and visually out of keeping with the historic setting.

MSDC Conservation Officer: No objection subject to conditions

LETTERS OF REPRESENTATION

Five letter of representation:

- o Noticed that the windows which had changed from the original. Also the black window frames which were black instead of the natural brown they should be. The roof tiles are also completely inappropriate as they should be stone like the main building. There is also a very unsightly black plastic chimney and a white plastic drainpipe that should be removed and guttering on the flat roof that looks out of place.
- o And any new windows should closely match existing ones in shape, colour and follow the same lines. Frames should be brown not black.
- o Materials should preserve the appearance and protect the character of the building.
- o Wood cladding is inappropriate and does not match any existing brickwork.
- o it is essential to preserve the impressive historic frontage of this beautiful 850 years old, listed Manor, which is set in a Conservation area.
- o Rooftiles should use re-claimed tiles to match the Manor and other 3 properties at Paykyns. The Portuguese tiles partially completed on the gabled roof are out of place.
- o support the window shape change to the south aspect of Little Pakyns, which returns them to the original planning permission granted.
- o There is also an electrical cable coming out of the side of the house, which is then buried underground. It does not appear to conform to electrical safety regulation.
- o The lower portion of the large diameter roof drainage downpipe has been removed from the side of Little Pakyns and not reaffixed. The existing downpipe should be reinstated and reconnected to the existing and previously connected drain.

Hurstpierpoint Society:

Regret that work is not in accordance with original application and believe that remedial work is needed, in particular: amendments to the windows on the south elevation and rear courtyard in terms of placement and design and colour, cladding and also tiling on the new work.

INTRODUCTION

Planning permission is sought for proposed alterations to fenestration on south elevation, proposed alterations to fenestration to west elevation (retrospective), proposed alterations to interior layout and finishes (retrospective).

RELEVANT PLANNING HISTORY

DM/25/2036 Proposed alterations to fenestration on south elevation, proposed alterations to fenestration to west elevation (retrospective), proposed alterations to interior layout and finishes (retrospective). Current listed building application.

DM/23/2031 Proposed demolition of existing extensions and replacement of a new single storey extension, including internal and external alterations. Approved.

DM/23/2480 Proposed demolition of existing extensions and replacement of a new single storey extension, including internal and external alterations. (Amended Plans 30/11/2023) Approved.

SITE AND SURROUNDINGS

Little Pakyns is a residential dwelling located to the southern side of Albourne Road, the existing dwelling is attached to Pakyns Manor on its southern side, with No. 1 and No. 2 Pakyns Court attached to the western (rear) of the dwelling and with No. 3 Pakyns Court to the northern (side) of the dwelling. The existing dwelling was part of a larger single dwelling that has over the years now been subdivided into 5 separate dwellings.

The dwelling has a shared private access with Pakyns Manor which is located to the east of the dwelling, which also comprises of the garden and houses two detached garages buildings, one of which is still under construction. The site is set back from highway and is fairly well screened from public view points.

The application site is designated within the Mid Sussex District Plan as being within the Countryside, the Langton Lane Conservation Area and the dwelling is Grade II Listed.

APPLICATION DETAILS

Planning permission is sought for proposed alterations to fenestration on south elevation, proposed alterations to fenestration to west elevation (retrospective), proposed alterations to interior layout and finishes (retrospective).

Planning permission and listed building consent were recently granted under two 2023 applications for the removal of unsympathetic modern extensions to the eastern side of the property and for replacement extensions in a contemporary style, comprising a flat roofed, timber clad element, and an adjacent half hipped element which was to be clad in tile to walls and roof, with some internal alterations also proposed.

The current application seeks to regularise works which have been carried out that are not in accordance the approved plans and there are also other works in addition to those previously approved. Discussions have taken place with the Conservation Officer prior to the submission of the applications. The proposed works are as follows:

- o Amendment to the form of the windows as installed to the southern side of the flat-roofed extension. Replacement of these windows with windows with a vertical emphasis and proportions which reflect the existing windows to the adjacent historic east wing.
- o Retention of the window as installed to the rear (west) of the half-hipped addition

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*

c) Any other material considerations.'

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP12 - Protection and Enhancement of Countryside

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

Mid Sussex Site Allocations Document (DPD)

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

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19th March 2015.

Hurst C1 - Countryside

Hurst C4 - Conservation Areas

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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of

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.

- DPB1: Character and Design
- DPB2: Listed Building and Other Heritage Assets
- DPB3: Conservation Areas

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) December 2024 is also a material consideration.

Listed Buildings and Conservation Areas Act 1990

ASSESSMENT

Design and Character

The site lies within countryside. Policy DP12 of the Mid Sussex District Plan, in part, states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District'.

Policy Hurst C1 of the Hurstpierpoint Neighbourhood Plan states in part that;

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- o It comprises an appropriate countryside use;*
- o It maintains or where possible enhances the quality of the rural and landscape character of the Parish area'.*

Policy DP26 relates to design and 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.'*

The proposed changes to the form of the windows as installed to the southern side of the flat-roofed extension are welcomed as it will replace the unauthorised high level horizontal window. The replacement windows have a vertical emphasis and proportions which reflect the existing windows to the adjacent historic east wing as approved by the early consent. This aspect of the proposals is therefore acceptable in terms of design, the impact on the locality and countryside setting.

The long rectangular window that has been installed to the rear (west) of the half-hipped addition looks out onto an internal courtyard and therefore does not have an impact on the street scene or countryside setting. This aspect of the proposals is therefore also considered to be acceptable.

The proposal is therefore considered to comply with Policy DP12 and DP26 of the Mid Sussex District Plan, Policy Hurst C1 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on Langton Lane Conservation Area and Heritage Assets

As set out within the site and surrounding section of this report the proposal is within the Langton Lane Conservation Area and the dwellings is a Grade II Listed Building.

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

'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.'

The statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan Policy DP34 of the District Plan states in relation to the setting of 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:

- 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; Other Heritage Assets.....*

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.'

In addition 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 preserving or enhancing the character or appearance of that area.'

This stance is reflected under policy DP35 of the District Plan which states in part that:

'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;'*

While at local level Hurst C4 states:

'New development in the countryside adjacent to Conservation Areas will be permitted where it does not conflict with other Countryside policies and where the settings of the Conservation Areas are conserved or enhanced.'

The objections received including those of the Hurstpierpoint and Sayers Common Parish Council are noted. However, the Council's Conservation Officer has reviewed the application and has raised no objection commenting:

'Little Pakyns is an attached property forming part of Grade II listed Pakyns Manor, a substantial and much extended 16th century building located within the Langton Lane Conservation Area. The property is located to the eastern side of the building and consists partly of the eastern end of the northern range of the historic building, and partly of 19th century and later additions to this.'

Planning permission and listed building consent were recently granted for the removal of unsympathetic modern extensions to the eastern side of the property and construction in their place of replacement extensions in a contemporary style, comprising a flat roofed, timber clad element, and an adjacent half hipped element which was to be clad in tile to walls and roof. As approved, the extensions were shown with a clean, contemporary aesthetic which complemented both the form and materials of the historic building, without visually competing with it. This was especially important given the position of the extensions forward of the principal frontage of the listed building, and adjacent to the entrance driveway. Associated internal works were also approved.'

Unfortunately, the works which have been carried out are in a number of respects either not in accordance with or are in excess of the approved development. A number of issues have been identified, and following negotiation the current proposal seeks to rectify the situation partly by amendments to the scheme as implemented, and partly by regularising works in excess of the approvals. To consider the various issues in turn:

- Amendment to the form of the windows as installed to the southern side of the flat-roofed extension:*

As installed, the windows in this position have a horizontal emphasis which is at odds with the adjacent historic elevations, creating a jarring element which detracts from the special interest of the listed building. The current applications propose to replace these windows with windows with a vertical emphasis and proportions which reflect the existing windows to the adjacent historic east wing. Subject to detail, this aspect of the proposal is considered acceptable.

- Retention of the window as installed to the rear (west) of the half-hipped addition:*
The form and proportions of this window have also been altered compared to the approval, however this window is very discretely located and is not considered to adversely affect the appearance or special interest of the building. Its retention is not considered contentious.

Furthermore, there is a problem with the tiling which has been installed as a facing and roofing material to the half-hipped extension. Although this is apparently the approved product, the installation at present is of a poor quality and includes prominent ridge tiles which were not part of the approved drawings. The sharp, clean lines which were a key part of the approved scheme have not been achieved, and it remains unclear whether an alternative product will need to be sourced. At present, the approved material continues to be shown in the current application documents, but it is my understanding that the applicant has indicated that they are happy that this matter should be resolved by condition.

In summary, the proposed works are considered to successfully address some aspects of the current situation, including the windows to the flat roofed addition and the internal works. The works contained within the current applications are considered acceptable, subject to detail, and to meet the requirements of District Plan Policies DP34 and DP35.'

The comments of the conservation officer regarding the tiling of the half-hipped extension are noted and the applicant has agreed to a material condition so that this issue can be resolved at the discharge of condition stage and therefore a suitably worded condition forms part of the recommendation.

The applicant also expressed a wish to avoid a details condition regarding the windows and has therefore submitted detailed drawing of the windows. The window details have been reviewed by the conservation officer who has commented further:

'We have now received detailed elevational and sectional drawings of the proposed windows which confirm that they will relate appropriately to the context, and that the features which were previously of concern (trickle vents and integral sills) will be omitted. These details are acceptable and remove the need for a condition in this respect.'

Officers would agree with the assessment of the conservation officer, and it is considered that the application would comply Policies DP34 and DP35 of the District Plan and policy Hurst C4 of the neighbourhood plan and the relevant paragraphs of the NPPF.

Impact on amenity

Policy DP26 of the Mid Sussex District Plan, in part, stipulates that new 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).'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

It is not considered that the proposal would result in significant harm in terms of overlooking, loss of privacy. The proposed vertical windows on the southern side of the flat-roofed extension were approved in this position as part of the earlier 2023 approval and the new rear window looks into an internal courtyard. Consequently, the proposal is considered to comply with the policy DP26 with regard to residential amenity.

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.

Other matters

It should be noted that although not part of the current application there is also an outstanding issue with a vertical boiler flue which has been installed to the southeast corner of the flat roofed extension. The

flue is referred to in some of the representation received. However, while the flue is not included in this application and it remain an ongoing enforcement matter.

CONCLUSION

In conclusion, the proposals would accord with the requirements of policies DP12, DP26, DP34 and DP35 of the Mid Sussex District Plan, Policy Hurst C1 and Hurst C4 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, and the relevant provisions of the NPPF. The application is therefore considered acceptable.

Decision: Permission

Case Officer: Susan Dubberley