

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0007	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Replacement of 1 gateway and installation of 3 new gateways and gates along the driveway that leads to Nether Walstead ,The Cottage, Hindover Cottage and Keepers Cottage.		
Site:	Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ, ,		
Validation Date	24 Jan 2025	Overall Expiry Date:	28 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Mar 2025
Target Date:	21 Mar 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	18 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0007

**Nether Walstead, East Mascalls Lane, Lindfield, Haywards Heath, West Sussex, RH16 2QJ,
Replacement of 1 gateway and installation of 3 new gateways and gates along the driveway that
leads to Nether Walstead ,The Cottage, Hindover Cottage and Keepers Cottage.
Mr Edward Ball**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer: Nether Walstead is a substantial Grade II listed house, a former farmhouse, located in a rural position outside Lindfield. The house dates originally, according to the list description, from the 17th century or earlier, but was substantially extended in several phases during the 18th, 19th and early 20th centuries, with further additions during the later 20th century including a rear dining room extension.

Based on the limited information in front of us, Nether Walstead is likely to be considered to possess architectural interest based on its construction and craftsmanship over several different phases of development, historical illustrative interest as a good example of a Sussex farmhouse, later country residence, altered and extended in response to changing socio-economic circumstances and the needs and aspirations of successive occupiers, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

To the north east of the house is the former farmyard of the Nether Walstead farmstead, which includes a number of surviving 19th century or earlier former farm buildings. Nether Walstead is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the post medieval period. These farm buildings would be regarded as curtilage listed, and are likely to be considered to possess architectural interest based on their construction and craftsmanship, historical illustrative interest as examples of former farm buildings of their type and period, and aesthetic interest based partly on the use of vernacular materials. They also have group value with the former farmhouse, and contribute positively to its setting and special interest.

The current proposal is for the introduction of one replacement and three new gates in various positions along the driveway to the property. The location and design of the gates are considered sympathetic to the context of a country house, formerly a farmhouse in a rural setting, and should preserve the setting of the house and former farmstead. It would be helpful if the applicant could confirm the height of the various gates.

The proposal is considered to preserve the setting of Nether Walstead, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Further comments: The applicant has now confirmed that the gates are in all cases 1.7m high. This is considered acceptable.

Tree Officer: I have reviewed the Arboricultural Method Statement for this proposal and have no objection. Would it not be possible to monolith the dead oak, T1, instead of felling to ground? This would retain more of the ecological value than felling.

Further comments: Many thanks for the updated Tree Report. I have no objection to this application.

Drainage Engineer: No objection on flood risk grounds. Drainage proposals can be managed via Building Regulations and Building Control, as necessary.

Naturespace: The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on Great Crested Newts or their habitats. I therefore have no comments.

PARISH COUNCIL OBSERVATIONS

No comments received.

INTRODUCTION

This application seeks planning permission for the replacement of one gateway and installation of three new gateways and gates along the driveway that leads to residential properties at Nether Walstead ,The Cottage, Hindover Cottage and Keepers Cottage, off East Mascalls Lane, to the south east of Lindfield village.

RELEVANT PLANNING HISTORY

DM/25/0008. Listed Building Consent: Replacement of 1 gateway and installation of 3 new gateways and gates along the driveway that leads to Nether Walstead ,The Cottage, Hindover Cottage and Keepers Cottage. Withdrawn January 2025.

DM/22/1664. Retrospective application for replacement windows. Approved August 2022.

03/03184/LBC. Listed Building Consent: Demolition of outbuildings and garden wall. Erection of single storey extension. Replacement of balcony doors with window. Removal of circa 1970 partitions. New partitions to form larger bedroom. Re-designed kitchen. Approved February 2004.

03/03182/FUL. Demolition of outbuildings and garden wall. Erection of single storey extension to form Breakfast Room, Cloakroom, Entrance Lobby. Replacement of balcony doors with window. Approved February 2004.

LR/061/87. Alterations and improvements to kitchen area and to rear courtyard. Approved November 1987.

SITE AND SURROUNDINGS

The detached properties at Nether Walstead, The Cottage, Hindover Cottage and Keepers Cottage are located off a shared access drive located to the south of East Mascalls Lane in a rural setting beyond the built up area boundary of Lindfield.

Nether Walstead is a Grade II Listed Building located off a 270m long straight private access drive. This currently benefits from a white painted open timber post and rail access gateway at the northern end, marking the entrance off East Mascalls Lane. There is a separate shared name board at the vehicular entrance from East Mascalls Lane which identifies the names of the properties that are located off the shared access.

The entrance drive has a tarmac surface and is flanked by wide grassed verges. The access road splits in a easterly direction in front of the grounds of Nether Warden, with the offshoot drive serving other neighbouring residential properties, which are located in a group to the north east of Nether Warden.

The proposed new gateways are located on the main drive and the side driveway serving the various properties, as follows:

Gateway 1 - positioned in place of the existing roadside gateway
Gateway 2 - located at a midpoint along the current driveway
Gate 3 - positioned to the west of The Coach House
Gate 4 - positioned to the south of The Cottage

A Public Footpath (route LIR/2LR/2) crosses the access road, at approximately the mid point on the straight section of the driveway, running in a north west to south easterly direction.

There are areas of Surface Water Flooding (from 1 in 30 years to 1 in 1000 years) in close proximity to the house at Nether Walstead and the associated Coach House on the site, but these do not extend into the driveways where the new gates are proposed.

APPLICATION DETAILS

This application seeks planning permission for the construction of four new gateways, two of which are open, to create marked entrance points into the private driveway, and two of which have associated closing gates to provide security. Each of the gateways and gates are proposed in painted timber, and will be traditionally crafted.

Gateway 1 - the 5m wide gateway will consist of 1.7m high vertical painted posts and panels, to include a property name board. The panels are shown to be positioned to either side of a rumble strip of three rows of gravel setts, laid into the driveway surface.

Gateway 2 - the gateway will consist of a pair of posts, a maximum of 1.7m high with a simple horizontal rail, positioned each side of a further rumble strip of three rows of gravel setts. It is proposed that the gateway will be located to the south of the crossing point of the Public Footpath to delineate the private from the public space.

Gate 3 - This gateway will serve the principal entrance to Nether Walstead. The new gateway will consist of a pair of 1.7m high vertical painted posts and panels, with lighting and an attached property name board, to serve a pair of side hung 5 bar electric operated gates, which will swing over a 2.75m deep area of granite setts, across a 5m width. It is proposed that the gates will be flanked by gravelled areas and dense hedging.

Gate 4 - a 2.75m wide side hung solid pedestrian gate is proposed along with solid panel fencing up to 1.7m in height.

The submitted plans have been accompanied by an Arboricultural Method Statement, Flood Risk Statement and a Design, Access, Heritage and Planning Statement. These documents are available to view on the planning file.

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, the Lindfield and Lindfield Rural Neighbourhood Plan and 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.

Relevant policies:

DP21 Transport
DP26 Character and design
DP34 Listed Buildings and Other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Lindfield and Lindfield Rural Neighbourhood Plan -adopted on 23 March 2016.

There are no policies deemed relevant to this application.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction
DPS4 Flood Risk and Drainage
DPN2 Biodiversity Net Gain
DPN4 Trees, Woodland and Hedgerows
DPC1 Protection and Enhancement of the Countryside
DPB1 Character and Design
DPB2 Listed Buildings and Other Heritage Assets
DPT2 Rights of Way and Other Recreational Routes
DPS6 Health and Wellbeing

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.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The Principle of Development
- Design and Impact upon the Listed Building
- Impact on residential amenities
- Impact upon trees
- Drainage
- Biodiversity Net Gain

The Principle of Development

The site for this application lies in an area of countryside, outside the built up area of Lindfield village, within the open countryside.

Whilst the entrance to the shared access drive can be seen in public views from East Mascalls Lane, these vantage points are limited. The Public Footpath crosses over the access drive and extends to the north west and south east of the site to meet up with other pathways.

The primary objective of the MSDC District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development that does not need to be there. Policy DP12 is relevant. This 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, and:

o it is necessary for the purposes of agriculture; or

o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character. Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.'

The policy guidance contained at paragraph 187 in Chapter 15 of the NPPF, which is entitled: 'Conserving and enhancing the natural environment' states that '*Planning policies and decisions should contribute to and enhance the natural and local environment*'.

The proposed gateways and new gated access points are sited on the line of the existing shared access drive and will serve the established residential properties at the site. They have been designed with consideration to the rural setting.

Given the overall scale and siting of the proposed development within the established residential curtilages, surrounded by other dwellings, it is considered that the proposed gateway development will not create a harmful impact upon the rural setting of the property or the wider landscape.

The proposal will therefore accord with District Plan Policy DP12 and the aims of the NPPF with regards to the conservation and protection of the natural environment.

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 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 DP29);*
- * 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.'*

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in residential development.

It is considered that the proposed gateway entrance points are of a design that is appropriate to the rural setting of the properties that they will serve and they will not harmfully impact upon the public views of the site from East Mascalls Lane.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policy DP26, the principles of the Design Guide and the relevant provisions of the NPPF.

Impact upon the Listed Building

Nether Walstead is a Grade II Listed Building, which is located within an historic farmstead. Associated with the property are the neighbouring residential properties and a number of former farm buildings, which can be regarded as curtilage listed. Together the buildings have group value with the former farmhouse, and contribute positively to its setting and special interest.

The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. Listed Buildings and their settings are afforded special protection under the planning regime by virtue of Section 66(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 (PLBCAA); paragraphs 200-214 of the NPPF and Policy DP34 of the District Plan.

District Plan Policy DP34 is relevant in the determination of this application. It states:

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Detailed comments have been provided by the Conservation Officer during the course of determining the application. These comments are reported above. The Conservation Officer's view is that the proposal will preserve the special interest of the listed building, and the character and appearance of the former farmstead setting. This is accepted.

The proposal is therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Impact on residential amenities

District Plan Policy DP26 requires 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.'*

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties are located off the shared access and their occupiers will benefit from the proposed gateway additions on their private access drive. The gates will serve to remind visitors to the area, and users of the Public Footpath, that there are public and private spaces.

It is deemed that no significant harm will be caused by the proposed development to the amenities of the immediate residents.

The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

Impact upon trees

The proposed layout plans for the site and the accompanying Arboricultural Method Statement (AMS) explain the impact of the proposed gateway developments upon the trees that are growing on the site. In the submitted AMS it was identified that an oak tree (T1) and a group of holly and laurels (Grp 1) would need to be coppiced, and mitigation measures applied for a sweet chestnut and two other oak trees (T5, T6 and T11) to ensure their future survival.

Clarification has been sought during the course of determining the application with regards to the proposal to fell T1 to the ground. The Tree Officer has suggested that a better approach would be to leave the tree as a monolith, as this would create ecological benefits. The revised AMS confirms this approach and this is supported.

It is considered that provided the works are carried out to accord with the revised Arboricultural Method Statement (AMS), the trees growing on the site will be appropriately protected. A planning condition to require the development to accord with the measures in the Arboricultural Method Statement would therefore be appropriate. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

Drainage

The proposed gateway locations are not within the identified Surface Water Flood Zones on the site. The Drainage Engineers have commented on the application and they have raised no objections to this proposal.

It is understood that the proposed gateway construction will not increase the flooding issues at the site and therefore it is considered that the proposal will accord with the aims of District Plan Policy DP41.

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

The proposed gateways will not create a harmful impact upon the rural setting of the property or the wider landscape. The proposal will therefore accord with District Plan Policy DP12 and the aims of the NPPF with regards to the conservation and protection of the natural environment.

The proposed gateways are of a design that is appropriate to the rural setting of the properties that they will serve and will not harmfully impact upon the public views of the site from East Mascalls Lane.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policy DP26, the principles of the Design Guide and the relevant provisions of the NPPF and can be supported.

The proposal will preserve the special interest of the Grade II listed building at Nether Walstead, and the character and appearance of the former farmstead setting. The proposal is therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

It is deemed that no significant harm will be caused by the proposed development to the amenities of the immediate residents. The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

The application is recommended for approval, subject to a planning condition to ensure that the development meets in the Arboricultural Method Statement. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

It is understood that the proposed gateway construction will not increase the flooding issues at the site and therefore it is considered that the proposal will accord with the aims of District Plan Policy DP41.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey