

5 July 2022

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 14TH JULY, 2022 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

- |    |  |               |
|----|--|---------------|
| 1. | To receive apologies for absence.  |               |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |               |
| 3. | To confirm the Minutes of the meeting of the Committee held on 11 and 12 May 2022.       | <b>3 - 10</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |               |

#### **Items Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/22/0735 - 24 Wickham Way, Haywards Heath, West Sussex, RH16 1UQ.                | <b>11 - 22</b> |
| 6. | DM/21/2509 - Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG. | <b>23 - 72</b> |

7. DM/21/2512 - Rowfant House, Wallage Lane, Rowfant, Crawley, West Sussex, RH10 4NG. **73 - 94**

**Items Recommended for Refusal.**

8. DM/22/0922 - 17 Brook Lane, Lindfield, Haywards Heath, West Sussex, RH16 1SF. **95 - 106**

**Other Matters.**

None.

9. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, P Brown, R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer, D Sweatman and R Webb

**Minutes of a meeting of Planning Committee  
held on Wednesday, 11th May, 2022  
from 7.43 - 7.50 pm**

**Present:**

P Coote (Vice-Chair)

P Brown

J Dabell

R Eggleston

B Forbes

T Hussain

C Phillips

M Pulfer

D Sweatman

R Webb

**Absent:**

Councillors R Cartwright and G Marsh

**1 ELECTION OF CHAIRMAN.**

Councillor Coote nominated Councillor Marsh as Chairman of the Committee for the 2022/23 Council year. This was seconded by Councillor Forbes and with no further nominations put forward, this was agreed.

**RESOLVED**

That Councillor Marsh be elected Chairman of the Committee for the 2022/23 Council year.

**2 APPOINTMENT OF VICE-CHAIRMAN.**

In the absence of Councillor Marsh, Councillor Forbes nominated Councillor Coote as Vice-Chairman of the Committee for the 2022/23 Council year. This was seconded by Councillor Sweatman and with no further nominations put forward, this was agreed.

**RESOLVED**

That Councillor Coote be appointed Vice-Chairman of the Committee for the 2022/23 Council year.

**3 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

The meeting finished at 7.50 pm

Chairman

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**Minutes of a meeting of Planning Committee  
held on Thursday, 12th May, 2022  
from 4.00 - 5.06 pm**

**Present:** P Coote (Chairman)  
D Sweatman (Vice-Chair)

P Brown  
J Dabell

R Eggleston  
B Forbes

T Hussain  
C Phillips  
R Webb

**Absent:** Councillors G Marsh, R Cartwright and M Pulfer

**Also Present:** Councillors J Henwood and R Salisbury

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

In the absence of the Chairman on this occasion, the Vice-Chair, Councillor Coote assumed the role of Chairman and appointed Councillor Sweatman to be his Vice-Chairman for the duration of the meeting, which the Committee agreed.

Apologies were received from Councillors Cartwright, Marsh and Pulfer. Councillor Hussain observed the meeting ahead of formal planning training.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

In relation to item DM/22/0782 – 3 Alexandra Road, Burgess Hill, West Sussex RH15 0EP, Councillor Brown declared a personal interest as a regular correspondent with the Open Spaces Society in Mid Sussex and would be abstaining from the vote.

In relation to item DM/22/0782 – 3 Alexandra Road, Burgess Hill, West Sussex RH15 0EP, Councillor Eggleston declared he may be regarded as biased because he has known the applicant for a few years. To avoid the perception of bias he confirmed he would therefore remove himself from the meeting for the discussion and voting on the item.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 14 APRIL 2022.**

The minutes of the meeting of the Planning Committee held on 14 April 2022 were agreed as a correct record and signed by the Chairman.

**4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman had no urgent business.

The Chairman took the last item on the agenda first given the level of interest in that item.

Councillor Eggleston removed himself from the meeting at 4:05pm.

**5 DM/22/0782 - 3 ALEXANDRA ROAD, BURGESS HILL, WEST SUSSEX, RH15 0EP.**

Lesley Westphal, Senior Planning Officer introduced the application which sought for the change of use of this modest sized piece of land within a residential area from informal open space to private garden land, to form part of the garden of the adjoining bungalow. She advised that subject to the appropriate conditions the application complies with the Mid Sussex District Plan and the Burgess Hill Neighbourhood Plan.

Mr David Eggleton, resident, spoke against the application.

Mr Cherry, resident spoke against the application.

Mr Philip Cross, applicant, spoke in favour of the application as the applicant.

Councillor Henwood, Ward Member for Frankland's Ward, spoke against the application. In response to the Ward Members concerns regarding loss of open space, the officer confirmed this had been addressed as part of the planning process, however it was not possible to demonstrate identifiable harm to residents resulting from this loss of open space.

Members discussed the ownership of the land and current access to the site. A Member asked for clarity on access to the site if the change of use was not permitted. Officers explained this was via a 'stopping up' of public access application.

A Member expressed delight the piece of land would form part of an existing garden and would not be built on. He asked the Chairman that as part of the existing planning application two conditions be applied to prevent development and vehicles parking on the site.

The Chairman asked Steven King, Team Leader to clarify the conditions to be included in the application. He confirmed these to be, the removal of all permitted development for out buildings and hard standing.

The Chairman took Members to the vote on the conditions proposed by Councillor Dabell and seconded by Councillor Forbes, with 5 in favour, 1 against and 1 abstention.

Members discussed the development of the site and a Member expressed concern relating to the Burgess Hill Neighbourhood Plan on protecting areas of open space. The Vice-Chairman reminded Members they were considering an application for change of use, not additional development.

The Chairman took Members to the vote to include the proposed conditions in the current recommendations that planning permission be approved subject to the conditions outlined at Appendix A, as amended. This was proposed by the Chairman and seconded by the Vice-Chair. The recommendation was approved with 5 in favour, 1 against and 1 abstention.

## **RESOLVED**

That planning permission was approved subject to the conditions outlined at Appendix A as amended to be agreed by officers in consultation with the Chairman and Vice Chairman.

Councillor Eggleston returned to the meeting at 4.42pm.

### **6 DM/22/0803 - COLLINGWOOD BATCHELOR, UNIT 34 AND 35, THE ORCHARDS, HAYWARDS HEATH, WEST SUSSEX, RH16 3TH.**

Andrew Horrell, Planning Officer introduced the application which seeks planning permission for amendments to the fenestration of shopfronts at Unit 34 and 35 the Orchards. He explained the proposed amendments to the shopfronts are considered to be of a design, size and scale appropriate to the site and character of the area, with the existing building characterised by windows to the front and side elevations. The proposed development is therefore deemed to comply with policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

The Chairman reminded Members the application was before the Planning Committee because the building is on land owned by the District Council.

As there were no questions, the Chairman took Members to a vote that planning permission be approved subject to the conditions outlined at Appendix A. This was proposed by the Chairman and seconded by the Vice-Chair and approved by the Committee unanimously.

## **RESOLVED**

That planning permission was approved subject to the conditions outlined at Appendix A.

### **7 DM/22/1098 - HAZELGROVE ROAD CAR PARK, ST JOSEPHS WAY, HAYWARDS HEATH, WEST SUSSEX, RH16 3QY.**

Deborah Lynn, Planning Officer, introduced the application which sought planning permission to demolish the existing toilet block and erect a new block consisting of a changing places toilet, a male toilet and female toilet. The Planning Officer showed the existing and proposed location of the toilet block adjacent to the Orchards shopping centre. She explained that the new toilet block would be more accessible for those with learning and physical disabilities and that the proposed materials of the new building would be more apparent for visually impaired users. The design would not detract from the appearance and character of the area.

The Chairman reminded Members the application was before the Committee because the building is on District Council owned land.

The Vice-Chairman thanked the officer for the report and was very pleased with the application coming forward and a much-needed addition to the facilities in Haywards Heath.

Members discussed the design of the proposed new toilet block in relation to the number of men's cubicles and the design of the roof. A Member noted male cubicle provision had not improved, however, the disabled and female facilities were greatly

improved. Another Member noted the application was to consider provision of a facility and not the number of cubicles, he agreed the proposal would improve the existing facilities to include a changing places toilet and better access to disabled facilities. In response, the officer confirmed there was only 1 male toilet but 2 urinals and overall, the replacement facility was a vast improvement for disabled users.

A Member asked for clarity in relation to the design of the new roof noting it would be a flat roof replacing a pitched roof and how this compares to the Mid Sussex Design Guide. The officer confirmed the new design complies with policies contained in both the District Plan and Neighbourhood Plan.

The Chairman took Members to the vote that planning permission be approved subject to the conditions outlined at Appendix A. This was proposed by the Vice-Chair and seconded by Councillor Eggleston. The recommendation was approved unanimously with 8 in favour.

#### **RESOLVED**

That planning permission was approved subject to the conditions outlined at Appendix A.

#### **8 DM/22/0860 - TENNIS COURTS, VICTORIA PARK, SOUTH ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 4LR.**

Andrew Horrell, Planning Officer, introduced the application which sought planning permission for the refurbishment of the existing clubhouse both internally and externally. The proposed internal and external changes are in improvement to the existing building and support the enhancement of leisure facilities in the District and of the Haywards Heath Neighbourhood Plan.

The Chairman reminded Members the application was before the Committee as the building was on land owned by the District Council.

As there were no questions, the Chairman took Members to the vote that planning permission be approved subject to the conditions outlined at Appendix A.

This was proposed by the Vice-Chairman and seconded by Councillor Phillips and was approved unanimously with 8 in favour.

#### **RESOLVED**

The planning permission was approved subject to the conditions outlined at Appendix A.

#### **9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.



The meeting finished at 5.06 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

Planning Committee

14 JUL 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/0735



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**24 WICKHAM WAY HAYWARDS HEATH WEST SUSSEX RH16 1UQ  
FIRST FLOOR REAR EXTENSION (AMENDED DRAWING REV E  
RECEIVED ON 25.05.2022 TO REDUCE ROOF HEIGHT AND TILE  
HANGING TO NORTH ELEVATION )  
MR ADAM BUXTON**

POLICY: Built Up Areas

ODPM CODE: Householder

8 WEEK DATE: 15th July 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Rachel Richardson

### **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Planning Permission is sought for the construction of a first floor rear extension above part of an existing ground floor addition. The application has been referred to Committee because the applicant is related to a member of staff involved in the planning process.

Policy DP26 of the District Plan requires that development is well designed and does not cause significant harm to the amenities of neighbours. Policies E9 and H9 of the Haywards Heath Neighbourhood Plan are similar in their aims. The Mid Sussex Design Guide contains design principles aimed at achieving the design objectives of the above policies.

The proposed extension is considered to be acceptable in terms of its design and having regard to the character and appearance of the dwelling house and the street scene, and general locality. In addition, it will not significantly harm the residential amenity for the occupants of adjoining properties.

The proposed development is therefore considered to comply with relevant policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan together with the design principles contained within the Design Guide.

### **RECOMMENDATION**

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

## **SUMMARY OF REPRESENTATIONS**

None.

## **SUMMARY OF CONSULTEES**

None.

## **TOWN/PARISH COUNCIL OBSERVATIONS**

No comment.

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## **INTRODUCTION**

Planning permission is sought for a first floor rear extension to this detached dwelling within the built up area of Haywards Heath.

## **RELEVANT PLANNING HISTORY**

10/03534/FUL First floor side and single storey rear extensions. Permission

13/03734/PDE Large single storey rear extension. Permission

## **SITE AND SURROUNDINGS**

The application property is a detached two storey brick built dwelling which benefits from a single storey flat roofed rear extension. The house is set back from the road with a gravel and grassed front garden. Its rear garden boundary to the north comprises a 1m high brick wall with 0.5m close boarded fencing above, the boundary to the south is defined with 1.8m high close boarded fencing and there are mature dense very tall trees and shrubs planted at the rear (west).

Whilst the site itself is flat, the levels of the street fall away in a southerly direction from the north. The adjoining houses that flank the site to the north and south are staggered, with No.26 to the north sitting further forward of the principle elevation of the application property. No.22 to the south, sits slightly behind the application property. Wickham Way is not part of the public highway and is private road. It is characterised with hedgerows and grassed verges. A railway line is situated behind the rear boundary to the west of the site.

For the purposes of planning policy the property is located within the built up residential area in Haywards Heath, the character of which is suburban.

## **APPLICATION DETAILS**

The proposed first floor rear extension would sit over the footprint of the ground floor extension and its walls to the south and western sides will be built flush with the existing ground floor extension below. It will have a depth of 4.3m (measured from the rear elevation of the existing and original house) and a width of 6.8m. The width

of the proposed extension falls short of the width of the ground floor extension by around 2.2m. The proposed extension will provide two double bedrooms and there will be an internal rationalisation of the existing layout.

The applicant has submitted amended drawings for structural reasons and the revised scheme has now been designed with a dummy pitched roof (flat roof with mono pitched roof around the sides) and a tile hung (north) side elevation over a timber frame.

Originally, the proposed roof extended from the ridgeline of the existing property, hipped on all sides with a smaller flat roofed element. The overall height is now around 1.3m lower than the existing ridgeline.

Roof tiles and brickwork are proposed to match existing.

## **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 Haywards Heath Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

Relevant policies:

DP26 - Character and Design

DP39 - Sustainable Design and Construction

### **Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy H9 - Building Extensions

## *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) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 11 comments that plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

Chapter 12 is in relation to Well Designed Places, and paragraph 126 refers to the creation of high quality, beautiful and sustainable buildings and places which is fundamental to what planning and the development process should be achieving. It's about creating better places in which to live and work. Paragraph 130 states that policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, are sympathetic to the local character including the surrounding built environment, maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials, in addition to creating a high standard of amenity for existing and future users.

## National Planning Policy Guidance

### *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

## National Design Guide

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

### ASSESSMENT

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

- design, in terms of impact on the application property and street scene, and
- residential amenity.

Policy DP26 of the Mid Sussex District Plan states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*



This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

*'Extensions to existing dwellings will be permitted where it meets the following criteria:*

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

*'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.*

*Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach'.*

In terms of rear extensions principle DG51 states that where they *'are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

The proposed extension has been re-designed and has been reduced in height by 1.3m below the existing ridgeline. The proposed extension would sit above and over the footprint of the existing ground floor extension. It would have a mono-hipped roof which is considered to be in keeping and sympathetic to the existing property. As a result of the parapet wall of the ground floor extension being quite high (3.5m above ground level to the southern side), the height of the proposed wall from ground to eaves level, would be around 1.7m, and the roof would be hipped away and matching the sloping plane of the existing property. In terms of building mass and having regard to the scale and proportions of the existing property, it is considered

that the proposed extension will appear integral to its overall form and will respect the character and appearance of the existing house.

The application property and those flanking the site on the western side of the road are orientated on a north-east to south-west axis so they are not parallel to the road frontage. As such, and due to the spacious pattern of housing and gaps between buildings, it is considered that the proposed extension would be visible in the street scene when approaching from the south. However, due to its design, the orientation of the house, and the fact that there is a variation of properties of different sizes in Wickham Way, it is considered that the proposed extension would not appear unduly dominant and would not compromise the character and appearance of the locality.

In terms of sustainable design and construction (Policy DP39), this is a householder application for a relatively modest extension. The proposed extension would need to comply with building regulation requirements which require the development to meet certain building standards compliant with minimising energy use.

The design of the proposed extension is therefore considered to be acceptable and meets the criteria of the relevant policies.

### **Residential Amenity**

In terms of the impact on neighbouring amenity, the test within policy DP26 of the District Plan is that development should not cause significant harm to the amenities of neighbours. The test as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. As such there is some conflict between these policies.

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 DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

As outlined above, the application property sits further forward compared to the adjacent property (No.22), to the south. The block plan illustrates that the first floor rear wall of the proposed extension would be on the same building line as the existing rear elevation of No.22.

MSDG Principle DG47 - Daylight/Sunlight, states that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. The BRE guide gives two rule of thumb tests (plan and elevation) which determine whether or not further detailed daylight and sunlight tests are required. Applicable to the application proposal is the 45 degree test to check extensions perpendicular to a window. On plan the 45 degree test is taken from the mid-point of the neighbouring property's closest ground floor window. If on plan the proposed extension cuts across this 45 degree angle further detailed tests are necessary. On elevation, the 45 degree angle is taken from the mid-point (between eaves and ridge

height) on the side of the proposed extension closest to the neighbouring property's closest window to again assess whether the test is breached.

The proposed extension would not cut across the 45 degree splay. It is also on the northern side of No. 22 so would not therefore adversely affect daylight and sunlight levels and would not result in overshadowing that would amount to any significant harm.

There are no windows proposed at first floor in the side elevation so there would be no significant harm as a result of overlooking and a loss of privacy.

There is sufficient space between dwellings so it is considered that the outlook when viewed from No.22 would not appear oppressive and would not amount to any significant harm for the occupants of this adjoining property.

The adjoining property to the north is further away from the proposed extension and no significant harm would result for the amenities of this property. The first floor wall of the north facing side elevation of the proposed extension will be set in 2.2m from the existing side elevation of the ground floor rear extension. It will also measure around 4.3m in distance away from the boundary shared with No. 26. This is considered to be a reasonable and satisfactory distance between two storey buildings (side to side relationship) in a residential built up area. As such, it is considered that the outlook when viewed by the occupiers of No.26, would not appear oppressive by reason of this first floor proposed extension.

Despite No.26 being sited to the northern side of the extension, it would not cut across the 45 degree rule of thumb test and would not adversely result in loss of daylight/sunlight. As such, the proposed extension would not result in any significant harm to the amenities of No. 26 by reason of overshadowing and a loss of daylight and or sunlight.

Overall, the proposed extension would not result in any significant harm in terms of residential amenity for the occupiers of adjoining properties in accordance with relevant policies.

The proposal is considered to accord with policies DP26 and DP39 of the District Plan and policies E9 and H9 of the Neighbourhood Plan.

## **CONCLUSION**

The proposed extension is considered to be acceptable for the reasons set out above, and it is therefore recommended that permission be granted. The proposed extension is in accordance with all the relevant development plan policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan, as well as the provisions contained within the NPPF and the Mid Sussex Design Guide.

Accordingly, the application is recommended for approval subject to the conditions listed in Appendix A.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Applications".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The materials and finishes of the external finishes of the extension hereby permitted shall match in colour and texture those of the existing dwelling house.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies E9 and H9 of the Neighbourhood Plan.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	02	E	25.05.2022
Location and Block Plan	04		07.03.2022
Existing Floor and Elevations Plan	01	A	07.03.2022

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

No Comment.

### **Parish Consultation**

The Town Council notes the submission of an amended drawing (Drawing No. 2 Revision E, received by Mid Sussex District Council on 25/05/2022) and has no comment to make.

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MID SUSSEX DISTRICT COUNCIL

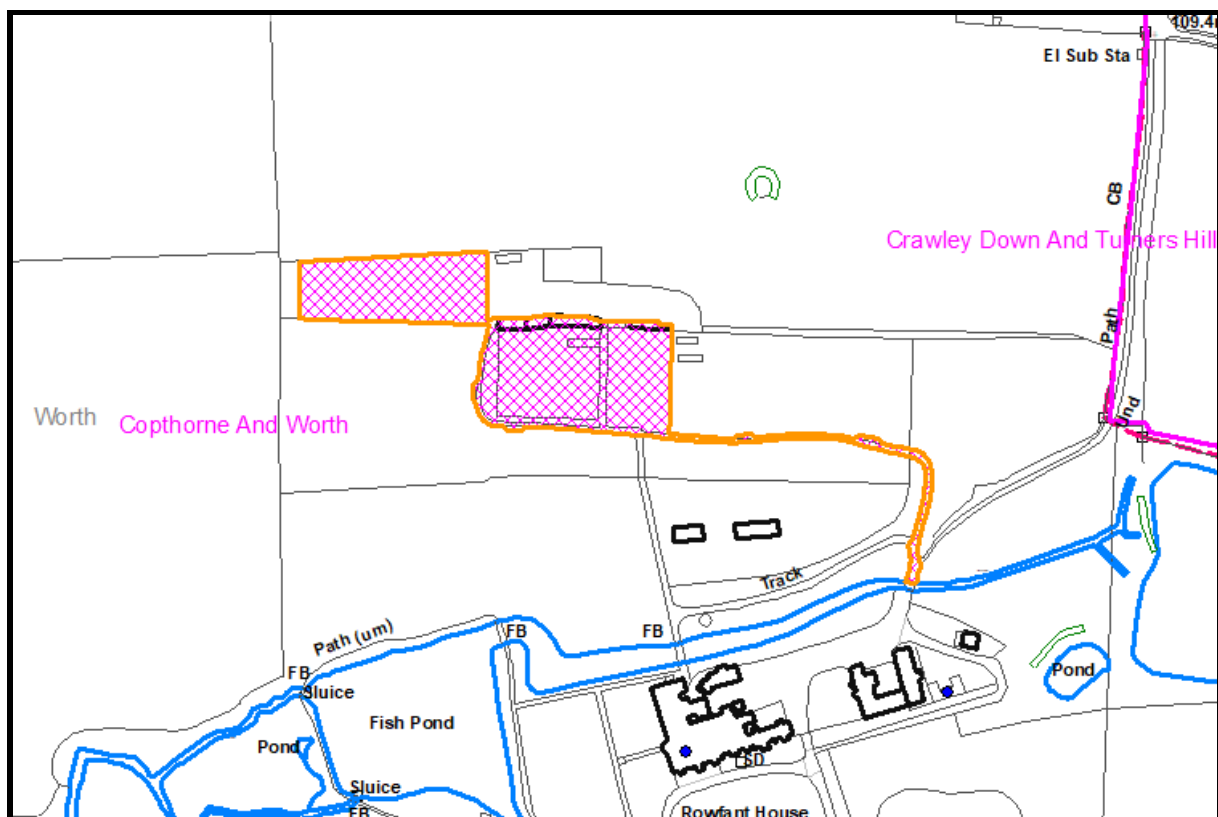
Planning Committee

14 JUL 2022

RECOMMENDED FOR PERMISSION

Worth

DM/21/2509



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**ROWFANT HOUSE WALLAGE LANE ROWFANT CRAWLEY WEST  
SUSSEX RH10 4NG  
(AMENDED PLANS RECEIVED 27.04.2022) PROVISION OF A MARQUEE  
WITHIN THE WALLED GARDEN, ADJACENT CARPARK AND  
MODIFICATIONS TO PATHWAY LEADING TO ROWFANT HOUSE  
MR. MINESH PATEL**

POLICY:

ODPM CODE: Minor Other

8 WEEK DATE: 15th July 2022

WARD MEMBERS: Cllr Christopher Phillips /

CASE OFFICER: Katherine Williams

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

Planning permission is sought for the erection of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House, at Rowfant House, Wallage Lane, Rowfant.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable in terms of its principle, appropriate in terms of character and scale of the surround buildings, protects the setting of the listed building, does not cause unacceptable harm the amenities of neighbouring properties and is acceptable in terms of its impact on the highway, trees, drainage, and biodiversity. Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, DP14, DP21, DP26, DP29, DP34, DP37, DP38 and PD41 policy CNP1, CNP9, CNP13 and CNP14 of the Copthorne Neighbourhood Plan, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

### **RECOMMENDATIONS**

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

### **SUMMARY OF REPRESENTATIONS**

Six letters of representation had been originally received on the application, including a letter signed by 21 individuals which raise the following concerns:



- Out of keeping with the locality
- Additional traffic generation - highway safety issue
- Unsociable hours - traffic movement and noise and disturbance
- Light pollution
- Impact on the environment and biodiversity
- Impact on the setting of the listed building
- No justification for proposal
- Proposed carpark would require demolish of park of the walled garden
- Revenue concerns and continued upkeep of the listed building is not a planning matter, nor would the proposal generate sufficient revenue to repair the house
- Does not protect or enhance the countryside
- Acoustic impact assessment is subject as no existing marquee in place
- Historic England should be consulted

Following these comments amended plans had been received along with further information to address comments made by the case officer, the Environmental Health Officer, WSCC Highways Authority and WSCC Fire and Rescue. The application was then readvertised, and four further letters of representation were received which raised the following concerns:

- Inappropriate location, other alternatives within the site
- Impact on habitats and biodiversity
- Impact on the character of the area
- Increased traffic and noise and nuisance
- Hill House is in direct view of the proposal with no acoustic barrier in between
- Acoustic report is theoretical
- Impact on current quality and tranquillity

Further to this, additional plans were received to include the existing greenhouse structure within the walled garden and amendments to the position and dimensions of the marquee to account for this. The application was then readvertised, and four further letters of representation have been received which raise the following concerns:

- Noise and disturbance
- Increased traffic
- Size and design are out of proportion with the footprint of Rowfant House
- More appropriate locations to the front of the building
- Impact on view
- Impact on peaceful and quiet area
- Revenue concerns and continued upkeep of the listed building is not a planning matter, nor would the proposal generate sufficient revenue to repair the house
- Does not protect or enhance the countryside
- Could involve fireworks and large numbers of guests
- Antisocial behaviour

- Impact on habitats and biodiversity
- Impact on existing bridge
- Request restriction on the number of guests

## **SUMMARY OF CONSULTATIONS**

### **WORTH PARISH COUNCIL OBSERVATIONS**

Defer to the opinion of the officer with the following comments '

' Does this comply with DP12?

' The footpath needs to be retained.

' How will emergency services gain access?

Is the bridge fit for purpose?

#### **MSDC Environmental Protection**

No objection, suggest conditions

#### **MSDC Drainage Engineer**

No objection, recommend drainage conditions

#### **WSCC Highways Authority**

No objection, recommend conditions

#### **WSCC Fire and Rescue Service**

No objection, advice for the applicant

#### **Conservation Officer**

No objection, recommend conditions

#### **Historic England**

No comment

#### **Tree Officer**

No objection, recommend condition

#### **Ecologist**

No objection recommend condition

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## **Introduction**

The application seeks planning permission for the erection of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House.

## **Relevant Planning History**

DM/22/2512 - Provision of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House. Under Consideration

DM/18/0454 - Discharge of Section 52 Agreement in relation to planning permission reference F/73/767 dated 16 November 1973 relating to the use of the buildings as staff accommodation. Granted

07/00661/LBC - Single storey extension to commercial kitchen (3m x 3m). Granted

07/00660/LBC - Single storey extension to commercial kitchen. Granted

06/00735/FUL - Erect two sheds. Granted

05/01118/FUL - Erection of a mobile home for staff accommodation. Refused

05/00532/LBC - Internal alterations to form en-suite bathrooms to hotel bedrooms. Granted

04/01903/LBC - Minor alterations to interior and external porch. Granted

04/01735/FUL - Small extension to form porch and food preparation room. Granted

04/01450/FUL - Erection of 4 mobile homes for staff accommodation. Withdrawn

02/02105/FUL - Resiting of two mobile homes. Granted

WP/086/79 - Rear ground floor extension to provide club bar and toilets (to act also as Listed Building Consent). Granted

WP/059/78 - Extension to dining room and club. Granted

## **Site and Surroundings**

Rowfant House is a Grade II\* listed building, located off the northern side of Wallage Lane within the countryside.

The building is set back from the highway and is accessed by a sweeping open driveway, which also includes a public footpath that extends through the site to the north. The listed building itself is an L-shaped ashlar refaced mansion dating from the 15th century with an arched carriage entrance to the east with existing subordinate buildings beyond consisting of 2 No. dwellings. The drive continues to the north over an existing arched bridge to a large field consisting of the curtilage listed walled garden of Rowfant House with 2 No. static caravans to the south which are used in association with Rowfant House.

Rowfant House was last in lawful use as a wedding venue and hotel with a restaurant, however the building is currently vacant.

The structure of the walled garden consists of intact walls along the entire north, west and eastern sides of the walled garden with a large open area along the southern side. The internal land levels of the walled garden and the open land around the structure slopes down to the south with significant changes in the ground

levels. The northern boundary of the walled garden also consists of a line of both buildings which can be accessed from within and outside the walled garden. There is also a timber and brick greenhouse structure within the walled garden. The land immediately around the walled garden consists of open meadows with woodland and trees around the perimeter.

### **Application Details**

The proposed marquee would have a width and depth of some 50 metres by 15 metres with a pitched roof with an overall height and eaves height of 6 metres and 3.3 metres. This would include a function area, toilets, kitchen and store. The openings to the marquee would be restricted along the northern side to 2 No. fire exits only. The marquee would be constructed in white flex canvas and white aluminium frame fenestration.

The sloping land levels within the walled garden would be altered to create a plateau area for the marquee with shallow slopes from the existing greenhouse to the marquee and from the marquee to the southern wall. Due to the slope of the land the marquee would not protrude above the northern wall and would protrude by some 2.3 metres.

The proposal also includes an access track extending along the existing track to the east along the southern and western sides of the walled garden to a parking area for 48 No. vehicles which would be surrounded by existing trees. This access and parking area would be constructed in grass grid and hoggin surfaces. Landscaping enhancements and planting is also proposed within the existing meadow and within the walled garden.

The proposal would be used in association with the existing use of Rowfant House and would facilitate 30 events a year with opening hours between 11:00 and 23:00.

### **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) And 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 and Copthorne 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:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of Countryside
- DP14 - Sustainable Rural Development and the Rural Economy
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 - Transport
- DP26 - Character and Design
- DP28 - Accessibility
- DP29 - Noise, Air and Light Pollution
- DP34 - Listed Buildings and Other Heritage Assets
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP41 - Flood Risk and Drainage

### **Copthorne Neighbourhood Plan (made September 2021)**

Relevant policies:

- CNP1 - General Development Requirements
- CNP9 - Agricultural Belt
- CNP13 - Economy
- CNP14 - Sustainable Transport

### **Other Planning Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990

## *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) (July 2021)

*Paragraph 12 of the NPPF states 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

*Paragraph 38 of the NPPF states 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## National Planning Policy Guidance

### *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## ASSESSMENT

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

- Principle of Development
- Design and Impact on the setting of the listed building
- Impact on neighbouring properties
- Impact on the Highway
- Impact on Trees
- Impact on Biodiversity
- Drainage
- Ashdown Forest
- Other Matters
- Planning Balance and Conclusions

### Assessment

#### Principle of Development

Policy DP12 of the Mid Sussex District Plan states in part:

*'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:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy CNP9 of the Copthorne Neighbourhood Plan states:

*'CNP9.1 As appropriate to their scale and nature development proposals within the defined Character Area 2 - The Agricultural Belt (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.3, 4.4 and 4.5 of the Copthorne Heritage and Character Assessment (May 2019).*

*CNP9.2 Development proposals associated with existing clusters of commercial development should incorporate appropriate vegetation/screening to enhance the wider agricultural character. Development proposals for new clusters of commercial development will not be supported.*

*CNP9.3 Insofar as planning permission is required proposals for new woodland or the reinforcement of existing woodland along the M23 will be supported.'*

District Plan policy DP1 supports appropriate intensification, conversion, redevelopment and or extension of employment uses providing it is in accordance with other policies in the Plan.

Policy DP14 of the Mid Sussex District Plan relates to sustainable rural development and the rural economy and states:

*'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:*

*new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*

- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.'*

Policy CNP13 of the Neighbourhood Plan states;

*'CNP13.1 Insofar as planning permission is required, development proposals that would result in the loss of our shops and retail premises within the built-up area boundary (as defined by Mid Sussex District Council), will not be supported unless the wider benefits of the proposal outweigh the loss of the retail floorspace concerned.*

*CNP13.2 Development proposals that would result in the loss of employment floorspace/land will not be supported unless it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer commercially viable.*

*CNP13.3 Development proposals for the provision of improved telecommunication infrastructure will be supported where they do not have an unacceptable impact on residential amenity.*

*CNP13.4 Development proposals for new employment and commercial development over 100sqm, residential development of one unit or more, replacement residential development, and buildings undergoing significant refurbishment should install Fibre to the Premises broadband connection unless it can be demonstrated that it would not be commercially viable to do so.'*

Paragraph 84 of the NPPF states:

*'Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*



*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Although currently vacant Rowfant House has last been in use as a hotel and wedding venue and the current proposal would be used in association with this lawful use and would allow the growth and expansion of this existing commercial use within the countryside. It is considered that in relation to the existing size and scale of Rowfant House and the fact that the proposal would be used in association with the house and its lawful, use the proposal would constitute as small scale development within the countryside which would support the sustainable growth and vitality of the rural economy.

The proposal would be located within the walled garden and meadow to the north of Rowfant House, with an area of woodland in between. The meadow itself is encircled by trees and woodland which encloses the proposal and would prevent distant views of the proposal from the wider rural area. A public footpath extends through Rowfant House from Wallage Lane and to the north, and although the proposal would be visible from this footpath these views would be distant and glimpsing, with further screening from the walled garden itself. The marquee itself, although permanent in its position, would visually appear as a temporary structure due to its design and nature.

Due to the slope of the land and the proposed alterations to the land within the walled garden, the proposed marquee would not extend above the height of the northern walled and would be largely obscured by the side walled with only the roof form visible. The proposed parking area would be located within an area surrounding by existing mature trees which would prevent views of the hardstanding and the parked cars. The proposed extension of the existing access road from the parking area, around the walled garden and across the meadow would be constructed in hoggins and grass grids. The materials of the access are considered to be similar in appear to the existing hardstanding within Rowfant House and would mitigate the visual appearance of the proposed hardstanding along with the proposed landscaping enhancements included within the proposal.

It is therefore considered that due to the enclosed nature of the immediate locality and the lack of distant and wider views of the proposal within the countryside, the proposal would protect and maintain the quality of the rural landscape and character of the countryside. The proposal would therefore comply with policies DP1, DP12 and DP14 of the Mid Sussex District Plan and policies and CNP13 and CNP9 of the Copthorne Neighbourhood Plan and is acceptable in principle.

### **Design and Impact on the setting of the listed building**

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Paras 197, 199-202 of the NPPF state:

*'197. 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.*

*199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

Policy DP34 of the District Plan is relevant and states:

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

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

Policy DP26 of the Mid Sussex District Plan states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Historic England have been consulted on the application and do not wish to offer comments but suggests seeking advice from the Council's Conservation Officer.

The Council's Conservation Officer has considered the application and made the following initial comments on the application:

*'The application site is a Grade II\* listed building dating from the 15th century and situated in a rural position outside Crawley Down. The current proposal relates to a 19th century walled garden area to the north of the house which is now unused, and is for the construction of a wedding marquee within the walled enclosure, with an associated new car parking area to be created within an adjacent small field or paddock, and an access track and pathways. The proposal is intended to provide a viable long term use for the house and grounds and to finance necessary repairs and upkeep.*

*The house is considered to possess historical evidential and illustrative value as a very good example of a country house of the 15th century, with later alterations and extensions reflecting changing socio-economic conditions and the evolving needs and aspirations of successive owners. It also possesses aesthetic value. The verdant and rural setting of the house, including the extensive grounds, with surviving features such as the walled garden, makes a strong positive contribution to the special interest of the building and the manner in which this is appreciated, in particular those aspects of its interest which stem from its illustrative value as a historic country house, and its aesthetic value.*

*The proposal, which follows pre-application advice, will have some impact on the openness of the grounds and on the character of the walled garden in particular. However the location of the marquee and the design of the proposed associated landscaping works including the car parking area and access drive and pathways are considered generally sympathetic in principle, subject to detail. Certain aspects of the scheme do however require further information to ensure that the impact on the curtilage listed walled garden and associated structures is acceptable, and also to establish whether the submitted listed building consent application is in fact required:*

- *The applicant should submit further information regarding the walled garden enclosure relating to its current structural condition and whether any works are required in terms of repair to ensure its longevity and in particular in light of the current application whether it is safe in its current state for public access in close proximity to it.*
- *The applicant should also submit similar information in respect of the structures associated with the garden, including the bothies and the glasshouses within the garden itself. These do not appear in a good state of repair, and again further information should be provided relating to the applicant's intentions in this respect.*

- *The applicant should supply further information detailing any works relating to controlling access to the areas around the walled garden and the bothies etc. - are any new fencing, gates etc. proposed? These should be shown on the submitted landscaping plan.'*

Following these comments there have been alterations to the proposal to maintain the existing structure of the walled garden and its associated buildings along with further details regarding the landscaping. The Conservation Officer has subsequently provided the following final comments:

*'Following on from previous comments the application has been amended to reduce the width but increase the length of the marquee structure, allowing for a reduction in the width of the levelled platform within the walled garden area, and consequently a more gradual regrading from the rear to the front of the area. This has removed the need for the previously indicated 'living wall' retaining structure, in favour of a sloped bank to be planted as a 'wildflower meadow'. This is an improvement on the previous proposal and will allow for the retention to a greater degree of the existing character of the internal space of the garden.*

*Notwithstanding the above amendments, the marquee and associated access track and parking area represent a significant intrusion into the settings of both Rowfant Manor, and in particular the curtilage listed walled garden structures. While I remain of the view that the principle of the proposal is acceptable, this is on balance- the marquee, although it is a relatively light weight structure which is set away from any of the listed features, is acceptable only in that the wedding use should allow for the repair and continued upkeep of the walled garden structures. No repair works have been detailed with respect to the house, and it is not clear if the house is to be used in conjunction with the wedding activities- at present I am therefore assuming no direct benefit accruing to the primary listed building.*

*For these reasons, although the proposal is considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF, this will be subject to detail to be reserved by a number of conditions relating to both the repair works to the walls, green house and bothies, and to details of the landscaping scheme to the walled garden and surrounding areas.*

*I note that the area of hard surfacing to the areas around the walled garden has increased during the course of the application due, as I understand it, to a requirement for access by emergency vehicles. This relates to both the width of the entrance track and the introduction of a large area of hardstanding in front of the walled garden itself. This will have a detrimental impact on the verdant character of the setting of the walled garden, and I would prefer to see amendments to the landscaping as shown to reduce the amount of hard surfacing to the minimum acceptable in safety terms, and wherever possible the use of hoggin to be replaced by grasscrete (or similar) as is currently shown to the car parking area. It also appears that the track from the walled garden up to the car parking area has been increased in width which I doubt is necessary in terms of emergency vehicle access? If this can revert to a single vehicle width this would be preferable. These amendments could in my opinion be dealt with by an appropriate landscaping condition. On a more minor point I note that the 'wildflower' mix to the walled garden*

*area to be regraded includes non-native species and is therefore not appropriate for us as a wildflower planting in this context. This also requires revision (and I would suggest although I will not include this in the condition that the applicant consult an expert as to the appropriate planting and maintenance regime to successfully establish a wildflower meadow).'*

The Conservation Officer has also suggested conditions relating to a structural survey, hard and soft landscaping and any details regarding signage and external lighting. However, no proposed signage has been proposed within the application and would in itself not require planning permission and therefore not considered reasonable or necessary to include this condition.

Subsequent amended plans have been provided to reduce the proportion of hoggins to grass grid surfacing along with a reduction in the size of the hardstanding while maintaining sufficient space for emergency vehicles and turning areas. The non-native species have also been removed from the proposed landscaping.

The proposal would be located some 103 metres from Rowfant House with an area of woodland in between, which provides a degree of visual separation from the listed building. Amendments have been received since the original submission to reduce the impact on the existing structures within the walled garden along with a shallower slope within garden to remove the need for further retaining wall structures, along with subsequent reductions in the amount of hardstanding and the proportions of the materials used in line with the Conservation Officer's comments. These amendments are considered to retain the existing character of the internal walled garden and the proposal would also allow repairs and continued upkeep of the walled garden structures. Given the above it is considered that on balance the proposal would protect the setting of Rowfant House and the curtilage walled garden of the property and would comply with policy DP34 of the Mid Sussex District Plan and the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Impact on neighbouring properties*

Policy DP29 of the Mid Sussex District Plan states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

#### *Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless*

*adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

*an assessment of the impact of noise generated by a proposed development; or*

- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

*Light pollution:*

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

*Air Pollution:*

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

DP26 seeks to ensure that development:

*'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'*

Policy CNP1 of the Copthorne Neighbourhood Plan states:

*' CNP1.1 Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area3, as defined on the Policies Map, in which they sit.*

*CNP1.2 Proposals for new development should not cause unacceptable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.*

*CNP1.3 Proposals should retain features such as shaws, hedgerows, ponds and brooks, and enhance them, where practicable.*

*CNP1.4 Proposals should protect, and encourage the use of, pavements, pathways, footpaths, cycle paths, bridleways, established tracks and twittens, and other Rights of Way.*

*CNP1.5 Development proposals should be designed and arranged to maintain separation between Copthorne Village and other surrounding settlements.*

*CNP1.6 Extensions to existing buildings will be supported provided they adhere to other policies in the development plan and:*

- a) Are no higher than the existing building.*
- b) Do not conflict with traditional boundary treatment of an area.*
- c) Use materials which are compatible with materials of existing/surrounding buildings.'*

Policy CNP1.2 states that proposals should not cause "unacceptable" harm to neighbours amenity whereas policy DP26 of the MSDP states that development should 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. 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 CNP1.2 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

To the south of Rowfant House is Rowfant Lodge which is positioned to the west of the property entrance onto Wallage Lane, with Rowfant Cottage and Yew Tree Cottage located opposite on the southern side of Wallage Lane. These neighbouring dwellings would be at least 275 metres from the proposed marquee with Rowfant House and an area of woodland in between. To the north-east is Hill House which would be some 230 metres from the proposal with areas of trees and a field in between, this neighbour is also located on a higher ground level than the proposal.

The application property also includes 2 No. dwellings within the building to the east of Rowfant House, and 2 No. caravans to the north of the house. These properties are within the ownership of the applicant and the caravans are conditioned to be used in association with the owner, occupier or staff of Rowfant House.

It is considered that the proposal would not be visible from neighbouring residential properties due to the separation distances and the screening in between. The caravans within the site would be closest to the proposal, with a separation distance of some 40 metres, however due to the existing conditions on the use of these buildings it is considered that the occupiers would have an association with the use and business of the proposal.

The Council's Environmental Protection Officer has commented on the application in respect of noise and following the submission of additional information have provided the following final comments:



*'From reading the reports submitted my understating is that they are now aiming to achieve a level of 25dB over a 15 minute Leq at the nearest resident. Given the background during the day at residents, the music is likely to be barely audible, or even inaudible the majority of the time.*

*However, the background level significantly drops in the area between 8pm and 9pm, after which the music will likely be audible, at a low level, in neighbours gardens until the events finish, and would have some level of impact on quiet enjoyment of gardens during those times. Given how low the music level is proposed, many activities, such as having a conversation would be unimpacted by the proposed level of music noise in residents gardens.*

*Given how low the music noise level is, it is highly unlikely to be audible in homes, even with windows open. Open widows still provide 13dB of protection, bringing the music noise level down to 12dB inside over a 15 minute Leq, which is highly unlikely to be perceivable above normal household noise.*

*Apart from the music noise, there will also noise from increased traffic and potentially people noise, which is difficult to manage in a meaningful way via conditions, other than to control times.*

*Overall I don't believe we could say that the application will have a Significant Observed Adverse Effect on neighbouring residents.*

*I would be clear though, the noise level will still likely have an Observed Adverse Effect on neighbouring residents, in that the noise will be heard at certain times in the external areas of properties. Planning noise guidance suggests in these situation that such application should be allowed but that the noise should be controlled and mitigated to a minimum, which the proposed new music noise level would appear to achieve.*

*Given the quiet character of the area, and the fact that some may move there for the quiet, it is likely that even if the noise does not meet the criteria for a Significant Observed Adverse Effect, that there will still be an impact on the acoustic character of the area, and we may still get complaints that we are unable to assist with. If we do get justified complaints, then we will of course take action, and the proposed noise management plan condition would allow for the music noise level to be adjusted further if required.*

*I would make it clear that the noise control for this premises is complex, and it will rely heavily on the noise management plan being enforced at all times.*

*In summary [...] it is almost inevitable that residents living near to the venue will suffer some degree of disturbance if this permission is granted. However, with the mitigation measures outlined above, the degree of disturbance can be reduced, particularly with regards to the music noise. Customer noise and traffic noise is harder to deal with. The lower music noise level, as well as lower bass level, means that under the Code of Practice for Environmental Control at Concerts produced by the Noise Council would no longer suggest that we restrict the use of property to 30 days. The reduced music noise will greatly diminish the music noise heard by*

*residents, but without a restriction on number of events they could be affected by low level noise in their gardens far more often. I therefore remain concerned that the quality of life for residents could be negatively affected, but if the venue is well run and if Planning (and Licensing) conditions abided by, it is possible that the level of disturbance will relatively low.*

*I do note Sustainable Acoustics have suggested that a representative from environmental protection attend when they are commissioning the noise array. While I am happy to attend, it does appear a level has already been set for what the music noise level should be on the dance floor, in order achieve at 25dB LAeq over a 15 minute period at residents,[...].*

*We are unlikely to adjust this level during commissioning, as commissioning will likely happen during the day, when the background is high, and it will be very difficult to hear the music at residents addresses. I would also make it clear and even if we are there to witness the level being put in place, we will still take action if justified complaints are later received, such as requiring the music limit to be lowered further.'*

The Environmental Protection Officer has suggested conditions regrading construction and delivery hours, lighting and noise management plan. These conditions along with conditions relating to the number of events per calendar year and the opening hours would ensure that the noise and disturbance created from the proposal would be controlled and designed to minimise the noise impact on the health and quality of life of the neighbouring properties. It should also be noted that Rowfant House has an existing lawful use of a wedding venue, and although currently not in use, has the potential to create noise and disturbance closest to the neighbouring properties on Wallage Lane which cannot be controlled by condition.

The Environmental Protection Officer states within their above comments that even with the requested conditions the proposal could cause some level of impact on neighbouring properties. However, on balance, given the inclusion of the above conditions the proposal would minimise the noise impact on neighbouring properties and any potential noise that would be created would not cause unacceptable harm to the amenities of neighbouring properties and would not warrant the refusal of the application on these grounds.

It is therefore considered that with the inclusion of the above conditions the proposal would not cause unacceptable levels of noise or light pollution and would not cause unacceptable harm to the amenities of neighbour properties, given the separation distance, topography and the existing lawful use of the property and is considered acceptable.

The proposal is thereby considered to comply with policies DP26 and DP29 of the Mid Sussex District Plan.

### **Impact on the Highway**

Policy DP21 of the District Plan states:

*'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*
- *Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*
- *Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) *appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

*In addition, para 111 states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

West Sussex County Council Highways Authority has been consulted on the application and following the submission of further information they have provided the following final comments:

*'The access onto the application site is located on Wallage Road a public maintained highway. The LHA would view said road to be set within a rural setting and be low trafficked.*

*The road is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise. That said, the narrow nature of the road would result in cars travelling at lower speeds than the posted speed limit.*

*West Sussex County Council were previously consulted on highway matters for this location. Clarity was requested relating to the trip rate, hours of operation and parking (accepted within previous comments).*

*The LHA wish to clarify that we are under the opinion that the applicant proposes to remove the use of the following,*

- *Care Home*
- *Hotel*
- *Club*
- *Police Dog Training.*

*While maintaining and implementing the following use,*

- *Restaurant*
- *Marquee (Weddings)*

*The LHA also wish to point out that the existing rooms of the hotel are proposed to be used for Wedding Guests only and not for any other use outside that of weddings. The LHA therefore advise the LPA condition these as such.*

*The applicant proposes to use an established existing access point onto the site.*

*The LHA wish to outline the existing and proposed uses with their associated trip rates as purposed by the applicant.*

*Existing trip use,*

*Care Home - 88 a day*

- Hotel - 158 a day*
- Club - 15 a day (2 days max a week)*
- Police Dog Training - 10 a day (3 days max a week)*
- Restaurant - 40 a day (80 customers)*

*Existing total trips a day - 311*

*Proposed and retained trip use,*

- Restaurant - 40 a day (80 customers)*
- Marquee (Wedding) - 160 a day (Guests & Staff)*

*Proposed and retained total trips a day - 200*

*The proposal will therefore see a reduction of 111 trips a day traversing the site access.*

*An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.*

*With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.*

*The applicant has provided a hardstanding area large enough to accommodate 48 parking spaces for the site. The LHA also notes that ad-hoc parking is available within the site for any additional parking needs.*

*To summarise the LHA raises no concerns over the Vehicle Parking.*

*The applicant has proposed a NIL cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.*

*The applicant has not provided EV parking details, the LPA may wish to consider securing such details if they deem appropriate.*

*The applicant has demonstrated a turn on site. The proposed hardstanding area is large enough to accommodate such a provision. This conforms to Manual for Streets (MfS) Guidance of a minimum of 6 metres to the rear of any parking space.*

*The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy*

*Framework (paragraph 111), and that there are no transport grounds to resist the proposal.'*

The WSCC Highways Authority has stated that the proposal would be acceptable so long as the existing uses and trip generations cease to ensure that the proposal would not create additional trip generation. This has been confirmed within the correspondence with the agent and was clear during the site visit that many of the uses have already ceased. It is therefore considered that subject to condition the uses of the property and the trip generation can be assured. The Highways Authority have also requested a condition regarding parking and suggests further conditions regarding EV charging points and cycle storage. It is considered that due to the nature of the proposed use and its rural location cycle storage would not be considered necessary or reasonable in this instance.

Given the above, it is considered that subject to conditions the proposal would comply with policy DP21 of the Mid Sussex District Plan and is acceptable.

### **Impact on Trees**

Mid Sussex District Plan policy DP37 states:

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
  - *prevents damage to root systems and takes account of expected future growth; and*
  - *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
  - *has appropriate protection measures throughout the development process; and*
  - *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*

- *does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

The Council's Tree Officer has been consulted on the application and following the submission of further information has no objection to the proposal subject to adhering to the protection measures as set out within the submitted tree report. It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan subject to condition.

### **Impact on Biodiversity**

Policy DP38 of the Mid Sussex District Plan states:

*'Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of*

*Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'*

Paragraph 180 of the NPPF states:

*'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The Council's Ecologist has been consulted on the application and considers that there is no biodiversity policy reason for the refusal of the application and recommends a condition for a protection and mitigation plan during construction and enhancements to achieve biodiversity net gain. It is considered that subject to the including of this condition the proposal would comply with policy DP38 of the Mid Sussex District Plan.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse



effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

#### *Recreational disturbance*

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

#### *Atmospheric pollution*

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### *Conclusion of the Habitats Regulations Assessment screening report*

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

## **Drainage**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The site is not within an area identified as having possible pluvial flood risk, however the access is located over an existing watercourse and through areas of increased surface water flood risk. There are not any historic records of flooding occurring on this site and in this area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection to the proposal subject to conditions. This includes a condition relating to a flood evacuation plan, which would ensure the safety of users of the proposal in the event of a flood. This condition would be required as the access to the property through Rowfant House from Wallage Lane extends through areas of increased surface water flood risk and over an existing watercourse.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

## **Other Matters**

Concerns have been raised by the Parish Council regarding the existing bridge within the site and whether it is fit for purpose and whether emergency service vehicles can access the site and the impact on the footpath.

The proposal would utilise the existing bridge over the stream to the east of Rowfant House and no proposed changes are made to the bridge which is currently in use by vehicles. The public footpath extends through the site and to the north through an area of woodland and would not be affected by the proposal. WSCC Fire and Rescue have provided comments on the proposal regarding access which has been widened to ensure that emergency vehicles can access the site.

## **Planning Balance and Conclusions**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable in terms of its principle, appropriate in terms of character and scale of the surrounding buildings, protects the setting of the listed building, does not cause unacceptable harm to the amenities of neighbouring properties and is acceptable in terms of its impact on the highway, trees, drainage, and biodiversity. Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, DP14, DP21, DP26, DP29, DP34, DP37, DP38 and DP41 policy CNP1, CNP9, CNP13 and CNP14 of the Copthorne Neighbourhood Plan, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. Prior to the commencement of work a structural survey and details of repairs as necessary to ensure the structural integrity and good repair of the following shall be submitted to and approved by the Council:

- The walls surrounding the walled garden
- The green house structure within the walled garden
- The bothy structures to the rear of the north wall of the walled garden.

The repair works shall be completed prior to the commencement of the use hereby approved.

In relation to the walls and green house, the structural survey shall also be followed by appropriate monitoring of the wall structure during groundworks. The survey will be undertaken by an appropriately accredited contractor adhering to an approved methodology.

On completion of all groundworks and repair works an assessment report will be undertaken and submitted to the Council confirming the works undertaken are as approved and the structural integrity and good repair of the wall, greenhouse and bothies.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP34 of the Mid Sussex District Plan.

5. No development shall take place unless and until the full details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include details of materials and planting species to areas of new planting or replanted areas inside and outside the walled garden,

including but not limited to, the bank to the rear of the marquee and the new hedgerow proposed to the west of the bothies.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a proposal of visual quality and to accord with Policies DP34 of the Mid Sussex District Plan.

6. 6. The marquee shall be not be brought into operation until a suitable Noise Management Plan (NMP), has been submitted to and approved in writing by the Local Planning Authority. This NMP shall include (but shall not be limited to) hours of operation, hours of deliveries, bottling out restrictions, traffic control, full details of loading/unloading arrangements, noise limits including bass control and any noise mitigation measures. Overall noise levels from amplified music from the marquee should not exceed the background noise level at the nearest noise sensitive receptors. This should be confirmed by undertaking a commissioning exercise.

The Noise Management Plan as approved by Environmental Protection will be in place prior to the first event, and at all times the premises are open a responsible person will monitor sound and, if required, adjust the sound output which is under their full control by reducing it below the set agreed sound level.

The Noise Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed annually, if changes are made to the site and/or upon receipt of noise complaints.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

7. 7. Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday	08:00 - 18:00 hours
Saturday	09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

8. 8. Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday:	08:00 - 18:00 hours
Saturday:	09:00 - 13:00 hours

Sunday & Public/Bank holidays: None permitted

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

9. Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

10. The proposed marquee and parking area hereby approved shall be used for weddings and events in association with the existing use of Rowfant House.

Reason: To preserve the character of the locality and to accord with Policy DP12 of the Mid Sussex District Plan 2014 - 2031.

11. The marquee hereby approved shall not be in use except between the hours of 11:00 and 23:00 Monday to Sunday.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

12. The marquee hereby approved shall not be in use for more than 30 events per calendar year.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Copthorne Neighbourhood Plan.

13. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A wildlife protection and mitigation plan to cover the construction phase and any pre-construction vegetation clearance; habitat enhancement proposals demonstrating how a net gain in biodiversity will be achieved, in accordance with DP38 and emerging national requirements.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

14. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development shall not be occupied or utilised until all the approved drainage works have been carried out in accordance with the approved details. The details shall

include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

15. The development hereby permitted shall not be occupied or utilised until an emergency flood evacuation plan has been submitted to and approved in writing by the local planning authority. This emergency flood evacuation plan should be reviewed, and updated where necessary, by qualified professionals annually. All site users shall be made aware of the emergency flood procedures for the lifetime of the development.

Reason: In the interests of protecting site users from the flood hazard posed to the access and egress of the site.

16. The marquee shall not be brought into use until electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and with DP21 of the Mid Sussex District Plan.

17. The marquee shall not be brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with DP21 of the Mid Sussex District Plan.

18. The works shall be carried out in accordance with the protection measures set out within the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (CA/ROW/01) submitted on 17th November 2021.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

19. Rowfant House shall only be used for the purposes of a restaurant and wedding venue and for no other purpose.

Reason: To preserve the character of the locality and the countryside as well as to ensure there is sufficient parking and to accord with Policies DP12 and DP21 of the Mid Sussex District Plan 2014 - 2031.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Elevations	384-EX-05	B	08.02.2022
Existing Site Plan	384-EX-01	B	08.02.2022
Existing Elevations	384-EX-02		01.07.2021
Existing Elevations	384-EX-03	B	08.02.2022
Existing Sections	384-EX-04	D	27.04.2022
Location Plan	384-PL-01	E	27.04.2022
Site Plan	384-PL-02	D	21.06.2022
Proposed Elevations	384-PL-03	B	27.04.2022
Proposed Elevations	384-PL-04	C	27.04.2022
Proposed Sections	384-PL-05	D	27.04.2022
Proposed Floor Plans	384-PL-06	B	27.04.2022
Proposed Elevations	384-PL-07	B	27.04.2022

## APPENDIX B – CONSULTATIONS

### Trees And Landscape

### WSCC Highways

### Conservation Officer - Emily Wade

#### Historic England

Thank you for your letter of 30 July 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### Parish Consultation

While we defer to the officers decision, we would like the officer to consider the following;

- ' Does this application comply with DP12
- ' The public footpath should be retained.

#### Environmental Protection

Emailed comments to Planning Officer.

Jane Cooper

24/08/21

### Trees And Landscape

#### Parish Consultation

Defer to officer with the following comments '

- ' Does this comply with DP12?
- ' The footpath needs to be retained.
- ' How will emergency services gain access?
- ' Is the bridge fit for purpose?

#### Parish Consultation

Defer to the opinion of the officer with the following comments '

- ' Does this comply with DP12?
  - ' The footpath needs to be retained.
  - ' How will emergency services gain access?
- Is the bridge fit for purpose?

#### Worth Parish Council

Comments dated 20/07/2021:

- While we defer to the officers decision, we would like the officer to consider the following;
- Does this application comply with DP12
- The public footpath should be retained.



Comments dated 05/10/2021:

Defer to officer with the following comments -

- Does this comply with DP12?
- The footpath needs to be retained.
- How will emergency services gain access?
- Is the bridge fit for purpose?

Comments dated 17/05/2022:

Defer to the opinion of the officer with the following comments -

- Does this comply with DP12?
- The footpath needs to be retained.
- How will emergency services gain access?
- Is the bridge fit for purpose?

### ***WSSC Fire and Rescue***

Comments dated 28/07/2021:

Having viewed the plans for planning application No. DM/21/2509, evidence will be required to show adequate access is provided for a fire appliance and a suitable turning facility to ensure the appliance can turn and make an exit. The access track appears to be narrow and not clear if it will support 18 Tonne axial weight of a fire appliance. Also a fire appliance should not have to reverse for than 20 metres to make an exit, the issues identified are a requirement of Approved Document - B: Volume 1 - 2019 Edition B5 section 13 for Fire Service Access.

### ***MSDC Drainage Engineer***

Comments dated 30/07/2021

#### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk. However, access to the proposed development is located over an existing watercourse and through areas of increased surface water flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

We would advise the applicant that a Flood Emergency and Evacuation plan is created to ensure site users safety in a flood event. This plan can be provided at detailed design stage.

#### **SURFACE WATER DRAINAGE**

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. This will need to be confirmed through infiltration testing on site as part of detailed drainage design.

Very little information has been provided in relation surface water drainage. However, the application form states surface water shall discharge to a watercourse.

We would advise the applicant that due to the scale of the development surface water drainage for the development will need to be designed to cater for the 1 in 100-year storm event with an allowance for climate change. The drainage system should consider all impermeable surfaces created as part of the development and not just the marquee itself.

Surface water drainage will also need to follow the drainage hierarchy and use of infiltration considered before discharge to watercourse.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

### **FOUL WATER DRAINAGE**

No information has been provided in relation to foul water drainage. The application form states the method of disposal is unknown. We would advise the applicant that foul water from toilets and kitchen should be managed appropriately.

We would advise that the use of non-mains foul drainage will need to consider the Environment Agency's General Binding Rules. If any proposed non-mains foul drainage does not meet with the General Binding rules, then an Environmental Permit will be required.

Details of the foul drainage system will be required as part of the detailed drainage design.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

### **SUGGESTED CONDITIONS**

#### **FOUL AND SURFACE WATER DRAINAGE**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development shall not be occupied or utilised until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

#### **EMERGENCY FLOOD EVACUATION PLAN**

The development hereby permitted shall not be occupied or utilised until an emergency flood evacuation plan has been submitted to and approved in writing by the local planning authority. This emergency flood evacuation plan should be reviewed, and updated where necessary, by qualified professionals annually. All site users shall be made aware of the emergency flood procedures for the lifetime of the development.

Reason: In the interests of protecting site users from the flood hazard posed to the access and egress of the site.

#### ***Historic England***

Comments dated 06/08/2021:

Thank you for your letter of 30 July 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**MSDC Conservation Officer**

Comments dated 23/08/2021:

Initial comments on the above planning and listed building consent applications.

The application site is a Grade II\* listed building dating from the 15th century and situated in a rural position outside Crawley Down. The current proposal relates to a 19th century walled garden area to the north of the house which is now unused, and is for the construction of a wedding marquee within the walled enclosure, with an associated new car parking area to be created within an adjacent small field or paddock, and an access track and pathways. The proposal is intended to provide a viable long term use for the house and grounds and to finance necessary repairs and upkeep.

The house is considered to possess historical evidential and illustrative value as a very good example of a country house of the 15th century, with later alterations and extensions reflecting changing socio-economic conditions and the evolving needs and aspirations of successive owners. It also possesses aesthetic value. The verdant and rural setting of the house, including the extensive grounds, with surviving features such as the walled garden, makes a strong positive contribution to the special interest of the building and the manner in which this is appreciated, in particular those aspects of its interest which stem from its illustrative value as a historic country house, and its aesthetic value.

The proposal, which follows pre-application advice, will have some impact on the openness of the grounds and on the character of the walled garden in particular. However the location of the marquee and the design of the proposed associated landscaping works including the car parking area and access drive and pathways are considered generally sympathetic in principle, subject to detail. Certain aspects of the scheme do however require further information to ensure that the impact on the curtilage listed walled garden and associated structures is acceptable, and also to establish whether the submitted listed building consent application is in fact required:

- The applicant should submit further information regarding the walled garden enclosure relating to its current structural condition and whether any works are required in terms of repair to ensure its longevity and in particular in light of the current application whether it is safe in its current state for public access in close proximity to it.
- The applicant should also submit similar information in respect of the structures associated with the garden, including the bothies and the glasshouses within the garden itself. These do not appear in a good state of repair, and again further information should be provided relating to the applicant's intentions in this respect.
- The applicant should supply further information detailing any works relating to controlling access to the areas around the walled garden and the bothies etc.- are any new fencing, gates etc. proposed? These should be shown on the submitted landscaping plan.

**Comments dated 04/11/2021:**

The updated plan is in my opinion acceptable in terms of the layout and materials proposed, including new hard and soft landscaping (subject of course to confirmation by our Tree Officers of the appropriateness of the works). The open and verdant character of the space around the walled garden should be largely preserved by this proposal, which will preserve

the contribution that this part of its setting currently makes to the special interest of Rowfant House as well as to the curtilage listed walled garden structure.

The statement regarding the impact of the works on the structural condition and stability of the walls to the walled garden and on the bothies provides for a conservation led approach to the works with further detail provided at a later date by a specialist contractor, and suggests the imposition of an appropriate condition requiring a structural survey and method statement to be submitted prior to the commencement of works, to be followed by monitoring during and after the works to ensure the structural integrity of the wall is preserved. This in my opinion is an appropriate approach.

**Comments dated 19/01/2022:**

I've read and considered the submitted additional Heritage Statement.

In respect of the issue of curtilage listing of the greenhouse, which I did not realise was in question, I do not find the arguments put forward to be convincing. In my opinion the walled garden and hence the structures attached to it (the bothies and the greenhouse) clearly meet the criteria set out in the relevant Historic England guidance. I believe I have set out the reasoning for this in an earlier email, but if necessary I can do so again. Please let me know if you consider this helpful.

In terms of the assessment of the age and level of interest of the greenhouse, the submitted document is very thin and speculative in its conclusions. No reasoning is given for the speculative dating of the wood and brick components of the structure, beyond the assertion that 'wooden Victorian greenhouses would typically be freestanding or dwarf wall in design'. However I am aware of at least two examples locally of Victorian greenhouses in a walled garden location which are of timber frame construction set on brick walls of a comparable height to that at Rowfant:

Borde Hill Garden

West Dean Gardens

Likewise, no detailed assessment is given of the structural condition of the greenhouse or why it cannot be retained and repaired, perhaps with a new purpose found as part of the proposed wedding venue use for the site.

In my opinion, based on the information in front of us, I see no justification for the loss of the greenhouse, which although possibly altered or partially rebuilt appears from historic map evidence to have its origins in the 19th century, and is resonant of the original horticultural use of the space. This makes a positive contribution to the special interest of the curtilage listed walled garden, its historical evidential and illustrative significance, and how this is understood. I would suggest that in the absence of further, more compelling arguments to the contrary, the greenhouse is retained and reused as part of the current wedding venue proposal.

As it stands I consider that the proposal to remove it in its entirety is harmful to the special interest of the curtilage listed walled garden and to the positive contribution which this makes to the special interest of Rowfant House and how this is appreciated. This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that paragraph 202 of the NPPF would apply.

**Comments dated 24/02/2022:**

While I am glad to note the applicant's intention to retain the greenhouse I am afraid there is still a lack of clarity in the submitted plans about how this will be accomplished in the context of the regrading of the site in the area where the greenhouse is located. Comparison of existing and proposed Section AA and site plans does not help on this point and seems to show the greenhouse floating in mid air. Can the applicant please revise the relevant drawings to make this part of the scheme clear, including the relevant site levels around the greenhouse on completion? Proposed section AA at the moment, if one were to insert a ground level beneath the greenhouse, suggests a very steep drop off between this and the level of the marquee as shown. Is this achievable?

I note that the applicant is happy to accept a condition regarding the structural survey and method of retention of the garden wall and other structures during and on completion of the works. This is helpful, although I would suggest that from a procedural point of view it might better if the three elements were split into three separate conditions so that we do not have one condition requiring submission of information which will only be available at three different stages of the project. In particular, not all of this information can be available prior to the commencement of groundworks.

**Comments dated 30/03/2022:**

Thank you for forwarding the latest further information in respect of the above applications.

In my opinion, it is unfortunate that the applicants have not taken a more thorough approach to this submission from the outset, and did not initially set out the full extent and nature of the proposed works, or provide all the required supporting information. A more complete initial submission would have allowed us to understand from the outset what the implications of the works would be in terms of the impact on the setting of Rowfant House and on the curtilage listed walled garden. As it is, we have received information gradually and the full extent of the works involved is only now becoming clearer.

The recently submitted information suggests a substantial retaining wall extending almost the full width of the internal space of the walled garden will be necessary to allow for levelling of the lower area of the garden to accommodate the proposed marquee. The applicant suggests that this could take the form of a 'living wall'. However, I have concerns regarding the marked impact that this structure will have on the existing more natural topography of the site and the character of the walled garden space. I am doubtful that a 'living wall' will be successfully maintained, particularly as planting of this type is something that we could not control in the longer term, and I would be concerned that in time the living wall is likely to revert to just a wall, cutting across the middle of the garden space. In any case, the marked change in levels caused by the retaining wall will in itself have an adverse impact on the character of the garden, and its natural topography.

We also do not have the previously mentioned assurance from a structural engineer regarding the effectiveness of the current scheme including the retaining wall in ensuring that the surrounding structures would be unharmed by the regrading works.

For these reasons I would suggest that the application requires amendment to remove the need for such an abrupt change in levels within the walled garden area, for example by a reduction in size of the proposed marquee allowing for a more gradual sloping of the site from the top of the garden to the marquee platform, which would be less intrusive on the natural topography and could sustain a more natural planting (e.g. a grassed bank with wildflowers).

As it stands I consider that the proposal as now detailed will detract from the setting of the walled garden structures and of Rowfant House, contrary to the requirements of District Plan Policy DP34.

**Comments dated 24/06/2022:**

Further comments on the above planning application following the receipt of amended plans. My apologies for the delay in getting these to you which has been caused by pressure of other work. Please read these in conjunction with my previous comments on the proposal.

Following on from previous comments the application has been amended to reduce the width but increase the length of the marquee structure, allowing for a reduction in the width of the levelled platform within the walled garden area, and consequently a more gradual regrading from the rear to the front of the area. This has removed the need for the previously indicated 'living wall' retaining structure, in favour of a sloped bank to be planted as a 'wildflower meadow'. This is an improvement on the previous proposal and will allow for the retention to a greater degree of the existing character of the internal space of the garden.

Notwithstanding the above amendments, the marquee and associated access track and parking area represent a significant intrusion into the settings of both Rowfant Manor, and in particular the curtilage listed walled garden structures. While I remain of the view that the principle of the proposal is acceptable, this is on balance- the marquee, although it is a relatively light weight structure which is set away from any of the listed features, is acceptable only in that the wedding use should allow for the repair and continued upkeep of the walled garden structures. No repair works have been detailed with respect to the house, and it is not clear if the house is to be used in conjunction with the wedding activities- at present I am therefore assuming no direct benefit accruing to the primary listed building.

For these reasons, although the proposal is considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF, this will be subject to detail to be reserved by a number of conditions relating to both the repair works to the walls, green house and bothies, and to details of the landscaping scheme to the walled garden and surrounding areas.

I note that the area of hardsurfacing to the areas around the walled garden has increased during the course of the application due, as I understand it, to a requirement for access by emergency vehicles. This relates to both the width of the entrance track and the introduction of a large area of hardstanding in front of the walled garden itself. This will have a detrimental impact on the verdant character of the setting of the walled garden, and I would prefer to see amendments to the landscaping as shown to reduce the amount of hardsurfacing to the minimum acceptable in safety terms, and wherever possible the use of hoggin to be replaced by grasscrete (or similar) as is currently shown to the car parking area. It also appears that the track from the walled garden up to the car parking area has been increased in width which I doubt is necessary in terms of emergency vehicle access? If this can revert to a single vehicle width this would be preferable. These amendments could in my opinion be dealt with by an appropriate landscaping condition. On a more minor point I note that the 'wildflower' mix to the walled garden area to be regraded includes non-native species and is therefore not appropriate for us as a wildflower planting in this context. This also requires revision (and I would suggest although I will not include this in the condition that the applicant consult an expert as to the appropriate planting and maintenance regime to successfully establish a wildflower meadow).

I would therefore recommend the following conditions:

1) Prior to the commencement of work a structural survey and details of repairs as necessary to ensure the structural integrity and good repair of the following shall be submitted to and approved by the Council:

The walls surrounding the walled garden

- The green house structure within the walled garden
- The bothy structures to the rear of the north wall of the walled garden.

The repair works shall be completed prior to the commencement of the use hereby approved.

In relation to the walls and green house, the structural survey shall also be followed by appropriate monitoring of the wall structure during groundworks. The survey will be undertaken by an appropriately accredited contractor adhering to an approved methodology.

On completion of all groundworks and repair works an assessment report will be undertaken and submitted to the Council confirming the works undertaken are as approved and the structural integrity and good repair of the wall, greenhouse and bothies.

2) Detailed hard and soft landscaping plan to include details of materials, and for planting, of species. This should include any areas of new planting or replanted areas inside and outside the walled garden including but not limited to the bank to the rear of the marquee and the new hedgerow proposed to the west of the bothies. (Katherine please reword as necessary!)

3) Details of any new signage associated with the use, to be placed anywhere within the curtilage of Rowfant Manor, including signage to the road frontage, and directional signage within the site. Details to include location plan, elevations and materials.

4) Details of any external lighting including location plan, elevations and materials (if this is included in the scheme? I am assuming there may be lighting between the marquee and car park?

If you think appropriate I would also suggest a condition relating to the provision of services (light, water, sewage) to the marquee and how this is to be accomplished. These works should not be carried out in manner which visually intrudes upon or otherwise affects the character of the area.

#### **MSDC Environmental Health Officer**

Comments dated 24/08/2021:

The applicant seeks to provide a marquee within a partially walled garden situated in the grounds of Rowfant House to provide space for weddings and functions. It is proposed that the marquee will be in use at least 30 times per year (the acoustic report states the possibility of unlimited use), up until 23:00 hours. Given the low background noise level in this rural area, I have concerns regarding the likely impact upon residents from music and customer noise, particularly later in the evening.

The applicant has submitted an acoustic report prepared by Sustainable Acoustics dated 4th June 2021 to support their application. It is proposed that a zone array PA system will be installed in the marquee, and the report claims that this highly directional system together with an acoustic lining to the tent will ensure that local residents are not adversely affected by music during events. It should be noted that the report highlights that the effectiveness of the acoustic lining depends upon there being no gaps or defects, and therefore relies on the lining being properly installed and not damaged.

An acoustic survey was undertaken on site, and data shows that the background level in the area is relatively low, particularly later in the evening. The acoustic consultant has suggested that the target for music noise should not exceed 5dB(A) over background noise at nearby

sensitive receptors, and has cited the Code of Practice for Environmental Control at Concerts produced by the Noise Council as justification for this. It should be noted that this code of practice was produced to give guidance on how to minimise disturbance from large music events, and in the absence of any guidance specific to weddings and similar events is useful. However, note 5 to table 1 of the code makes the following statement:

For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5 dB(A) over a fifteen minute period is recommended for events finishing no later than 23.00 hours.

I would question whether a marquee can be considered as an indoor venue and would highlight the lightweight nature of such a structure. However, the acoustic consultant is of the opinion that the recommended noise level can be achieved. Despite this, I have concerns that music will still be audible at nearby residential properties, and the amenity of local people will be adversely affected. Given this, I recommend that the number of events permitted in this venue be limited to 30 per year, and that a temporary permission be granted to allow the impact of events to be assessed over the course of a year. Should the applicant wish to hold more than 30 events then I recommend that a more stringent level of noise control be applied.

The acoustic report recommends appropriate noise criteria in sections 5.2 and 5.3, and matters to be considered when drawing up a Noise Management Plan in section 6. It should be noted that table 3 in section 5.3 appears to contain errors. Environmental Protection would like to stress that the noise level from events must not be greater than 5dB(A) above the background noise level (LA90) over a 15 minute period, and that events should not be allowed after 23:00 hours.

Given the low background noise level in this area, I would question whether the recommended noise level is achievable whilst still allowing the venue to be viable to host wedding receptions and other events. The applicant may find that it is not possible to provide musical entertainment at a level desirable to customers attending the event whilst still complying with a condition designed to protect the amenity of neighbouring residents. In addition, assessing noise in terms of dB(A) can underestimate the intrusiveness of low frequency noise, which can be very noticeable indoors causing unreasonable disturbance. It will therefore be necessary to set additional criterion in terms of low frequency noise through the requirement for a suitable Noise Management Plan.

Although noise from music can be controlled, a large group of people at a celebratory event where alcohol is served is likely to generate significant levels of noise due to activities such as singing, shouting, laughter and loud talking. This disruption can be minimised to a degree by measures such as providing a suitable, designated smoking area and having a policy not to allow drinks outside to encourage people not to remain outside for extended periods however, "people noise", particularly after they have consumed alcohol can be difficult to control.

The venue will inevitably generate extra traffic in the area, and it should be highlighted that these vehicles on a normally quiet, country lane, passing by rural properties after 23:00 over a short period of time, will have an impact the occupiers. Available mitigation is limited, but the effect could be reduced (not eliminated) by use of collective transport, for example for a minibus to deliver and collect guests from the venue. This option could form part of a Noise Management Plan for this venue.

In summary, it is almost inevitable that residents living near to the venue will suffer some degree of disturbance if this permission is granted. However, with the mitigation measures outlined above, the degree of disturbance can be reduced, particularly the music noise. Customer noise and traffic noise is harder to deal with. It should be borne in mind that if events are held here 30 times a year, with weddings generally taking place in the Summertime (when residential windows are more likely to be open) this could equate to regular disturbance during the warmer months. I therefore remain concerned that the quality of life for residents could be negatively affected, but if the venue is well run and if Planning (and Licensing) conditions abided by, it is possible that the level of disturbance will relatively low.



If permission is granted the following conditions are recommended:

Conditions:

Construction hours: Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Deliveries (construction phase): Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturday: 09:00 - 13:00 hours

Sunday & Public/Bank holidays: None permitted

Noise management: The marquee shall not be brought into operation until a suitable Noise Management Plan (NMP), has been submitted to and approved in writing by the Local Planning Authority. This NMP shall include (but shall not be limited to) restricting number of events to 30 per year, hours of operation, hours of deliveries, bottling out restrictions, traffic control, full details of loading/unloading arrangements, noise limits including bass control and any noise mitigation measures, taking into account recommendations outlined in sections 5.2, 5.3 and 6 of the acoustic report submitted by Sustainable Acoustics ref 21-0061-0R01. The Noise Management Plan as approved by Environmental Protection will be in place prior to the first event, and at all times the premises are open a responsible person will monitor sound and, if required, adjust the sound output which is under their full control by reducing it below the set agreed sound level.

The Noise Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed annually, if changes are made to the site and/or upon receipt of noise complaints.

Lighting: Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: To protect the amenity of neighbouring residents

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

#### **Comments dated 24/09/2021:**

From reading the reports submitted my understating is that they are now aiming to achieve a level of 25dB over a 15 minute Leq at the nearest resident. Given the background during the day at residents, the music is likely to be barely audible, or even inaudible the majority of the time.

However, the background level significantly drops in the area between 8pm and 9pm, after which the music will likely be audible, at a low level, in neighbours gardens until the events finish, and would have some level of impact on quiet enjoyment of gardens during those

times. Given how low the music level is proposed, many activities, such as having a conversation would be unimpacted by the proposed level of music noise in residents gardens.

Given how low the music noise level is, it is highly unlikely to be audible in homes, even with windows open. Open windows still provide 13dB of protection, bringing the music noise level down to 12dB inside over a 15 minute Leq, which is highly unlikely to be perceivable above normal household noise.

Apart from the music noise, there will also noise from increased traffic and potentially people noise, which is difficult to manage in a meaningful way via conditions, other than to control times.

Overall I don't believe we could say that the application will have a Significant Observed Adverse Effect on neighbouring residents.

I would be clear though, the noise level will still likely have an Observed Adverse Effect on neighbouring residents, in that the noise will be heard at certain times in the external areas of properties. Planning noise guidance suggests in these situation that such application should be allowed but that the noise should be controlled and mitigated to a minimum, which the proposed new music noise level would appear to achieve.

Given the quiet character of the area, and the fact that some may move their for the quiet, it is likely that even if the noise does not meet the criteria for a Significant Observed Adverse Effect, that there will still be an impact on the acoustic character of the area, and we may still get complaints that we are unable to assist with. If we do get justified complaints, then we will of course take action, and the proposed noise management plan condition would allow for the music noise level to be adjusted further if required.

I would make it clear that the noise control for this premises is complex, and it will rely heavily on the noise management plan being enforced at all times.

In summary, I agree with Jane, that it is almost inevitable that residents living near to the venue will suffer some degree of disturbance if this permission is granted. However, with the mitigation measures outlined above, the degree of disturbance can be reduced, particularly with regards to the music noise. Customer noise and traffic noise is harder to deal with. The lower music noise level, as well as lower bass level, means that under the Code of Practice for Environmental Control at Concerts produced by the Noise Council would no longer suggest that we restrict the use of property to 30 days. The reduced music noise will greatly diminish the music noise heard by residents, but without a restriction on number of events they could be affected by low level noise in their gardens far more often. I therefore remain concerned that the quality of life for residents could be negatively affected, but if the venue is well run and if Planning (and Licensing) conditions abided by, it is possible that the level of disturbance will relatively low.

I do note Sustainable Acoustics have suggested that a representative from environmental protection attend when they are commissioning the noise array. While I am happy to attend, it does appear a level has already been set for what the music noise level should be on the dance floor, in order achieve at 25dB LAeq over a 15 minute period at residents, and these are reproduced below for clarity.

System	Overall source level, dB(A)	63Hz octave band source level, dB	125Hz octave band source level, dB
Zone Array	94 94 95		
Distributed PA system for background music and announcements		84 84	85

We are unlikely to adjust this level during commissioning, as commissioning will likely happen during the day, when the background is high, and it will be very difficult to hear the music at residents addresses. I would also make it clear and even if we are there to witness the level being put in place, we will still take action if justified complaints are later received, such as requiring the music limit to be lowered further.

If permission is granted the following conditions are recommended:

Conditions:

Construction hours: Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Deliveries (construction phase): Deliveries or collection of plant, equipment or materials for use during the construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturday: 09:00 - 13:00 hours

Sunday & Public/Bank holidays: None permitted

Noise management: The marquee shall not be brought into operation until a suitable Noise Management Plan (NMP), has been submitted to and approved in writing by the Local Planning Authority. This NMP shall include (but shall not be limited to) hours of operation, hours of deliveries, bottling out restrictions, traffic control, full details of loading/unloading arrangements, noise limits including bass control and any noise mitigation measures. Overall noise levels from amplified music from the marquee should not exceed the background noise level at the nearest noise sensitive receptors. This should be confirmed by undertaking a commissioning exercise.

The Noise Management Plan as approved by Environmental Protection will be in place prior to the first event, and at all times the premises are open a responsible person will monitor sound and, if required, adjust the sound output which is under their full control by reducing it below the set agreed sound level.

The Noise Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed annually, if changes are made to the site and/or upon receipt of noise complaints.

Lighting: Prior to the installation of any external lighting on the site, details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

Reason: To protect the amenity of neighbouring residents

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

### **MSDC Tree Officer**

Comments dated 17/09/2021:

As per our discussion, I am awaiting further details regarding the trees ie AIA/ AMS before I can make any judgment about the impact of the application on the surrounding trees.

I have reviewed the meadow mix as requested. Although many are native to North America, this would be expected for the prairie type planting and as it is within the walled garden this will have limited impact upon much else. Flowering meadows are notoriously difficult to successfully establish, however if successful, this will be an attractive mix and suitable given the use of the marquee.

Comments dated 15/12/2021:

I have reviewed the recently submitted AIA/AMS and TPP and can confirm that I have no objections to the development providing the protection measures are strictly adhered to throughout.

### **WSCC Highways Authority**

Comments dated 11/10/2021:

Site Background

The proposal is for the placement of a marquee (Amended Plans Received).

The application site is found on Wallage Lane, a public kept, 'C' classified road subject to a National Speed limit and set within a rural setting. As a result, the Local Highways Authority (LHA) will refer to Design Manual for Roads and Bridges (DMRB) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location. The LHA requested the following details are provided,

1. Existing and Proposed trip rates,
2. Hours of Operation,
3. Parking provision and Justification.

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues.

#### Issues Raised

The LHA wishes to outline the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.

1. Previously the applicant has stated that the use (Restaurant and Bar) could have generated trips relevant to 80 heads. The applicant goes on to state that the proposed would see around 200 two-way trips per wedding for guests. (Other trips associated with weddings or the site have not been provided)
2. The applicant has provided details of the hours of operation. However, these details only outline the hours within a day and do not include Daily and Weekly operations.

The applicant has only shown an area of parking.

4. With the above trip data proposed, the LHA would request that maximum achievable visibility splays to DMRB standards are provided at the access onto

Wallage Lane.

#### Recommended correction and mitigation measures

The LHA wishes to supply the following recommendations. However, these are guidelines to aid in providing the corrections to the issues outlined above.

1. The LHA asks the applicant provides the anticipated trip rates for both the existing and proposed uses. This should include all trips to and from the site and is not limited to guests only.
2. The applicant is requested to provide the hours of operation. This should include the Daily and Weekly operations.
3. Please provide a more formalised parking area to accommodate the 50 car parking spaces proposed.
4. As per point 4 above.

#### Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

Comments dated 26/10/2022:

I refer to your consultation in respect of the above planning application and would provide the following comments.

It appears the planning portal doesn't have any additional information as requested.

Comments dated 29/10/2021:

I have reviewed the Transport note and I request further clarity. I provide the following bullet points matching my previous response.

1. A) They need to demonstrate the anticipated trip rate of the existing use, regardless if the business has collapse. This is for them to demonstrate and not for us to make a judgement call, given the potential scale of the proposal. Please provide.
  1. B) The proposed trip details are acceptable pending the outcome of further information.
2. Regarding Hours of Operation, they have only provided the times, not the days. This detail is important when further determining if a material intensification could occur.
3. The proposed parking details are acceptable pending the outcome of further information.

Comments dated 09/12/2021:

The access onto the application site is located on Wallage Road a public maintained highway. The LHA would view said road to be set within a rural setting and be low trafficked.

The road is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise. That said, the narrow nature of the road would result in cars travelling at lower speeds than the posted speed limit.

West Sussex County Council were previously consulted on highway matters for this location. Clarity was requested relating to the trip rate, hours of operation and parking (accepted within previous comments).

The LHA wish to clarify that we are under the opinion that the applicant proposes to remove the use of the following,

- Care Home
- Hotel
- Club
- Police Dog Training.

While maintaining and implementing the following use,

- Restaurant,
- Marquee (Weddings)

The LHA also wish to point out that the existing rooms of the hotel are proposed to be used for Wedding Guests only and not for any other use outside that of weddings. The LHA therefore advise the LPA condition these as such.

#### Access

The applicant proposes to use an established existing access point onto the site. The LHA wish to outline the existing and proposed uses with their associated trip rates as purposed by the applicant.

Existing trip use,

- Care Home - 88 a day
- Hotel - 158 a day
- Club - 15 a day (2 days max a week)
- Police Dog Training - 10 a day ( 3 days max a week)
- Restaurant - 40 a day (80 customers)

Existing total trips a day - 311

Proposed and retained trip use,

Restaurant - 40 a day (80 customers)

- Marquee (Wedding) - 160 a day (Guests & Staff)
- Proposed and retained total trips a day - 200

The proposal will therefore see a reduction of 111 trips a day traversing the site access. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

#### Vehicle Parking

The applicant has provided a hardstanding area large enough to accommodate 48 parking spaces for the site. The LHA also notes that ad-hoc parking is available within the site for any additional parking needs.

To summarise the LHA raises no concerns over the Vehicle Parking.

#### Cycle Parking

The applicant has proposed a NIL cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.

#### Electric Vehicle (EV) Parking

The applicant has not provided EV parking details, the LPA may wish to consider securing such details if they deem appropriate.

#### Turning

The applicant has demonstrated a turn on site. The proposed hardstanding area is large enough to accommodate such a provision. This conforms to Manual for Streets (MfS) Guidance of a minimum of 6 metres to the rear of any parking space.

#### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following condition:

#### Condition Parking

The use hereby permitted shall not commence until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

#### *MSDC Ecologist*

Comments dated 21/12/2021:

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

A wildlife protection and mitigation plan to cover the construction phase and any pre-construction vegetation clearance;

habitat enhancement proposals demonstrating how a net gain in biodiversity will be achieved, in accordance with DP38 and emerging national requirements.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

Note: The wildlife protection and mitigation plan may be incorporated into a Construction Environmental Management Plan if one is being produced to cover a range of environmental impacts, but should provide a clear practical set of requirements for those on site that need to comply with them making clear exactly what, where and when is required, who is responsible, how it should be done and why it is necessary. The document should not include excessive background material aimed at the local planning authority which may detract from useability as a reference on site. Any additional information for the local planning authority to aid discharge of the condition should be provided as a separate explanatory note.



MID SUSSEX DISTRICT COUNCIL

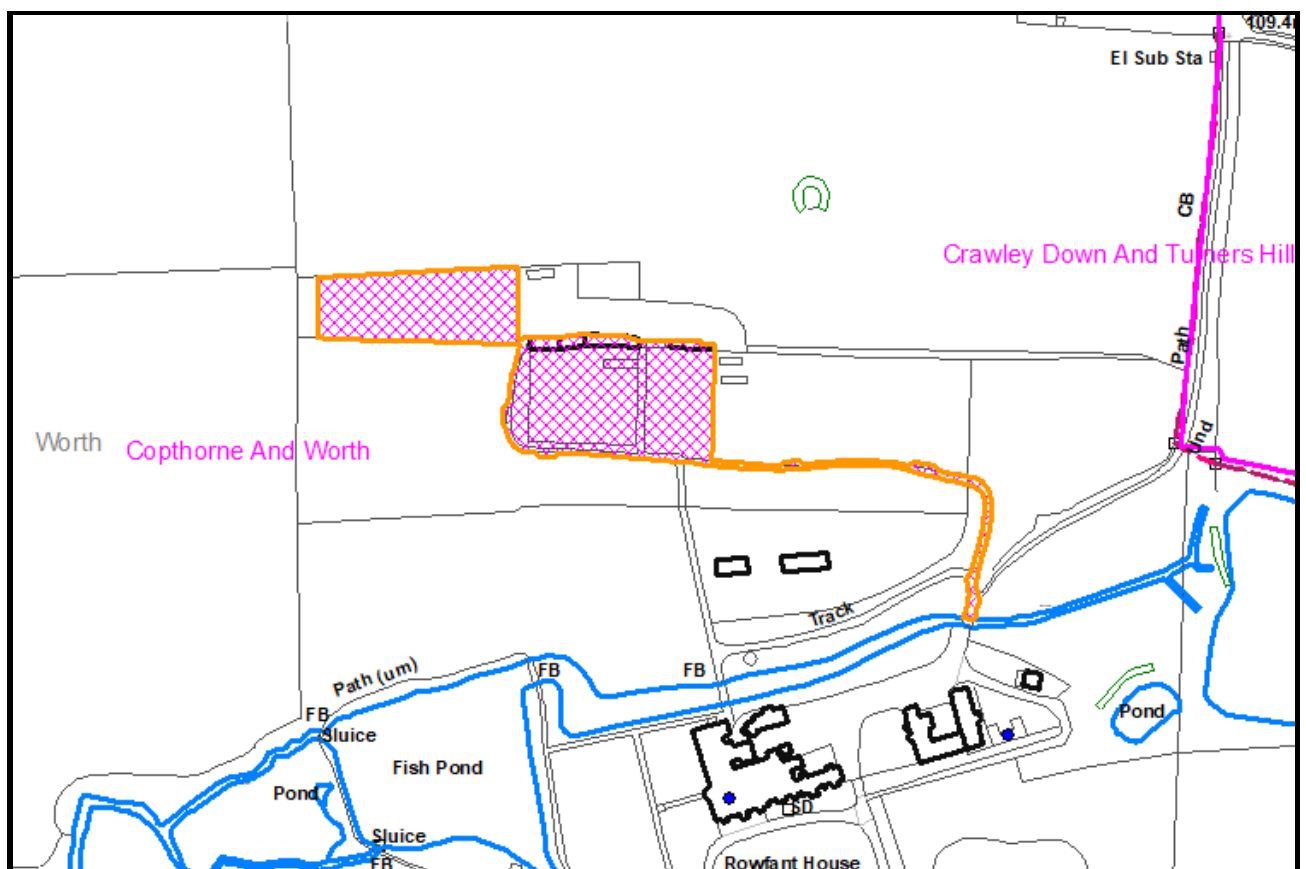
Planning Committee

14 JUL 2022

RECOMMENDED FOR PERMISSION

Worth

DM/21/2512



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**ROWFANT HOUSE WALLAGE LANE ROWFANT CRAWLEY WEST  
SUSSEX RH10 4NG  
(AMENDED PLANS RECEIVED 27.04.2022) PROVISION OF A MARQUEE  
WITHIN THE WALLED GARDEN, ADJACENT CARPARK AND  
MODIFICATIONS TO PATHWAY LEADING TO ROWFANT HOUSE  
MR. MINESH PATEL**

POLICY:

ODPM CODE: LBC Alterations

8 WEEK DATE: 15th July 2022

WARD MEMBERS: Cllr Christopher Phillips /

CASE OFFICER: Katherine Williams

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for listed building consent as detailed above.

### **EXECUTIVE SUMMARY**

Listed Building Consent is sought for the erection of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House, at Rowfant House, Wallage Lane, Rowfant.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority or 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 National Planning Policy Framework (NPPF) advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposal is considered to preserve the setting and the special interest of Rowfant House and the curtilage listed walled garden and therefore the heritage assets and their special interest would not be harmed by the proposed works. As a result the proposal complies with policy DP26 and DP34 of the District Plan as well as the requirements of both the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

It is therefore recommended that listed building consent is granted.

### **RECOMMENDATIONS**

It is recommended that listed building consent be approved subject to the conditions outlined at Appendix A.

## SUMMARY OF REPRESENTATIONS

Ten letters of representation had been originally received on the application, including a letter signed by 21 individuals which raise the following concerns:

- Out of keeping with the locality
- Additional traffic generation - highway safety issue
- Unsociable hours - traffic movement and noise and disturbance
- Loss of trees
- Light pollution
- Impact on the environment and biodiversity
- Impact on the setting of the listed building
- No justification for proposal
- Proposed carpark would require demolish of park of the walled garden
- Revenue concerns and continued upkeep of the listed building is not a planning matter, nor would the proposal generate sufficient revenue to repair the house
- No guarantee the house will be repaired
- Does not protect or enhance the countryside
- Acoustic impact assessment is subject as no existing marquee in place
- Historic England should be consulted
- Impact on wildlife
- Not temporary proposal
- Not sustainable, poor insulation

Following these comments amended plans had been received along with further information to address comments made by the case officer, the Environmental Health Officer, WSCC Highways Authority and WSCC Fire and Rescue. The application was then readvertised, and six further letters of representation were received which raised the following concerns:

- Inappropriate location, other alternatives within the site
- Impact on habitats and biodiversity
- Impact on the character of the area
- Increased traffic and noise and nuisance
- Hill House is in direct view of the proposal with no acoustic barrier in between
- Acoustic report is theoretical
- Impact on current quality and tranquillity

Further to this, additional plans were received to include the existing greenhouse structure within the walled garden and amendments to the position and dimensions of the marquee to account for this. The application was then readvertised, and eight further letters of representation have been received which raise the following concerns:

- Noise and disturbance
- Light pollution
- Increased traffic
- Size and design are out of proportion with the footprint of Rowfant House

- More appropriate locations to the front of the building
- Impact on view
- Impact on peaceful and quiet area
- Revenue concerns and continued upkeep of the listed building is not a planning matter, nor would the proposal generate sufficient revenue to repair the house
- No justification for the proposal
- Does not protect or enhance the countryside
- Could involve fireworks and large numbers of guests
- Antisocial behaviour
- Impact on habitats and biodiversity
- Impact on existing bridge
- Request restriction on the number of guests and hours of loud music
- Should be located within the existing building

The current application is a Listed Building Consent considers the impact on the fabric and special interest of the listed building and does not take into consideration the impact on the amenities of neighbouring properties. However, similar concerns have been raised in letters of representation received under planning application DM/21/2509 which will take these matters into account.

## **SUMMARY OF CONSULTATIONS**

### **WORTH PARISH COUNCIL OBSERVATIONS**

Defer to the officer

#### **MSDC Drainage Engineer**

No objection, recommend drainage conditions

#### **WSCC Fire and Rescue Service**

No objection, advice for the applicant

#### **Conservation Officer**

No objection, recommend conditions

#### **Historic England**

No comment

#### **Ecologist**

No objection recommend condition

## **Introduction**

The application seeks listed building for the erection of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House.

## **Relevant Planning History**

DM/22/2509 - Provision of a marquee within the walled garden, adjacent carpark and modifications to pathway leading to Rowfant House. Under Consideration

DM/18/0454 - Discharge of Section 52 Agreement in relation to planning permission reference F/73/767 dated 16 November 1973 relating to the use of the buildings as staff accommodation. Granted

07/00661/LBC - Single storey extension to commercial kitchen (3m x 3m). Granted

07/00660/LBC - Single storey extension to commercial kitchen. Granted

06/00735/FUL - Erect two sheds. Granted

05/01118/FUL - Erection of a mobile home for staff accommodation. Refused

05/00532/LBC - Internal alterations to form en-suite bathrooms to hotel bedrooms. Granted

04/01903/LBC - Minor alterations to interior and external porch. Granted

04/01735/FUL - Small extension to form porch and food preparation room. Granted

04/01450/FUL - Erection of 4 mobile homes for staff accommodation. Withdrawn

02/02105/FUL - Resiting of two mobile homes. Granted

WP/086/79 - Rear ground floor extension to provide club bar and toilets (to act also as Listed Building Consent). Granted

WP/059/78 - Extension to dining room and club. Granted

## **Site and Surroundings**

Rowfant House is a Grade II\* listed building, located off the northern side of Wallage Lane within the countryside.

The building is set back from the highway and is accessed by a sweeping open driveway, which also includes a public footpath that extends through the site to the north. The listed building itself is an L-shaped ashlar refaced mansion dating from the 15th century with an arched carriage entrance to the east with existing subordinate buildings beyond consisting of 2 No. dwellings. The drive continues to the north over an existing arched bridge to a large field consisting of the curtilage listed walled garden of Rowfant House with 2 No. static caravans to the south which are used in association with Rowfant House.

Rowfant House was last in lawful use as a wedding venue and hotel with a restaurant, however the building is currently vacant.

The structure of the walled garden consists of intact walls along the entire north, west and eastern sides of the walled garden with a large open area along the southern side. The internal land levels of the walled garden and the open land around the structure slopes down to the south with significant changes in the ground levels. The northern boundary of the walled garden also consists of a line of both buildings which can be accessed from within and outside the walled garden. There is

also a timber and brick greenhouse structure within the walled garden. The land immediately around the walled garden consists of open meadows with woodland and trees around the perimeter.

### **Application Details**

The application seeks listed building consent for changes to the existing sloping land levels within the walled garden to create a plateau area for the marquee. The marquee itself does not require listed building consent and is considered under the current planning application (DM/21/2509). This would create shallow slopes from the existing greenhouse to the plateau area and from this area to the southern wall.

### **LEGAL FRAMEWORK AND LIST OF POLICIES**

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority or 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 National Planning Policy Framework (NPPF) advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this is not a planning application, the Planning Practice Guidance (PPG) advises that on any decisions where listed buildings and their settings are a factor, decisions should address the relevant policies in the development plan and the NPPF.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Copthorne Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

Relevant policies:

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

## **Copthorne Neighbourhood Plan (made September 2021)**

None relevant

### **Other Planning Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990

#### *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) (July 2021)

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Guidance

## **ASSESSMENT**

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

- Design and Impact on the setting of the listed building
- Other Matters
- Planning Balance and Conclusions

## Assessment

### Design and Impact on the setting of the listed building

S.16 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'(1) Subject to the previous provisions of this Part, the local planning authority or, as the case may be, the Secretary of State may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions.*

*(2) In considering whether to grant listed building consent for any works the local planning authority or 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.*

*(3) Any listed building consent shall (except in so far as it otherwise provides) enure for the benefit of the building and of all persons for the time being interested in it.'*

Policy DP34 of the District Plan is relevant and states :

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

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

Paras 197, 199-202 of the NPPF state:

*'197. 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.*



199. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

200. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

201. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

202. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

Policy DP26 of the Mid Sussex District Plan states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*

- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Historic England have been consulted on the application and do not wish to offer comments but suggests seeking advice from the Council's Conservation Officer.

The Council's Conservation Officer has considered the application and has made the following initial comments on the application:

*'The application site is a Grade II\* listed building dating from the 15th century and situated in a rural position outside Crawley Down. The current proposal relates to a 19th century walled garden area to the north of the house which is now unused, and is for the construction of a wedding marquee within the walled enclosure, with an associated new car parking area to be created within an adjacent small field or paddock, and an access track and pathways. The proposal is intended to provide a viable long term use for the house and grounds and to finance necessary repairs and upkeep.*

*The house is considered to possess historical evidential and illustrative value as a very good example of a country house of the 15th century, with later alterations and extensions reflecting changing socio-economic conditions and the evolving needs and aspirations of successive owners. It also possesses aesthetic value. The verdant and rural setting of the house, including the extensive grounds, with surviving features such as the walled garden, makes a strong positive contribution to the special interest of the building and the manner in which this is appreciated, in particular those aspects of its interest which stem from its illustrative value as a historic country house, and its aesthetic value.*

*The proposal, which follows pre-application advice, will have some impact on the openness of the grounds and on the character of the walled garden in particular. However the location of the marquee and the design of the proposed associated landscaping works including the car parking area and access drive and pathways are considered generally sympathetic in principle, subject to detail. Certain aspects of the scheme do however require further information to ensure that the impact on the curtilage listed walled garden and associated structures is acceptable, and also to establish whether the submitted listed building consent application is in fact required:*

- *The applicant should submit further information regarding the walled garden enclosure relating to its current structural condition and whether any works are required in terms of repair to ensure its longevity and in particular in light of the current application whether it is safe in its current state for public access in close proximity to it.*
- *The applicant should also submit similar information in respect of the structures associated with the garden, including the bothies and the glasshouses within the garden itself. These do not appear in a good state of repair, and again further information should be provided relating to the applicant's intentions in this respect.*
- *The applicant should supply further information detailing any works relating to controlling access to the areas around the walled garden and the bothies etc.- are any new fencing, gates etc. proposed? These should be shown on the submitted landscaping plan.'*

Following these comments there have been alterations to the proposal to maintain the existing structure of the walled garden and its associated buildings along with further details regarding the landscaping. The Conservation Officer has subsequently provided the following final comments:

*'Following on from previous comments the application has been amended to reduce the width but increase the length of the marquee structure, allowing for a reduction in the width of the levelled platform within the walled garden area, and consequently a more gradual regrading from the rear to the front of the area. This has removed the need for the previously indicated 'living wall' retaining structure, in favour of a sloped bank to be planted as a 'wildflower meadow'. This is an improvement on the previous proposal and will allow for the retention to a greater degree of the existing character of the internal space of the garden.*

*Notwithstanding the above amendments, the marquee and associated access track and parking area represent a significant intrusion into the settings of both Rowfant Manor, and in particular the curtilage listed walled garden structures. While I remain of the view that the principle of the proposal is acceptable, this is on balance- the marquee, although it is a relatively light weight structure which is set away from any of the listed features, is acceptable only in that the wedding use should allow for the repair and continued upkeep of the walled garden structures. No repair works have been detailed with respect to the house, and it is not clear if the house is to be used in conjunction with the wedding activities- at present I am therefore assuming no direct benefit accruing to the primary listed building.*

*For these reasons, although the proposal is considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF, this will be subject to detail to be reserved by a number of conditions relating to both the repair works to the walls, green house and bothies, and to details of the landscaping scheme to the walled garden and surrounding areas.*

*I note that the area of hard surfacing to the areas around the walled garden has increased during the course of the application due, as I understand it, to a requirement for access by emergency vehicles. This relates to both the width of the entrance track and the introduction of a large area of hardstanding in front of the*

*walled garden itself. This will have a detrimental impact on the verdant character of the setting of the walled garden, and I would prefer to see amendments to the landscaping as shown to reduce the amount of hard surfacing to the minimum acceptable in safety terms, and wherever possible the use of hoggin to be replaced by grasscrete (or similar) as is currently shown to the car parking area. It also appears that the track from the walled garden up to the car parking area has been increased in width which I doubt is necessary in terms of emergency vehicle access? If this can revert to a single vehicle width this would be preferable. These amendments could in my opinion be dealt with by an appropriate landscaping condition. On a more minor point I note that the 'wildflower' mix to the walled garden area to be regraded includes non-native species and is therefore not appropriate for us as a wildflower planting in this context. This also requires revision (and I would suggest although I will not include this in the condition that the applicant consult an expert as to the appropriate planting and maintenance regime to successfully establish a wildflower meadow).'*

The Conservation Officer has also suggested conditions relating to a structural survey, hard and soft landscaping and any details regarding signage and external lighting. However, no proposed signage has been proposed within the application and would in itself not require planning permission and therefore not considered reasonable or necessary to include this condition.

Subsequent amended plans have been provided to reduce the proportion of hoggin to grass grid surfacing along with a reduction in the size of the hardstanding while maintaining sufficient space for emergency vehicles and turning areas. The non-native species have also been removed from the proposed landscaping.

The proposal would be located some 103 metres from Rowfant House with an area of woodland in between, which provides a degree of visual separation from the listed building. Amendments have been received since the original submission to reduce the impact on the existing structures within the walled garden along with a shallower slope within garden to remove the need for further retaining wall structures, along with subsequent reductions in the amount of hardstanding and the proportions of the materials used in line with the Conservation Officer's comments. These amendments are considered to retain the existing character of the internal walled garden and the proposal would also allow repairs and continued upkeep of the walled garden structures. Given the above it is considered that on balance the proposal would protect the setting and special interest of Rowfant House and the curtilage walled garden of the property.

### **Other Matters**

Consultee responses have been received from WSCC Highways Authority, WSCC Fire and Rescue and MSDC Drainage Engineer on this application, however as this is a listed building application these matters cannot be taken into consideration and will be considered under the planning application (DM/21/2509).

## **Planning Balance and Conclusions**

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority or 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 National Planning Policy Framework (NPPF) advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposal is considered to preserve the setting and the special interest of Rowfant House and the curtilage listed walled garden and therefore the heritage assets and their special interests would not be harmed by the proposed works. As a result, the proposal complies with policies DP26 and DP34 of the District Plan as well as the requirements of both the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

It is therefore recommended that listed building consent be granted.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The works to which consent relates shall be begun not later than 3 years from the date of this consent.

Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

3. Prior to the commencement of work a structural survey and details of repairs as necessary to ensure the structural integrity and good repair of the following shall be submitted to and approved by the Council:

- The walls surrounding the walled garden
- The green house structure within the walled garden
- The bothy structures to the rear of the north wall of the walled garden.

The repair works shall be completed prior to the commencement of the use hereby approved.

In relation to the walls and green house, the structural survey shall also be followed by appropriate monitoring of the wall structure during groundworks. The survey will be undertaken by an appropriately accredited contractor adhering to an approved methodology.

On completion of all groundworks and repair works an assessment report will be undertaken and submitted to the Council confirming the works undertaken are as approved and the structural integrity and good repair of the wall, greenhouse and bothies.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP34 of the Mid Sussex District Plan.

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### 2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Elevations	384-EX-05		08.02.2022
Existing Site Plan	384-EX-01	B	08.02.2022
Existing Elevations	384-EX-02		
Existing Elevations	384-EX-03	B	08.02.2022
Existing Sections	384-EX-04	D	27.04.2022
Location Plan	384-PL-01	E	27.04.2022
Proposed Site Plan	384-PL-02	D	21.06.2022
Proposed Elevations	384-PL-03	B	27.04.2022
Proposed Elevations	384-PL-04	C	27.04.2022
Proposed Sections	384-PL-05	D	27.04.2022
Proposed Floor Plans	384-PL-06	B	27.04.2022
Proposed Elevations	384-PL-07	B	27.04.2022

## APPENDIX B – CONSULTATIONS

### **Parish Consultation**

Defer to the decision of the officer.

### **Conservation Officer - Emily Wade**

### **Parish Consultation**

Defer to officer.

#### *Worth Parish Council*

Comments dated 20/07/2021:

Defer to the decision of the officer.

Comments dated 05/10/2021:

Defer to officer

#### *Historic England*

Thank you for your letter of 30 July 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

#### *WSCC Fire and Rescue*

Having viewed the plans for planning application DM/21/2512, the nearest fire hydrant to this intended Marquee 280 metres away, over 180 metres more than the required 100 metres. Should an alternative supply of water for firefighting be considered it will need to conform with the details identified in Approved Document - B (AD-B) Volume 2 2019 edition: B5 section 16.

The access route will also need to comply with AD-B: Volume 1 - B5 section 13; the access route needs to be 3.1 metres between a gateway and 3.7 metres between curbs, sections of the access route appear to be less than 3 metres wide, meaning a fire appliance would not be capable of reaching this commercial area.

#### *MSDC Drainage Engineer*

### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk. However, access to the proposed development is located over an existing watercourse and through areas of increased surface water flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

We would advise the applicant that a Flood Emergency and Evacuation plan is created to ensure site users safety in a flood event. This plan can be provided at detailed design stage.

## SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. This will need to be confirmed through infiltration testing on site as part of detailed drainage design.

Very little information has been provided in relation surface water drainage. However, the application form states surface water shall discharge to a watercourse.

We would advise the applicant that due to the scale of the development surface water drainage for the development will need to be designed to cater for the 1 in 100-year storm event with an allowance for climate change. The drainage system should consider all impermeable surfaces created as part of the development and not just the marquee itself.

Surface water drainage will also need to follow the drainage hierarchy and use of infiltration considered before discharge to watercourse.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

## FOUL WATER DRAINAGE

No information has been provided in relation to foul water drainage. The application form states the method of disposal is unknown. We would advise the applicant that foul water from toilets and kitchen should be managed appropriately.

We would advise that the use of non-mains foul drainage will need to consider the Environment Agency's General Binding Rules. If any proposed non-mains foul drainage does not meet with the General Binding rules, then an Environmental Permit will be required.

Details of the foul drainage system will be required as part of the detailed drainage design.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

## SUGGESTED CONDITIONS

### FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The development shall not be occupied or utilised until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

### EMERGENCY FLOOD EVACUATION PLAN

The development hereby permitted shall not be occupied or utilised until an emergency flood evacuation plan has been submitted to and approved in writing by the local planning authority. This emergency flood evacuation plan should be reviewed, and updated where



necessary, by qualified professionals annually. All site users shall be made aware of the emergency flood procedures for the lifetime of the development.

Reason: In the interests of protecting site users from the flood hazard posed to the access and egress of the site.

*MSDC Conservation Officer*

Comments dated 23/08/2021:

Initial comments on the above planning and listed building consent applications.

The application site is a Grade II\* listed building dating from the 15th century and situated in a rural position outside Crawley Down. The current proposal relates to a 19th century walled garden area to the north of the house which is now unused, and is for the construction of a wedding marquee within the walled enclosure, with an associated new car parking area to be created within an adjacent small field or paddock, and an access track and pathways. The proposal is intended to provide a viable long term use for the house and grounds and to finance necessary repairs and upkeep.

The house is considered to possess historical evidential and illustrative value as a very good example of a country house of the 15th century, with later alterations and extensions reflecting changing socio-economic conditions and the evolving needs and aspirations of successive owners. It also possesses aesthetic value. The verdant and rural setting of the house, including the extensive grounds, with surviving features such as the walled garden, makes a strong positive contribution to the special interest of the building and the manner in which this is appreciated, in particular those aspects of its interest which stem from its illustrative value as a historic country house, and its aesthetic value.

The proposal, which follows pre-application advice, will have some impact on the openness of the grounds and on the character of the walled garden in particular. However the location of the marquee and the design of the proposed associated landscaping works including the car parking area and access drive and pathways are considered generally sympathetic in principle, subject to detail. Certain aspects of the scheme do however require further information to ensure that the impact on the curtilage listed walled garden and associated structures is acceptable, and also to establish whether the submitted listed building consent application is in fact required:

- The applicant should submit further information regarding the walled garden enclosure relating to its current structural condition and whether any works are required in terms of repair to ensure its longevity and in particular in light of the current application whether it is safe in its current state for public access in close proximity to it.
- The applicant should also submit similar information in respect of the structures associated with the garden, including the bothies and the glasshouses within the garden itself. These do not appear in a good state of repair, and again further information should be provided relating to the applicant's intentions in this respect.
- The applicant should supply further information detailing any works relating to controlling access to the areas around the walled garden and the bothies etc. - are any new fencing, gates etc. proposed? These should be shown on the submitted landscaping plan.

Comments dated 04/11/2021:

The updated plan is in my opinion acceptable in terms of the layout and materials proposed, including new hard and soft landscaping (subject of course to confirmation by our Tree Officers of the appropriateness of the works). The open and verdant character of the space around the walled garden should be largely preserved by this proposal, which will preserve

the contribution that this part of its setting currently makes to the special interest of Rowfant House as well as to the curtilage listed walled garden structure.

The statement regarding the impact of the works on the structural condition and stability of the walls to the walled garden and on the bothies provides for a conservation led approach to the works with further detail provided at a later date by a specialist contractor, and suggests the imposition of an appropriate condition requiring a structural survey and method statement to be submitted prior to the commencement of works, to be followed by monitoring during and after the works to ensure the structural integrity of the wall is preserved. This in my opinion is an appropriate approach.

Comments dated 19/01/2022:

I've read and considered the submitted additional Heritage Statement.

In respect of the issue of curtilage listing of the greenhouse, which I did not realise was in question, I do not find the arguments put forward to be convincing. In my opinion the walled garden and hence the structures attached to it (the bothies and the greenhouse) clearly meet the criteria set out in the relevant Historic England guidance. I believe I have set out the reasoning for this in an earlier email, but if necessary I can do so again. Please let me know if you consider this helpful.

In terms of the assessment of the age and level of interest of the greenhouse, the submitted document is very thin and speculative in its conclusions. No reasoning is given for the speculative dating of the wood and brick components of the structure, beyond the assertion that 'wooden Victorian greenhouses would typically be freestanding or dwarf wall in design'. However I am aware of at least two examples locally of Victorian greenhouses in a walled garden location which are of timber frame construction set on brick walls of a comparable height to that at Rowfant:

Borde Hill Garden

West Dean Gardens

Likewise, no detailed assessment is given of the structural condition of the greenhouse or why it cannot be retained and repaired, perhaps with a new purpose found as part of the proposed wedding venue use for the site.

In my opinion, based on the information in front of us, I see no justification for the loss of the greenhouse, which although possibly altered or partially rebuilt appears from historic map evidence to have its origins in the 19th century, and is resonant of the original horticultural use of the space. This makes a positive contribution to the special interest of the curtilage listed walled garden, its historical evidential and illustrative significance, and how this is understood. I would suggest that in the absence of further, more compelling arguments to the contrary, the greenhouse is retained and reused as part of the current wedding venue proposal.

As it stands I consider that the proposal to remove it in its entirety is harmful to the special interest of the curtilage listed walled garden and to the positive contribution which this makes to the special interest of Rowfant House and how this is appreciated. This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that paragraph 202 of the NPPF would apply.

Comments dated 24/02/2022:

While I am glad to note the applicant's intention to retain the greenhouse I am afraid there is still a lack of clarity in the submitted plans about how this will be accomplished in the context of the regrading of the site in the area where the greenhouse is located. Comparison of existing and proposed Section AA and site plans does not help on this point and seems to show the greenhouse floating in mid air. Can the applicant please revise the relevant drawings to make this part of the scheme clear, including the relevant site levels around the greenhouse on completion? Proposed section AA at the moment, if one were to insert a ground level beneath the greenhouse, suggests a very steep drop off between this and the level of the marquee as shown. Is this achievable?

I note that the applicant is happy to accept a condition regarding the structural survey and method of retention of the garden wall and other structures during and on completion of the works. This is helpful, although I would suggest that from a procedural point of view it might better if the three elements were split into three separate conditions so that we do not have one condition requiring submission of information which will only be available at three different stages of the project. In particular, not all of this information can be available prior to the commencement of groundworks.

Comments dated 30/03/2022:

Thank you for forwarding the latest further information in respect of the above applications.

In my opinion, it is unfortunate that the applicants have not taken a more thorough approach to this submission from the outset, and did not initially set out the full extent and nature of the proposed works, or provide all the required supporting information. A more complete initial submission would have allowed us to understand from the outset what the implications of the works would be in terms of the impact on the setting of Rowfant House and on the curtilage listed walled garden. As it is, we have received information gradually and the full extent of the works involved is only now becoming clearer.

The recently submitted information suggests a substantial retaining wall extending almost the full width of the internal space of the walled garden will be necessary to allow for levelling of the lower area of the garden to accommodate the proposed marquee. The applicant suggests that this could take the form of a 'living wall'. However, I have concerns regarding the marked impact that this structure will have on the existing more natural topography of the site and the character of the walled garden space. I am doubtful that a 'living wall' will be successfully maintained, particularly as planting of this type is something that we could not control in the longer term, and I would be concerned that in time the living wall is likely to revert to just a wall, cutting across the middle of the garden space. In any case, the marked change in levels caused by the retaining wall will in itself have an adverse impact on the character of the garden, and its natural topography.

We also do not have the previously mentioned assurance from a structural engineer regarding the effectiveness of the current scheme including the retaining wall in ensuring that the surrounding structures would be unharmed by the regrading works.

For these reasons I would suggest that the application requires amendment to remove the need for such an abrupt change in levels within the walled garden area, for example by a reduction in size of the proposed marquee allowing for a more gradual sloping of the site from the top of the garden to the marquee platform, which would be less intrusive on the natural topography and could sustain a more natural planting (e.g. a grassed bank with wildflowers).

As it stands I consider that the proposal as now detailed will detract from the setting of the walled garden structures and of Rowfant House, contrary to the requirements of District Plan Policy DP34.

Comments dated 24/06/2022:

Further comments on the above planning application following the receipt of amended plans. My apologies for the delay in getting these to you which has been caused by pressure of other work. Please read these in conjunction with my previous comments on the proposal.

Following on from previous comments the application has been amended to reduce the width but increase the length of the marquee structure, allowing for a reduction in the width of the levelled platform within the walled garden area, and consequently a more gradual regrading from the rear to the front of the area. This has removed the need for the previously indicated 'living wall' retaining structure, in favour of a sloped bank to be planted as a 'wildflower meadow'. This is an improvement on the previous proposal and will allow for the retention to a greater degree of the existing character of the internal space of the garden.

Notwithstanding the above amendments, the marquee and associated access track and parking area represent a significant intrusion into the settings of both Rowfant Manor, and in particular the curtilage listed walled garden structures. While I remain of the view that the principle of the proposal is acceptable, this is on balance- the marquee, although it is a relatively light weight structure which is set away from any of the listed features, is acceptable only in that the wedding use should allow for the repair and continued upkeep of the walled garden structures. No repair works have been detailed with respect to the house, and it is not clear if the house is to be used in conjunction with the wedding activities- at present I am therefore assuming no direct benefit accruing to the primary listed building.

For these reasons, although the proposal is considered to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF, this will be subject to detail to be reserved by a number of conditions relating to both the repair works to the walls, green house and bothies, and to details of the landscaping scheme to the walled garden and surrounding areas.

I note that the area of hardsurfacing to the areas around the walled garden has increased during the course of the application due, as I understand it, to a requirement for access by emergency vehicles. This relates to both the width of the entrance track and the introduction of a large area of hardstanding in front of the walled garden itself. This will have a detrimental impact on the verdant character of the setting of the walled garden, and I would prefer to see amendments to the landscaping as shown to reduce the amount of hardsurfacing to the minimum acceptable in safety terms, and wherever possible the use of hoggin to be replaced by grasscrete (or similar) as is currently shown to the car parking area. It also appears that the track from the walled garden up to the car parking area has been increased in width which I doubt is necessary in terms of emergency vehicle access? If this can revert to a single vehicle width this would be preferable. These amendments could in my opinion be dealt with by an appropriate landscaping condition. On a more minor point I note that the 'wildflower' mix to the walled garden area to be regraded includes non-native species and is therefore not appropriate for us as a wildflower planting in this context. This also requires revision (and I would suggest although I will not include this in the condition that the applicant consult an expert as to the appropriate planting and maintenance regime to successfully establish a wildflower meadow).

I would therefore recommend the following conditions:

1) Prior to the commencement of work a structural survey and details of repairs as necessary to ensure the structural integrity and good repair of the following shall be submitted to and approved by the Council:

- The walls surrounding the walled garden
- The green house structure within the walled garden
- The bothy structures to the rear of the north wall of the walled garden.

The repair works shall be completed prior to the commencement of the use hereby approved.

In relation to the walls and green house, the structural survey shall also be followed by appropriate monitoring of the wall structure during groundworks. The survey will be undertaken by an appropriately accredited contractor adhering to an approved methodology.

On completion of all groundworks and repair works an assessment report will be undertaken and submitted to the Council confirming the works undertaken are as approved and the structural integrity and good repair of the wall, greenhouse and bothies.

2) Detailed hard and soft landscaping plan to include details of materials, and for planting, of species. This should include any areas of new planting or replanted areas inside and outside the walled garden including but not limited to the bank to the rear of the marquee and the new hedgerow proposed to the west of the bothies. (Katherine please reword as necessary!)

3) Details of any new signage associated with the use, to be placed anywhere within the curtilage of Rowfant Manor, including signage to the road frontage, and directional signage within the site. Details to include location plan, elevations and materials.

4) Details of any external lighting including location plan, elevations and materials (if this is included in the scheme? I am assuming there may be lighting between the marquee and car park?

If you think appropriate I would also suggest a condition relating to the provision of services (light, water, sewage) to the marquee and how this is to be accomplished. These works should not be carried out in manner which visually intrudes upon or otherwise affects the character of the area.

#### *WSCC Highways Authority*

The proposal is for the Siting of a Marquee and ne parking area with internal access. The application site is located on a private access track leading from, Wallage Lane a publicly maintained, 'C' classified road subject to a national speed limit.

Although Wallage Lane is subject to national speed limit, due to the road geometry and the narrow nature of the rural lane, the Local Highways Authority (LHA) would not expect vehicles to be travelling at the posted speed limit in this location.

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues.

## Issues Raised

The LHA wishes to outline the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.

1. Trip Rates
2. Parking

## Recommended correction and mitigation measures

The LHA wishes to supply the following recommendations. However, these are guidelines to aid in providing the corrections to the issues outlined above.

1. The LHA requests the applicant provides existing and proposed trip rates into and out of the site.
2. The LHA notes the applicant proposes a 48-space parking area on the plans. The LHA requests the applicant provides justification to such a large provision.

## Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

MID SUSSEX DISTRICT COUNCIL

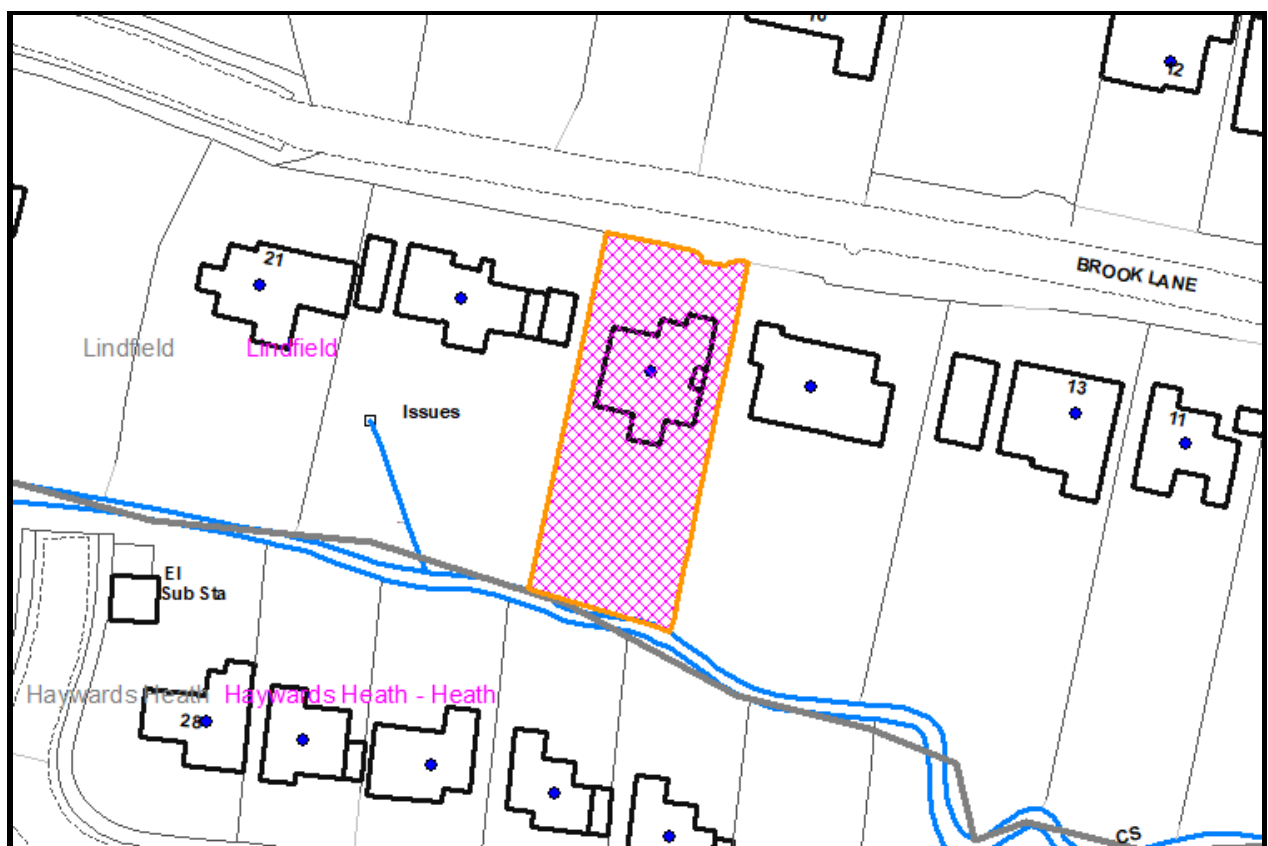
Planning Committee

**14 JUL 2022**

RECOMMENDED FOR REFUSAL

**Lindfield**

**DM/22/0922**



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**17 BROOK LANE LINDFIELD HAYWARDS HEATH WEST SUSSEX RH16  
1SF  
FIRST FLOOR FRONT AND REAR EXTENSIONS  
MR. JAMES WREN**

POLICY: Built Up Areas / Flood Map - Zones 2 and 3 / Flood Map - Zones / Notice of Exemption NSW Act 1951 / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 18th July 2022

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Caroline Grist

### **Purpose of Report**

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

### **Executive Summary**

This application seeks planning permission for first floor front and rear extensions at 17 Brook Lane, Lindfield.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework.

It is considered that the scale, form and design of the proposed extensions do not create subordinate or proportionate additions to the dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and is considered to result in dominant and incongruous additions that would be harmful to the character of the surrounding area.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, principles DG49, DG50 and DG51 of the Design Guide Supplementary Planning Document as well as the broader requirements of the NPPF.

Planning permission should therefore be refused.

### **Recommendation**

It is recommended that permission is refused for the reason outlined at Appendix A.



## **Summary of Consultations**

### **MSDC Drainage Engineer**

No objection.

## **Summary of Representations**

No representations have been received in response to this application.

## **Parish Council Observations**

No objection, subject to matching materials being used.

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## **Introduction**

This application seeks planning permission for first floor front and rear extensions at 17 Brook Lane, Lindfield.

## **Planning History**

G/52/221 - Layout of road extension and development of land. Permitted.

G/53/180 - Bungalow. Permitted.

## **Site and Surroundings**

17 Brook Lane is a north facing, detached, chalet bungalow. It is constructed of brick, with a plain tiled, barn hip roof and upvc windows. The dwelling is characterised by a pitched roof dormer window in the front roofslope as well as a pitched roof, front projection that contains an integral garage. This front projection is one and a half stories high, with tile hanging also in the eaves. To the rear the dwelling benefits from two further, small, pitched roof dormer windows and a conservatory.

The property is located within the built up area of Lindfield. Neighbouring dwellings are situated to the south, east and west, whilst the highway is to the north. The dwelling is set back from the road by a front garden and area of hardstanding. It also has private amenity space to the rear.

## **Application Details**

Planning permission is sought for first floor front and rear extensions. To the front it is proposed to change the existing storage space above the garage into a bedroom. This is to be achieved by increasing the roof heights; the footprint is to remain as existing. The eaves height is to be increased from some 2.4 metres to 3.6 metres. The ridge is to be increased from approximately 5.5 metres to 6.7 metres, so it matches the ridge of the main house.

In terms of the works to the rear, it is proposed to lift the eaves of the dwelling, in order to create a full first floor across the rear elevation. Internally two existing bedrooms are to be enlarged, one with an en-suite, and a further bedroom is to be created. In order to create this space the eaves, at the rear only, are to be increased from some 2.5 metres to 5.3 metres. In terms of depth created the floor plan indicates that this would be some 1.5 metres. The elevations show that, from the barn hip, the projection would be approximately 3.4 metres and at the apex of the roof 3.5 metres.

It is proposed to construct the extensions 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.

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) And 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 Mid Sussex District Plan and Lindfield and Lindfield Rural Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

Relevant policies:

DP26 - Character and Design

### **Lindfield and Lindfield Rural Neighbourhood Plan**

The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.

There are no relevant policies.

### *Mid Sussex Design Guide Supplementary Planning Document*

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment that is well designed, beautiful and safe, with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states:

*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states:

*'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 134 of the NPPF states:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

*National Planning Policy Guidance*

*Ministerial Statement and National Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## **ASSESSMENT**

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

- Design and impact on the character of the surrounding area,
- Impact on neighbouring properties, and
- Planning balance and conclusions.

## **Design and impact on the character of the surrounding area**

Policy DP26 of the Mid Sussex District Plan relates to character and 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:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

In terms of the Mid Sussex Design Guide SPD, Principle DG49 establishes general principles for extensions and states:

*'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.'*

*Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.*

*Extension should not result in a significant loss to the private amenity area of the dwelling*

*There are two general approaches to extending a property*

*Designing in the style of the existing building by closely matching its facing materials, architectural features, window sizes and proportions and*

*Designing in a contemporary style that takes its cues from key aspects of the existing building that might include its underlying form and proportions, facing materials, window design and other specific architectural features. The success of this approach is particularly reliant on high quality facing materials and finishes, and this will normally need to be demonstrated through detailed elevations and section drawings.*

*Both approaches can create successful, well-designed extensions that can be mutually beneficial to both the house and the wider area.*

*All extension and alterations should consider their impact on neighbouring properties (refer to Chapter 8 on residential amenity)*

In terms of front extensions DG50 sets out:

*'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.*

*Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.*

*Where front extensions are considered acceptable, they should normally be limited to a modest single storey or porch-type extension that reflect the character of the existing property'.*

Principle DG51 relates to rear extensions and states:

*'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the*

*relationship of the extension with the side boundaries and adjacent buildings and gardens'.*

The application property is a characterful, simply designed chalet bungalow that has remained relatively unaltered. It therefore has retained the features of a chalet bungalow, such as a low eaves height and dormer windows, which are considered to be characteristics of the dwelling. Houses are positioned along both sides of Brook Lane, which has a turning point at the western end of the road, and those on the northern side are on higher ground. It has a combination of detached two storey houses and chalet bungalows, which are set back behind gardens and verges. Whilst there is a variety of housing designs, the dwellings comprise traditional forms, are constructed of traditional materials and are well spaced.

Planning permission is sought for first floor extensions to the front and rear of the dwelling. In terms of the front extension, the dwelling is set well back from the road, as required by principle DG51, and therefore the principle of works to the front is considered to be acceptable. In terms of design, the existing projection is considered to appear proportionate in relation to the main core of the house. It also appears subordinate, due to the low eaves and ridge height.

The proposed development seeks to create first floor space by increasing the eaves and ridge height. Whilst the footprint would remain the same, it is considered that these works adversely affect the proportions of the dwelling and the increased roof heights create a more dominant feature. The dominance is not only visible from the front, but also from the side where there would be additional, visible bulk. In terms of detailed design, the increased eaves height appears discordant in side views and the overall appearance of the addition, which appears quite urban, would not be in keeping with the character of the existing dwelling.

With regards to the works to the rear, it is proposed to increase the eaves height and create first floor accommodation to the rear of the property. As set out, the application relates to a chalet bungalow that contains the characteristic of this type of dwelling through first floor accommodation being provided by dormer windows and a low eaves line. The proposed works would therefore be contrary to the character of the dwelling through the creation of a fully expressed two storey elevation to the rear and through the increased eaves. Furthermore, in order to create this level of space, a large expanse of flat roof would be created, which would not create a subordinate design.

With regards to the impact on the streetscene, both extensions would be visible from public vantage points. It is acknowledged that there is variety within surrounding properties and a number have been extended, however this does not prevent the need for current proposals to be in accordance with current policy requirements.

In terms of the front extension, the frontage of the application site is visible within the street. It is considered that the design approach would be out of keeping with the more traditional appearance of the surrounding properties and its form would not appear subordinate.

Whilst it is acknowledged that the rear of the property is not visible from public vantage points, due to the spacing of dwellings along the road, there are views to the side of the roof. Given the scale and height of the proposed works, it is considered that the extension to the rear would also be visible within the streetscene. As set out, the rear extension is considered to be at odds with the character of the existing dwelling and the scale and form would not appear subservient.

It is therefore considered the both the front and rear extensions would create dominant and incongruous additions that would be harmful to the streetscene.

### **Impact on neighbouring amenities**

Policy DP26 of the District Plan also relates to amenity and states that:

*'All applicants will be required to demonstrate that development...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'*

The front extension would be positioned closest to 15 Brook Lane, a chalet bungalow, and the works to the rear would also be within close proximity. Both dwellings are set away from the shared boundary. No. 15 has their garage closest to the application site as well as a detached shed. The extension to the rear would also not project beyond existing the rear wall of the application property. Given this arrangement it is considered that the proposed extensions would not result in a significant loss of light or outlook to this neighbour.

The works to the rear would span the full width of the house. 19 Brook Lane is a two storey dwelling and there is a mature hedge along part of the shared boundary. Whilst this neighbour does have a first floor window facing the application property, it is set away by a single storey section containing the garage. As such it is considered that the proposed development would also not result in significant harm to this neighbour's light or outlook.

One new, first floor, side window is proposed on the western elevation. It is, however, to be associated with an en-suite and therefore would be obscure glazed. The proposal would therefore not result in significant harm regarding overlooking.

### **Planning Balance and Conclusions**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

Whilst it has been concluded that the proposed extensions would not result in significant harm to the amenities of neighbouring properties, harm has been identified in design terms. It is considered that the scale, form and design of the proposed extensions would not create subordinate or proportionate additions to the



dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and would create dominant and incongruous additions that would be harmful to the character of the surrounding area.

The proposal would therefore fail to comply with policy DP26 of the Mid Sussex District Plan, principles DG49, DG50 and DG51 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

It is therefore recommended that planning permission should be refused.

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## APPENDIX A – REASONS FOR REFUSAL

1. The scale, form and design of the proposed extensions would not create subordinate or proportionate additions to the dwelling and would undermine the character of the existing building. Due to the spacing of properties, the development would be visible within the streetscene and would create dominant and incongruous additions that would be harmful to the character of the surrounding area. The proposal would therefore fail to comply with Policy DP26 of the Mid Sussex District Plan, Principles DG49, DG50 and DG51 of the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

### INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor and Elevations Plan	1198/01		18.03.2022
Proposed Floor and Elevations Plan	1198/02		18.03.2022
Location Plan	1198/05		18.03.2022
Block Plan	1198/06		18.03.2022

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The proposal is for a substantial first floor extension but it appears that the site is able to accommodate this. Accordingly, Lindfield Parish Council has no objections subject to matching materials being used.

### **MSDC Drainage Engineer**

Following the consultation of the flood risk and drainage team for the above application we have reviewed the submitted information and can provide the following comment.

The site is located within an area of increased surface water flood risk. The site also includes small areas of flood zone 2 and 3, medium and high fluvial (river) flood risk. The West Common Stream, classified as a main river by the Environment Agency forms the southern boundary of the site.

The proposed development is for a first floor extension with no increase of built footprint at ground floor level.

Due to all proposed development being located on first floor level the flood risk and drainage team have no objection to the application. We would however, advise the applicant to consider the Environment Agency's standing advice for minor extensions, especially in association with flood resistance and resilience measures at ground floor level. More information on this can be found online at <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#advice-for-minor-extensions>.