
Appeal Decision

Site visit made on 23 December 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal Ref: APP/D3830/W/22/3301997

Land adjacent to Hammonds Place, London Road, Burgess Hill

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Williams against the decision of Mid Sussex District Council.
 - The application Ref DM/21/4233, dated 3 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is a 4-bed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of Hammonds Place, a Grade II listed building.

Reasons

Setting of Hammonds Place

3. The proposal is for a four bed detached house within the grounds of Hammonds Place, a large Grade II listed former farmhouse set in a substantial rectangular shaped garden within the built-up area of Burgess Hill. The new dwelling would be located in the south-east corner of the garden with access from Hammonds Garden, an adjacent residential cul-de-sac.
4. The list description describes Hammonds Place as the best building in Burgess Hill. The timber frame with painted brick infilling is exposed on the impressive north front whilst the brick faced east front with two-storey gabled entrance porch with room over dates from 1566. The west elevation is also fronted in brick whilst the south front facing the garden has been altered with a modern bay window extension.
5. The setting of the building includes Little Hammonds and adjacent barn to the north and the extensive lawns either side of the rose garden to the south. The latter area is bounded by a belt of mature trees which screens the site from the busy London Road, a 2 m brick wall along the southern boundary and various peripheral garden trees which combine to largely mitigate the visual impact of the surrounding modern housing. The extensive verdant gardens thus make a vital contribution to the appreciation of Hammonds Place as a 16th century farmhouse in a previously rural area by keeping modern Burgess Hill at bay.

6. In 2019 an earlier proposal for two detached houses either side of the rose garden was dismissed on appeal¹, the Inspector noting that “this large listed property needs to maintain the vegetation and openness to its southern side or it would indelibly have its special interest and qualities unacceptably diminished. The house and garden ‘belong’ together as one.” I agree. Whilst the proposal has been reduced to a single house the importance of the setting is undiminished. The new dwelling and its boundary enclosure, however well designed, would encroach towards the south-east corner of Hammonds Place, eroding the important sense of space around the building and compromising the integrity of the eastern approach towards the entrance porch.
7. For these reasons the proposal would seriously harm the setting of Hammonds Place, a Grade II listed building, contrary to Policies DP26 and DP34 of the Mid Sussex District Plan 2018 and Policy H1 of the Burgess Hill Neighbourhood Plan 2015. These require development proposals to address the character and scale of surrounding buildings, to protect valued townscapes, to have special regard for protecting the setting of listed buildings and to protect heritage assets. The proposal would also conflict with the legislative duty² to have special regard to the desirability of preserving the setting of a listed building.

Other matters

8. The proposal would provide an additional dwelling in a sustainable location which would contribute towards local housing needs and provide social and economic benefits for the town. The existing garden is above average size, a modern design building would be of its time, not competing with Hammonds Place, would be built of quality materials and high energy efficiency standards. Access would be separate from the main house off Hammonds Garden through an existing entrance gate. Much of the appeal site is already occupied by hardstanding and most existing vegetation would be retained.
9. Importantly, the appellant argues that the scheme would raise funds necessary for repairs to the roof and windows of Hammonds Place, however, this has not been fully evidenced with expert reports and no mechanism is put forward to ensure this objective is achieved. The rigorous case necessary to justify ‘enabling development’ of this type has not been made out.

Conclusion

10. These material considerations are greatly outweighed by the harm that would be caused to the setting of the listed building and the legislative duty to ensure its preservation as an important heritage asset. These factors do not amount to a clear and convincing justification for the proposal to go ahead.
11. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

¹ APP/D3830/W/18/3215599

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990