



Appeal Decision

Site visit made on 19 April 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/D3830/W/23/3331013

Allens Wall, Black Hill, Lindfield, West Sussex RH16 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Smith against the decision of Mid Sussex District Council.
 - The application Ref is DM/23/0671.
 - The development proposed is: Demolition of existing dwelling, garage and outbuildings. Construction of replacement dwelling with attached garage and store.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. The Council's appeal statement and the appellant's final comments post-date this change, so I am satisfied both parties have had an opportunity to comment on the revised Framework.

Main Issues

3. The Council's second reason for refusal was that there was insufficient information to establish the effect of the proposal on protected species. However, following submission of additional information with the appeal, the Council is now satisfied on this issue. On the evidence before me, I see no reason to disagree.
4. Therefore, the main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the site and surrounding area, including on the significance of the nearby Lindfield Conservation Area as a designated heritage asset through development within its setting; and
 - whether the proposal would preserve the setting of the Grade II listed buildings known as The Hall, Partridges, Little Pelham and Pelham Place Cottages.

Reasons

Character and appearance

5. The appeal site comprises a dwelling set at one end of a large and verdant garden, surrounded by a wall. The size and openness of the garden and the

extent of its vegetation give the site a pastoral quality, and make a positive contribution to the site's character and appearance.

6. The site is situated between Black Hill, with its large residential properties set well back from the road in spacious grounds, and a sizable area of allotment gardens. The site is bounded on two sides by the Lindfield Conservation Area (CA), which encompasses Black Hill and the historic village of Lindfield, its High Street and Common. Having regard to both the Council's analysis and the appellant's evidence, Lindfield has a strong identity as a Sussex village that grew over many centuries in close connection with the surrounding countryside. This identity contributes to the significance of the CA as a heritage asset.
7. Views from some parts of the CA towards the remaining surrounding countryside and green spaces serve to place the CA in its historically rural context and give a sense of Lindfield's historic scale and extent. Therefore, historically rural features within its setting also contribute to the CA's significance. Such features include the green, open and pastoral character of the appeal site and allotments, which were originally in the countryside.
8. The proposed replacement dwelling with its hardstanding and terracing would occupy a much greater proportion of the appeal site than the existing house, outbuildings, and hard surfaces. The new development would also be sited more centrally within the site and closer to the Black Hill boundary wall. Together, these factors would diminish the site's spatial and visual openness and its verdant appearance, to the detriment of its pastoral character. This is notwithstanding that the proposed area of hard landscaping would not in itself be large and would be at ground level.
9. This urbanising effect would be visible from parts of the CA, including a section of the entrance driveway and the upper floors of some of the dwellings that surround it. The appeal site's role as a visual reminder of Lindfield's former rural context and as part of the character of the surrounding area would therefore be eroded.
10. I recognise the new dwelling would not be visible from Black Hill and there would be little change to the street scene on that road given the height of the proposed building. I also acknowledge demolition of the existing house and the contemporary nature of the proposed new design would not in themselves be detrimental to the character and appearance of the site and surrounding area. The new building's horizontal form, the topography of the site and the proposed green roofs would help soften the appearance and bulk of the development. The remaining area of garden would provide ample external amenity for its future occupants, and trees and hedges would be largely unaffected. Nevertheless, these factors do not outweigh the harms I have identified from the scale and position of the proposed building and its associated hard landscaping.
11. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the site and surrounding area, including on the significance of the nearby Lindfield CA as a designated heritage asset through development within its setting. This is contrary to Policies DP34 and DP35 of the Mid Sussex District Plan 2018 (MSDP), which have the objective of protecting valued characteristics of the built environment for their historical and visual qualities. It is also contrary to the Mid Sussex Design Guide

Supplementary Planning Document, which seeks high quality new development that responds appropriately to its context. It is also contrary to paragraphs 135c) and 206 of the Framework.

Setting of Grade II listed buildings

12. The Hall is a large country villa dating from c1830. Its significance as a Grade II listed building is historic and architectural, as a good example of a house of its type and period.
13. Partridges dates from the 17th Century or earlier, with subsequent alterations. It has a timber frame and a rural character. Its significance is derived from its history on the edge of the village and its architectural features, illustrating a rural Sussex building of its type and period.
14. Little Pelham and Pelham Place Cottages date from the early 19th Century and were constructed as part of a Quaker industrial school that had two acres of land and a farm. Little Pelham was originally the school-master's house, while the Cottages were formerly workshops and dormitories. They have group and associative value linked to social reformer William Allen. Their significance is therefore historic, as well as architectural as unusual examples of buildings of the period in this type of complex.
15. The setting of all these listed buildings includes the Lindfield CA and nearby historically rural features, including the open, verdant and pastoral character of the appeal site. This setting contributes to the buildings' significance by placing them in their historic and semi-rural context on the edge of Lindfield village, notwithstanding the existence of the Allens Wall house.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the setting of listed buildings when considering whether to grant planning permission for development which affects it.
17. For the reasons set out under the first main issue, the proposed development would erode the appeal site's openness and verdant appearance, diminishing it as a visual reminder of historic Lindfield and its buildings, surrounded by countryside. Consequently, the setting of the listed buildings described above would be detrimentally affected, whether or not the replacement dwelling could be seen from them and notwithstanding their separation distance from it.
18. I recognise the architectural significance of the listed buildings is best appreciated from Black Hill and that the proposal would have little effect on this. However, this does not alter my finding that the buildings' setting described above contributes to their historic significance as heritage assets. Moreover, even if the appeal site was in residential use before the buildings were added to the statutory list, this has no material bearing on the assets' historic significance or on the contribution of the site, as part of the setting, to this.
19. For the above reasons, I conclude the proposal would not preserve the setting of the Grade II listed buildings known as The Hall, Partridges, Little Pelham and Pelham Place Cottages, contrary to Section 66(1) of the Act and MSDP Policy DP34. This would in turn result in less than substantial harm to the significance of these listed buildings as designated heritage assets without clear and convincing justification, contrary to paragraph 206 of the Framework.

20. I shall return to the balance between this harm and the public benefits of the proposal, required by paragraph 208 of the Framework, under planning balance below.

Other Matters

21. Construction of the new house would contribute to the local economy, thereby supporting the Framework's economic objective. However, given the occupiers of the existing dwelling could use local services and facilities, there would be little economic benefit from future occupiers doing so. Overall, the economic benefit of the development would have limited weight.
22. There would be a modest environmental benefit from biodiversity gains, to which I ascribe limited weight. Energy and water efficiency measures and electric vehicle charging would be required by development plan policies and/or other regulatory regimes, so would not weigh in favour of the proposal.
23. Even if the new dwelling would be self-built, there is reference to this in the description and no mechanism before me to secure it as such, so this consideration carries minimal weight. The site already accommodates a family-sized dwelling so the proposal would not make more effective use of the site for housing or materially change the variety of housing stock in the District.
24. The Council has raised no concern in relation to the proposal's effect on the living conditions of neighbouring occupiers, living conditions for future occupiers, access, parking, ecology, trees and drainage. On the evidence before me, I see no reason to disagree. I also note the appellant's willingness to accept conditions relating to construction management, were the appeal to be allowed. However, an absence of harm in these respects is a neutral factor.

Planning Balance and Conclusion

25. I have found the proposed development would result in less than substantial harm to the significance of the Lindfield CA and the Grade II listed buildings known as Black Hill House, Partridges, Little Pelham and Pelham Place Cottages, as designated heritage assets. In accordance with paragraph 205 of the Framework, I attribute great weight to this harm. The public benefits of the proposal are economic and environmental as set out in other matters. The weights I have ascribed to these benefits above do not outweigh the great weight of the harm to the significance of the CA and listed buildings.
26. I have found the proposal conflicts with MSDP Policies DP34 and DP35. Although the proposal would be consistent with other development plan policies, I conclude it conflicts with the development plan read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR