

Heritage Desk-Based Assessment.

Land West of Shoreham Road, Small Dole BN5 9YH.

On behalf of Wates Development.

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1. Introduction

- 1.1. Pegasus Group have been commissioned by Wates Development Ltd to prepare a Heritage Desk-Based Assessment to consider the proposed residential development at Land West of Shoreham Road, Small Dole, as shown on the Site Location Plan provided at Plate 1.



Plate 1: Site Location Plan

- 1.2. The Site comprises an open field approximately 5.453ha in size. Access into the Site is provided at gated entrances from Henfield Road (A2037) to the east and

New Hall Lane to the north. There are no designated heritage assets located within the Site.

- 1.3. Outline planning application is sought for up to 45 dwellings (including affordable homes) with all matters reserved apart from access.
- 1.4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 207 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".¹

- 1.5. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment and archaeological resource, following paragraphs 212 to 215 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.
- 1.6. As required by paragraph 207 of the *NPPF*, the detail and assessment in this Report is considered to be *"proportionate to the assets' importance".²*

¹ Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, December 2024), para. 207.

² MHCLG, *NPPF*, para. 207.

2. Methodology

2.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

2.2. This assessment considers the archaeological resource and built heritage.

Sources

2.3. The following key sources have been consulted as part of this assessment:

- The West Sussex Historic Environment Record (HER) for information on the recorded heritage resource within the vicinity of the site;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- Historic England's Aerial Archaeology Mapping Explorer;

- Other online resources, including Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscales Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.

2.4. For digital datasets, information was sourced for a 1km study area measured from the boundaries of the site. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as **Appendix 1** and maps illustrating the resource and study area are included as **Appendix 2**.

2.5. Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

2.6. Digital terrain model LiDAR data, at 1m resolution, is freely available from the Environment Agency. This was processed using ArcGIS software. Multiple hill-shade and shaded-relief models were created, principally via adjustment of the following variables: azimuth, height, and 'z-factor' or exaggeration. The models created were colourised using pre-defined ramps and classified attribute data. The DTM shaded relief model, with azimuths graduated by 45o intervals from 0-360o, is provided in **Appendix 2**.

2.7. Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

Site Visit

- 2.8. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 2nd September 2024, during which the site and its surrounds were assessed.

Photographs

- 2.9. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

- 2.10. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 3**. However, for clarity, this methodology has been informed by the following:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;³
- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (hereafter GPA:2);⁴
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter GPA:3);⁵
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁶ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁷

Consideration of Harm

- 2.11. It is important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "substantial harm" or "less than substantial harm" to the identified designated heritage assets, in the context of paragraphs 214 and 215 of the

³ Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).

⁴ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).

⁵ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).

⁶ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

⁷ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

NPPF.⁸ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.⁹

2.12. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.¹⁰

2.13. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development which is to be assessed.¹¹ In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹²

⁸ MHCLG, *NPPF*, paras. 214 and 215.

⁹ MHCLG, *NPPF*, para. 216.

¹⁰ MHCLG, *Planning Practice Guidance (PPG)*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹¹ MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹² EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

3. Site Description and Planning History

Site Description

- 3.1. The Site comprises an open field approximately 5.453ha in size. Henfield Road (A2037) and New Hall Lane bound the Site to the east and north respectively, both providing points of access into the Site. Detached residential properties lining New Hall Lane back onto the northern boundary of the Site, which is interspersed with mature trees. The east, south and west boundaries comprise dense hedgerows and tree belts. Further rural land surrounds the Site to the south and west, and residential development spreads to the north and east.



Plate 2: Westwards looking view over the Site, at the access point from Henfield Road.

Planning History

- 3.2. A review of recent planning history records held online by Horsham District Council, has revealed several applications for the site. Of relevance to the current proposals is application DC/15/O353. Outline Planning Permission was refused on 22nd May 2015 following recommendation for refusal by Committee on 21st May for the 'Erection of up to 60 dwellings, provision of a new vehicular access from Shoreham Road and stopping up of existing access, together with associated open space, parking and landscaping (Outline).'
- 3.3. Built heritage and archaeology were not cited as Reasons for Refusal. The West Sussex County Archaeologist commented on the application, stating:
- "No objection, subject to archaeological investigation. It is recommended that this is undertaken as a pre-determination field evaluation involving a 5% sample of the area to be developed. The results will then inform any mitigation measures (if further recording proves appropriate) at the determination stage. The applicant's consultants have suggested that any archaeological investigation could be carried out as a condition of planning consent as they estimate the archaeological potential to be low to very low. However, as there has been no previous fieldwork within the site and investigation in the vicinity equally limited this assessment may underestimate the site's potential."***
- 3.4. The Committee Report summarised the above as follows:

“The Archaeological consultant has recommended that further survey works is undertaken at the site prior to the application being determined as the evidence submitted is based on a desk based study only. However, he has recommended the use of a condition to ensure further survey work is undertaken in the event that planning permission is granted.”

- 3.5. An Appeal was subsequently submitted in August 2015; however, this was later withdrawn. Within the Appeal material available online, there was no reference to matters relating to built heritage or the archaeological resource.

4. Policy Framework

Legislation

- 4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.¹³
- 4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.¹⁴
- 4.3. Full details of the relevant legislation are provided in **Appendix 4**.

National Planning Policy Guidance

- 4.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework* (NPPF),

an updated version of which was published in December 2024. The NPPF is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the NPPF and which contains a section related to the Historic Environment.¹⁵ The *PPG* also contains the *National Design Guide*.¹⁶

- 4.5. Full details of the relevant national policy guidance is provided within **Appendix 5**.

The Development Plan

- 4.6. Applications for Planning Permission are currently considered against the policy and guidance set out within the Horsham District Planning Framework (Adopted November 2015).
- 4.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 6**.

¹³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

¹⁴ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁵ Ministry of Housing, Communities & Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 14th February 2024), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹⁶ Ministry of Housing, Communities & Local Government (MHCLG), *National Design Guide* (London, January 2021).

5. The Historic Environment

- 5.1. This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.
- 5.2. Designated heritage assets are referenced using their seven-digit NHLE number, HER 'event' numbers have the prefix MWS and HER 'monument' numbers have the prefix EWS.
- 5.3. A gazetteer of relevant heritage data is included at **Appendix 1**. Designated heritage assets and HER records are illustrated on Figures 1, 2 & 3 in **Appendix 2**.

Previous Archaeological Works

- 5.4. There has been no previous archaeological activity within the Site and a very limited record of previous activity within the 1km Study Area.
- 5.5. The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

Topography and Geology

- 5.6. The topography of the Site slopes downwards from the northern boundary at c.15m AOD to the southern boundary at c.10m AOD.
- 5.7. The solid geology within the Site is mapped as Lower Greensand Group, comprising sandstone which formed between 126.3 and 100.5 million years ago during the Cretaceous Period. Superficial deposits are mapped across the northwestern and southern boundaries of the Site. In the northwest, superficial geology is mapped as River Terrace Deposits, comprising sand and gravel which formed between 2.588 million years ago and the present during the Quaternary Period. The superficial geology mapped across the southern boundary of the Site is mapped as Head, comprising clay, silt, sand and gravel, which formed between 2.588 million years ago and the present during the Quaternary Period.¹⁷
- 5.8. The soil within the Site is mapped as Soilscape 6 comprising '*freely draining slightly acid loamy soils*'.¹⁸

¹⁷ British Geological Survey, *Geology of Britain Viewer*, <https://www.bgs.ac.uk/map-viewers/geology-of-britain-viewer/>.

¹⁸ Cranfield University, *Soilscales*, <http://www.landis.org.uk/soilscales/>.

Archaeological Baseline

Prehistoric (pre-43 AD) and Romano-British (AD 43 – 410)

- 5.9. No Prehistoric or Romano-British archaeology has been recorded by the HER within the Site.
- 5.10. Recorded approximately 415m and 770m east of the Site are the recorded locations of Palaeolithic implements. These were discovered in 1972. No further information regarding these finds is recorded in the HER (HER refs. MWS573 & MWS574).
- 5.11. A Mesolithic flint scatter was recorded c.770m southeast of the Site in a field at Tollington Sands Farm. Further microlithic flints were recovered in a field c.950m southeast of the Site (HER refs. MWS4173 & MWS575).
- 5.12. Running through the northern extent of the study area (but beyond the site) and recorded as an Archaeological Notification Area is the approximate route of a section of Roman Road between Hardham and Barcombe Mills, c.370m northwest of the Site at its closest point (HER ref. MWS12583). A 250m stretch of this road was recorded as a low earthwork visible on historical aerial photographs, as part of a wider national mapping programme. The earthwork is located c.415m northwest of the Site (HER ref. MWS584).

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

- 5.13. No early Medieval or Medieval archaeology has been recorded by the HER within the Site.

- 5.14. Little Odynes Farm is recorded c.920m northeast of the Site and has been identified as a historic farmstead with Medieval origins (HER ref. MWS12019). This is based on the existing farmhouse which is believed to be a restored late Medieval timber-framed building and is designated as a Grade II Listed Building. The farm complex has been identified as an Archaeological Notification Area (HER ref. DWS8978).

Post-medieval (1540 – 1750) and Modern (1750 – present)

- 5.15. No post-medieval or modern archaeology has been recorded within the Site.
- 5.16. The post-medieval and modern archaeological record within the study area is generally comprised of former and extant farmsteads and outfarms (HER refs. MWS1251, MWS12583, MWS12602, MWS12840, MWS13100, MWS13206, MWS13232 MWS1307, MWS13970 & MWS14037), with the exception of two former watermills located c.518m north and c.710m northwest of the Site (HER refs. MWS583 & MWS585).
- 5.17. Recorded c.240m west of the Site is Newhall Farm and the Grade II Listed New Hall. The farmstead and house dates back to the 18th century, although the Historic England List Entry states that it was built on the site of a 16th-century courthouse. There is no further evidence recorded in the HER to confirm this. The farmstead has been identified as an Archaeological Notification Area (HER ref. DWS8978).

Site Development and Map Regression

- 5.18. The 1844 Tithe map of Henfield Parish illustrates the Site as a large single field, named Elm Field and in arable use, with a small, vegetated enclosure indented in from the southern boundary. The land was under the ownership of Thomas Wisden and occupancy of Richard Sharp, who was also the occupier of Newhall Farm. The map also shows Newhall Farm to the west, comprising the Listed house, gardens and wider multi-yard farmstead. The complex of buildings at the Farm were likely a mix of farm buildings and ancillary structures associated with the servicing of the house.
- 5.19. The 1896 Ordnance Survey map shows no change to the Site, although it does not depict the vegetated enclosure at the southern boundary previously shown in the Tithe. A stream runs along the southern boundary of the Site which is also shown to be lined with a mature tree belt. The surroundings remained rural, with Old Wood located to the northeast and a late-19th-century rubble cottage to the north. Shown in closer detail, New Hall overlooked a formal tree lined drive to the east which was approached from New Hall Lane to the north, and a walled garden and adjacent orchard lied to the north of the Listed House. The wider Newhall Farm had grown with additional buildings built within the complex.
- 5.20. During the early 20th century, the wider field parcel of which the Site formed part of had been divided, with further residential development along New Hall Lane and

new agricultural field parcels. The 1958 Ordnance Survey map illustrates a small linear structure at the western boundary, with a linking cart track running through the Site to Henfield Road in the east. Built between Newhall Farm and the Site was a farm complex comprising sets of linear glasshouses. Most of these structures had been taken down by the start of the 21st century.

- 5.21. An aerial photograph from 1959 shows plough marks across the Site indicating that it was being used for arable purposes at the time (not reproduced due to copyright).¹⁹ The field is divided by a track running through the centre, with the small linear structure located at the western edges.
- 5.22. By the start of the 21st century, the track and the attached structure present within the Site had been removed. Whilst it is not visible as an earthwork, LIDAR imagery does show the rough line of the former track running through the Site (see Figure 3 in **Appendix 2**).
- 5.23. Further residential development had taken place across the northern and southern frontage of New Hall Lane, as well as expanding to the north and east along Henfield Road. Satellite imagery shows the Site has been used as arable land since. At Newhall Farm, several of the wider outbuildings have been converted into residential dwellings and further residences had been built to the west and north of the farmstead. Much of the surrounding land has remained in agricultural use, including the land

¹⁹ Historic England Archive (RAF photography) raf_58_3012_f21_0132 flown 8th July 1959. https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/raf_58_3012_f21_0132

between Newhall Farm and the Site which is currently in use as paddock land.



Plate 3: 1844 Tithe Map for the Parish of Henfield, approximate Site area outlined in blue.



Plate 4: 1896 Ordnance Survey Map, approximate Site area outlined in blue.



Plate 5: 1958 Ordnance Survey Map, approximate Site area outlined in blue.



Plate 6: 2001 Google Satellite Imagery, approximate Site area outlined in blue.



Plate 7: 2021 Google Satellite Imagery, approximate Site area outlined in blue.

Statement of Archaeological Potential and Significance

- 5.24. Prehistoric archaeology recorded by the HER within the study area is limited. Some flint and worked stone has been recovered towards the eastern extent of the study area, although this is not considered to indicate potential within the Site. Therefore, the potential for prehistoric archaeology within the Site is considered to be low.
- 5.25. Due to the absence of evidence for Roman activity in the study area, aside from the road to the north, the potential for discoveries relating to this period within the Site is considered as low.
- 5.26. Only Little Odynes Farm, c.920m northeast of the Site, has been identified within the study area as having potential Medieval origins. Asides from this, the HER does not contain any other references for early Medieval or Medieval activity. During these periods, the Site is likely to have formed part of open fields away from the cores of nearby settlements. Therefore, the potential for early Medieval and Medieval archaeology of significance within the Site is considered low.
- 5.27. The archaeological record from the post-Medieval and modern periods is generally focused on agricultural activity. The West Sussex Historic Landscape Characterisation classifies the study site as formal enclosure dated to the post-Medieval period (HER ref. MWS1502). Cartographic evidence indicates that the Site formed part of the wider landholdings of Newhall Farm and was being used as arable land from the 19th-century to the present day. During that period, the Site likely

formed part of the wider rural landholdings of the house. There is no evidence to suggest that it formed part of any formal parkland associated with the house, being in arable use in the middle of the 19th century.

- 5.28. During the 20th century, historic mapping and aerial photos show a track running through the Site, along with a small linear agricultural building at the western boundary. Other than this, the Site remained undeveloped and continued in agricultural use. Any post-medieval to modern archaeology within the site would most likely be associated with agricultural activity, and any such remains would be unlikely to be regarded as heritage assets, require preservation in situ or otherwise preclude development.
- 5.29. LIDAR imagery does not show any obvious anomalies, only showing the rough outline of the former track and general plough marks through the field.
- 5.30. Overall, the potential for significant buried archaeological remains from any period within the site is considered to be low. Archaeology is not anticipated to be a constraint to the development of the Site.

6. Setting Assessment

- 6.1. Step 1 of the methodology recommended by the Historic England guidance *GPA:3* (see 'Methodology') is to identify which heritage assets might be affected by a proposed development.²⁰
- 6.2. Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.3. Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the Site as part of their setting, and therefore may potentially be affected by the proposed development.
- 6.4. The Grade II Listed New Hall has been identified for further assessment on the basis of its close proximity with the Site and historical connections.
- 6.5. With regard to other heritage assets in the vicinity of the Site, assessment has concluded that the Site does not form any part of setting that positively contributes to the overall heritage significance due to the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage

significance of these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

New Hall

- 6.6. New Hall was added to the National List at Grade II on 15th March 1955 and amended on 9th May 1980 (NHLE 1286390). The List Entry describes the building as follows:
- "C18 building on the site of the C16 court-house. Two storeys. Five windows. Stuccoed. Stringcourse. Wooden eaves bracket cornice. Hipped slate roof. Glazing bars intact. Doorway with engaged columns, curved pediment, semi-circular fanlights and door of six fielded panels."***
- 6.7. A full copy of the List Entry is included at **Appendix 7**.
- 6.8. The present New Hall house was built during the 18th century. The building is located to the south of New Hall Lane, principally facing southeast onto a formal driveway which is approached via a treelined drive from the north. Two 19th-century building ranges extend from the rear which enclose a rear courtyard. A walled lawn and vegetable garden lies immediately to the north, whilst further gardens lie to the south and to the north. The 18th-century garden wall is also a Grade II Listed Building and is built of red brick '*containing four round-headed recesses which were originally bee-holes*' (NHLE ref.

²⁰ Historic England, *GPA:3*, p. 4.

1353988). Two 18th/19th-century barn ranges bound the wall to the west and north.

- 6.9. A wider complex of buildings associated with the former Newhall Farm lie to the west of the Listed house. The former farm complex comprises a group of buildings ranging in date between the 18th and 19th century. During the 20th century, the wider agricultural landholdings of Newhall Farm were divided up, either for increasing residential development or for the establishment of separate agricultural complexes. Several of the surviving farm buildings have been converted into residential dwellings.



Plate 8: Access and drive to the Grade II Listed New Hall.



Plate 9: Eastwards view down New Hall Lane.

Statement of Significance

- 6.10. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the NPPF.²¹
- 6.11. The heritage significance of New Hall is principally embodied in its physical fabric which derives historic and architectural interest as a former residence, on the site of a 16th-century court-house, with a distinctive vernacular style representative of its 18th-century origins, most clearly expressed in its external form.

²¹ DLUHC, NPPF, para. 206.

6.12. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "setting") which are considered to contribute to its heritage significance comprise:

- The position of the asset within its immediate domestic curtilage and designed grounds, and the experience and appreciation of the asset from this location; and
- The relationship between the asset and the ancillary farm complex, and the co-visibility / experience of the asset as part of the understanding of the historic development of the complex.

Contribution made by the Site

6.13. The application Site lies c.300m east of the Listed Building. As established by cartographic and archival sources, the Site once formed part of a larger field parcel which was attached to the wider landholdings of New Hall. The field was farmed as arable land by Newhall Farm during the 19th and early 20th century. Therefore, the Site has an historical association with the Listed Building. However, there is no evidence to suggest that it formed part of any formal parkland attached to the house, rather it is documented as in arable usage on the earliest mapping.

6.14. The Listed Building appears to have had views across the formal gardens and potentially associated land to the east, which included the Site. However, at present there is no intervisibility between the Site and New Hall owing to

the dense hedgerows and tree belts which bound the Site and Listed Building, and the intervening built form along New Hall Lane. Whilst the Site may have once formed part of designed views from the Listed Building, any spatial and visual relationship with the Site has ended.

6.15. As such, the Site is not considered to contribute to the overall heritage significance of the Grade II Listed New Hall through setting. The historic association (in terms of landownership) between the Site and the Listed Building has been served and any former relationship is not legible on the ground, nor is there any intervisibility.



Plate 10: Westwards view towards New Hall (location indicated by red arrow) from the north-west corner of the Site.

Impact Assessment

- 6.16. Outline planning application is sought for up to 45 dwellings (including affordable homes) with all matters reserved apart from access. The proposed dwellings will be contained to the south and southeastern half of the Site, with the rest of the land retained as associated public open space which will incorporate a new woodland area and community orchard.
- 6.17. Outline Planning Permission was refused in May 2015 for the 'Erection of up to 60 dwellings, provision of a new vehicular access from Shoreham Road and stopping up of existing access, together with associated open space, parking and landscaping (Outline).' (DC/15/O353). The historic environment, specifically the heritage significance of the Grade II Listed New Hall and its setting, was not cited as a reason for refusal.
- 6.18. It should be noted that the proposed scheme comprises a reduced scale of development compared to the refused 2015 application from 60 no. to 45 no. dwellings.
- 6.19. Visibility of the proposed development from New Hall or its immediate surrounds is not anticipated, owing to the intervening vegetation and built form, and the positioning of development which is situated at a lower topographical level. Even if there was visibility, it would most likely comprise very filtered glimpses of the upper elements of the development, from only the upper levels of the Listed Building.



Plate 11: North-westwards view towards New Hall (location indicated by red arrow) from the south-east corner of the Site (area of proposed development).

- 6.20. Whilst the Site was once associated with the Listed New Hall, any historical association between the Site and the Listed Building has been severed and is no longer legible on the ground or in anticipated views from the Listed building. Therefore, the change to the character of the Site will not negatively impact the setting and therefore heritage significance of the Listed Building.
- 6.21. Overall, in consideration of the above, the proposals are expected to cause no harm to the heritage significance of the Listed New Hall, through setting. Therefore, the proposals will satisfy the requirements set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the relevant National and Local planning policy.

7. Conclusions

7.1. Pegasus Group have been commissioned by Wates Development Ltd to prepare a Heritage Desk-Based Assessment to consider the proposed residential development at Land West of Shoreham Road, Small Dole.

7.2. The Site comprises an open field approximately 5.453ha in size. Access into the Site is provided at gated entrances from Henfield Road (A2037) to the east and New Hall Lane to the north. There are no designated heritage assets located within the Site.

7.3. Outline planning application is sought for up to 45 dwellings (including affordable homes) with all matters reserved apart from access.

Archaeological Resource

7.4. Archaeological activity dating from the Prehistoric to Medieval periods recorded by the HER within the study area is limited. Therefore, the potential for discoveries relating to these periods within the Site is considered low.

7.5. The archaeological record from the post-Medieval and modern periods is generally focused on agricultural activity. The West Sussex Historic Landscape Characterisation classifies the study site as formal enclosure dated to the post-Medieval period (HER ref. MWS1502). Cartographic evidence indicates that the Site formed part of the wider landholdings of Newhall Farm and was being used as arable land from the 19th-century to the present day. During that period, the Site likely formed part of the wider rural landholdings of the house. There is no evidence to suggest that it formed part of any

formal parkland associated with the house, being in arable use in the middle of the 19th century.

7.6. During the 20th century, historic mapping and aerial photos show a track running through the Site, along with a small linear agricultural building at the western boundary. Other than this, the Site remained undeveloped and continued in agricultural use. Any post-medieval to modern archaeology within the site would most likely be associated with agricultural activity, and any such remains would be unlikely to be regarded as heritage assets, require preservation in situ or otherwise preclude development.

7.7. LIDAR imagery does not show any obvious anomalies, only showing the rough outline of the former track and general plough marks through the field.

7.8. Overall, the potential for significant buried archaeological remains from any period within the site is considered to be low. Archaeology is not anticipated to be a constraint to the development of the Site.

Built Heritage

7.9. Only one heritage asset has been identified as being potentially sensitive to the proposals, namely the Grade II Listed New Hall.

7.10. The above assessment, which has been carried out in accordance with Historic England guidance, concludes that, when taking account of the existing baseline and the sensitive design of the proposals, the proposed change is

not anticipated to impact upon the overall experience of views from and towards the heritage asset. Furthermore, the historic association (in terms of landownership) between the Site and the Listed Building has been severed and is not legible on the ground, nor is there any intervisibility.

- 7.11. Whilst it is acknowledged that the proposed development will result in a change to the character and appearance of the Site, this change would have no impact on the physical fabric of New Hall or any element of its setting which contributes to its significance.
- 7.12. Overall, it is considered that the proposed development could be delivered whilst being compliant with Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and relevant local policy.

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Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137.

Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin).

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Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.

R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Cartographic Sources	
1844	Tithe Map for the Parish of Henfield
1896	Ordnance Survey Map
1958	Ordnance Survey Map

Aerial Photography References	
2001	Google Satellite Imagery
2021	Google Satellite Imagery

Appendix 1: Gazetteer

Heritage Data

HER Event Data

Ev UID	Name	Event Type
EWS1183	English Heritage National Mapping Programme for Worthing - Weald, West Sussex	EVS
EWS2294	Changing Chalk: Downs From Above	EVS

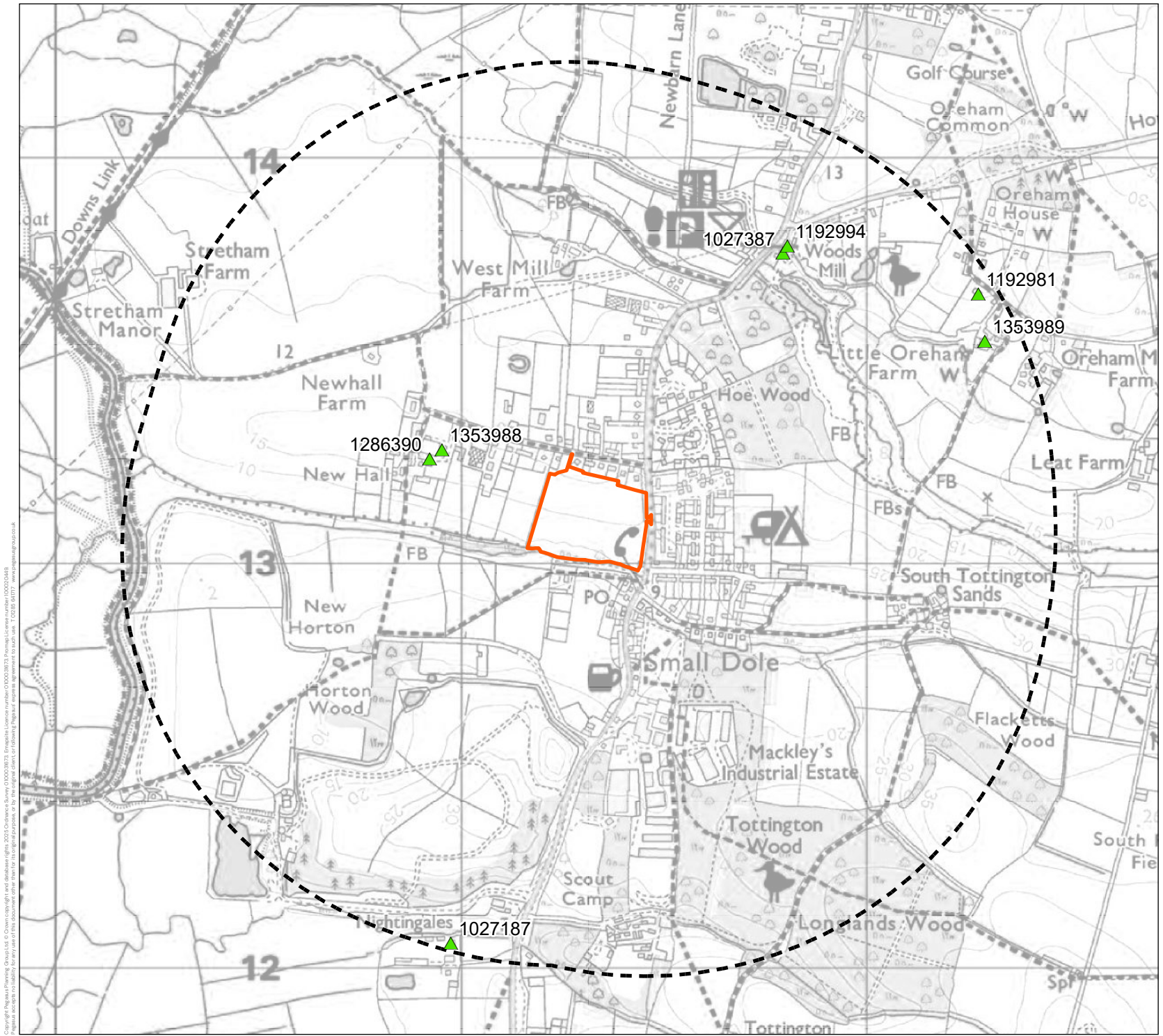
HER Monument Data

Mon UID	Pref Ref	Name	Mon Type
MWS12019	1963	Little Oreham Farm Historic Farmstead, Henfield,	FARMSTEAD
MWS12571	2440	Site of New Horton Farm Historic Farmstead, Upper Beeding	FARMSTEAD
MWS12583	2453	Newhall Farm Historic Farmstead, Henfield	FARMSTEAD
MWS12602	2475	Nightingales Historic Farmstead, Upper Beeding	FARMSTEAD; FARMHOUSE
MWS12840	2737	Site of Outfarm Historic Outfarm, Henfield	OUTFARM
MWS13100	3021	Site of Historic Outfarm South of Small Dole, Upper Beeding	OUTFARM

MWS13206	3128	Site of Historic Outfarm South West of Small Dale, Upper Beeding	OUTFARM
MWS13232	3157	Site of Historic Outfarm West of Small Dale, Upper Beeding	OUTFARM
MWS13807	3789	Tottington Sands Historic Farmstead, Upper Beeding	FARMSTEAD
MWS13970	3952	Westmill Farm Historic Farmstead, Henfield	FARMSTEAD
MWS14037	4026	Woods Mill Historic Farmstead, Henfield	FARMSTEAD
MWS4173	7366	Mesolithic Flakes - Small Dole	FLINT SCATTER
MWS573	9074	Palaeolithic implements - Small Dole	FINDSPOT
MWS574	9085	Palaeolithic implements - Tottington Sands	FINDSPOT
MWS575	9101	Mesolithic flints - Tottington Sands	FINDSPOT
MWS583	9191	Woods Watermill, Henfield	WATERMILL
MWS585	9210	West Mill, Henfield	WATERMILL
MWS584	13959	Short Section of Roman Road from Barcombe Mills to Hardham, Henfield	ROAD
MWS15745	18097	Changing Chalk: Downs From Above - Overview	BARROW; CAUSEWAYED ENCLOSURE; FIELD SYSTEM; CROSS DYKE; ENCLOSURE; HILLFORT; HOLLOW WAY; RIDGE AND FURROW; WINDMILL MOUND; MANORIAL FARM; EXTRACTIVE PIT; MILITARY SITE



Appendix 2: Figures



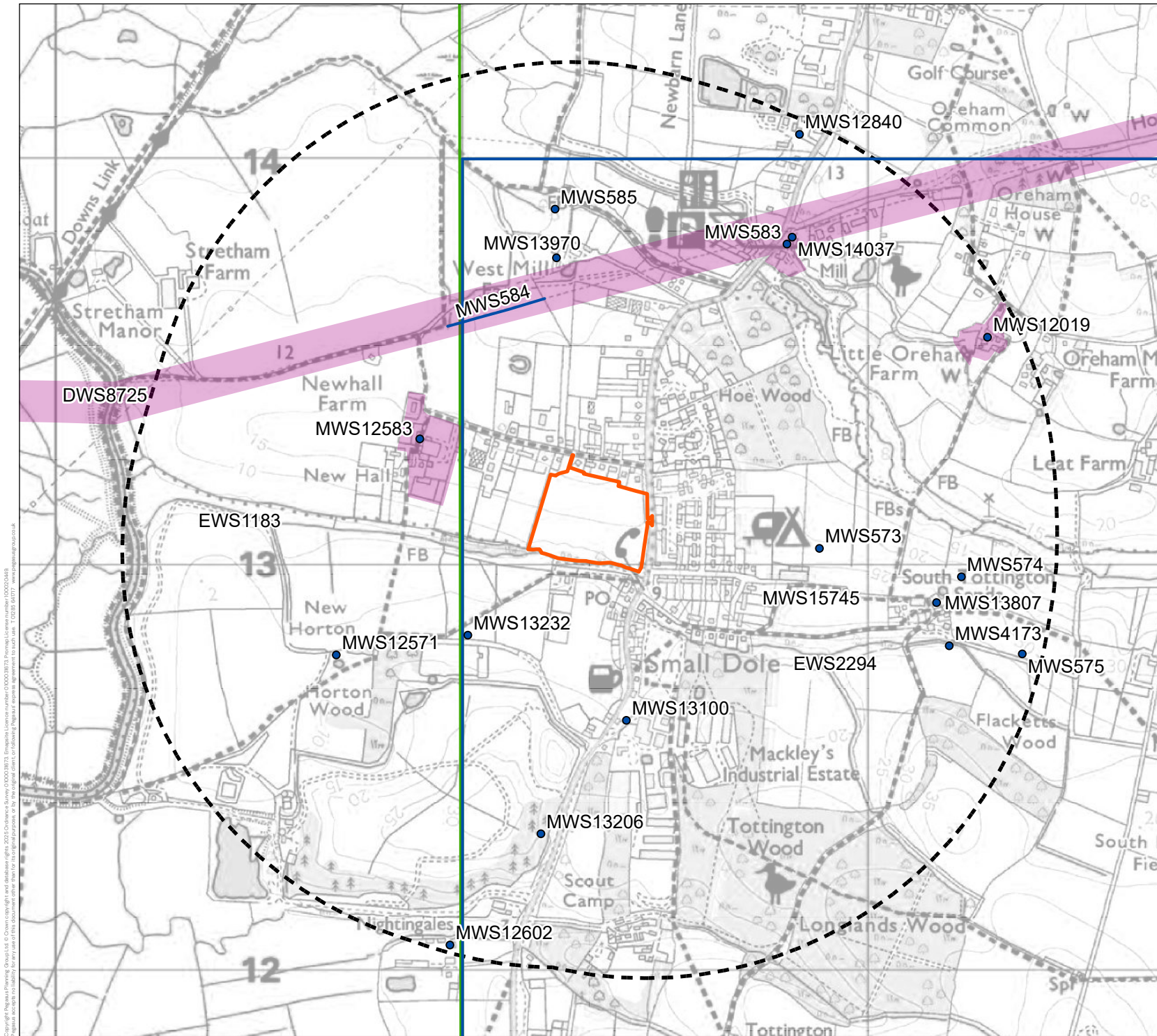
- KEY**
- Site Plan
 - 1km Study Area
 - ▲ Grade II Listed Buildings

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01	28/01/2025	FIGURE
REV	DATE	DESCRIPTION

FIGURE 1: DESIGNATED HERITAGE ASSETS
 LAND WEST OF SHOREHAM ROAD, SMALL DOLE, BN5 9YH.
 WATES DEVELOPMENT

DATE	SCALE	DRAWN	APPROVED
31/03/2025	1:12,992@A3	HP	GS
SHEET	REV	N	0
01	01	▲	0.3 KM



- KEY**
- Site Plan
 - 1km Study Area
 - Archaeological Notification Area
 - Event Polygon
 - Monument Polygon
 - Monument Line
 - Monument Point

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01	28/01/2025	FIGURE
REV	DATE	DESCRIPTION

FIGURE 2: HER DATA
 LAND WEST OF SHOREHAM ROAD, SMALL DOLE BN5 9YH.
 WATES DEVELOPMENT

DATE	SCALE	DRAWN	APPROVED
31/03/2025	1:12,992@A3	HP	GS
SHEET	REV	N	0
02	01	▲	0.3 KM



KEY



Site Plan

DTM LiDAR:
Azimuth: 90
Altitude: 45
Z Factor: 20

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01 28/01/2025 FIGURE

REV	DATE	DESCRIPTION

FIGURE 3: DIGITAL TERRAIN MODEL LIDAR DATA
LAND WEST OF SHOREHAM ROAD, SMALL DOLE BN5 9YH.

WATES DEVELOPMENT

DATE	SCALE	DRAWN	APPROVED
31/03/2025	1:4,000@A3	HP	GS
SHEET	REV	N	0
03	01	▲	0.1KM

DRAWING NUMBER
D003V01_P24-2156_HT



Appendix 3: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²²

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²³

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in *English Heritage’s Conservation Principles*.²⁴ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁵

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** As defined in the *Glossary to the National Planning Policy Framework*, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.²⁶

²² MHCLG, *NPPF*, Annex 2.

²³ Historic England, *GPA:2*.

²⁴ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²⁵ MHCLG, *NPPF*, Annex 2; MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-2019072.

²⁶ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

Significance results from a combination of any, some, or all of the interests described above.

Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.²⁷

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”²⁸

Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”²⁹

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁰

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

²⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

²⁸ MHCLG, *NPPF*, Annex 2.

²⁹ MHCLG, *NPPF*, Annex 2.

³⁰ Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³¹

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 213 of the *NPPF*, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 75 of the *NPPF*;³²
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 213 of the *NPPF*, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³³ and

³¹ *Catesby Estates Ltd. v. Steer* [2018] EWCA Civ 1697, paras. 25 and 26.

³² MHCLG, *NPPF*, para. 213 and fn. 75.

³³ MHCLG, *NPPF*, para. 213.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.³⁴

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *“have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”*,³⁵ and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”³⁶

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *“preserving”* means doing *“no harm”*.³⁷

³⁴ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁵ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁶ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁷ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”.³⁸ Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.³⁹ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴⁰

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴¹

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴²

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴³

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 5**, the *NPPF* (at Paragraphs 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁴

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 216.⁴⁵

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

³⁸ Historic England, *GPA:2*, p. 9.

³⁹ Historic England, *GPA:3*, p. 8.

⁴⁰ Historic England, *GPA:3*, p. 13.

⁴¹ Historic England, *GPA:3*, p. 4.

⁴² Historic England, *GPA 3*, p. 8.

⁴³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴⁴ MHCLG, *NPPF*, paras. 214 and 215.

⁴⁵ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); MHCLG, *NPPF*, paras. 214 and 216.



Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁴⁶

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴⁶ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 4: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴⁷ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 66(1) of the Act states that:

“In considering whether to grant planning permission [or permission in principle] 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.”⁴⁸

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight”

⁴⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

when the decision-maker carries out the balancing exercise.”⁴⁹

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 215 of the current, revised NPPF, see **Appendix 5**), this is in keeping with the requirements of the 1990 Act.⁵⁰

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁵¹

⁴⁹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵⁰ Jones v Mordue [2015] EWCA Civ 1243.

⁵¹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 5: National Policy Guidance

The National Planning Policy Framework (December 2024)

National policy and guidance is set out in the Government’s *National Planning Policy Framework (NPPF)* published in December 2024. This replaced and updated the previous *NPPF* (December 2023). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three ‘objectives’ to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- a. *approving development proposals that accord with an up-to-date development plan without delay; or*
- b. *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations,*

making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”⁵²

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”⁵³ (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage

⁵² MHCLG, NPPF, para. 11.

⁵³ MHCLG, NPPF, para. 11, fn. 7.

assets and assets identified by the local planning authority (including local listing).⁵⁴

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁵

As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”⁵⁶

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 208 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on

a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”⁵⁷

Paragraph 210 goes on to state that:

“In determining planning 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.”⁵⁸**

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 212 and 213 are relevant and read as follows:

“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

⁵⁴ MHCLG, NPPF, Annex 2.

⁵⁵ MHCLG, NPPF, Annex 2.

⁵⁶ MHCLG, NPPF, Annex 2.

⁵⁷ MHCLG, NPPF, para. 208.

⁵⁸ MHCLG, NPPF, para. 210.

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.”⁵⁹

“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.”⁶⁰**

Section b) of paragraph 213, which describes assets of the highest significance, also includes footnote 75 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 214 reads as follows:

“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.”⁶¹**

Paragraph 215 goes on to state:

“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.”⁶²

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable

⁵⁹ MHCLG, *NPPF*, para. 212.

⁶⁰ MHCLG, *NPPF*, para. 213.

⁶¹ MHCLG, *NPPF*, para. 214.

⁶² MHCLG, *NPPF*, para. 215.

development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶³

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁶⁴ (our emphasis)

⁶³ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁶⁴ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

*"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape."*⁶⁵

*"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way."*⁶⁶

It goes on to state that:

"Well-designed places and buildings are influenced positively by:

- *the history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*

- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

*Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."*⁶⁷

⁶⁵ MHCLG, *NDG*, para. 46.

⁶⁶ MHCLG, *NDG*, para. 47.

⁶⁷ MHCLG, *NDG*, paras. 48-49.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission within Small Dole are currently considered against the policy and guidance set out within the *Horsham District Planning Framework (excluding South Downs National Park)* which was adopted in November 2015.

Policy 34 pertains to the historic environment and states as follows:

“Cultural and Heritage Assets

The Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Applications for such development will be required to:

- 1. Make reference to the significance of the asset, including drawing from research and documentation such as the West Sussex Historic Environment Record;***
- 2. Reflect the current best practice guidance produced by English Heritage and Conservation Area Character Statements;***
- 3. Reinforce the special character of the district's historic environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques;***
- 4. Make a positive contribution to the character and distinctiveness of the area, and ensuring that development in conservation areas is consistent with the special character of those areas;***

5. Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials;

6. Secure the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset;

7. Retain and improves the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features; and

8. Ensure appropriate archaeological research, investigation, recording and reporting of both above and below-ground archaeology, and retention where required, with any assessment provided as appropriate.”



Appendix7: Full List Entry

NEW HALL, NEW HALL LANE

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1286390

Date first listed: 15-Mar-1955

Date of most recent amendment: 09-May-1980

Statutory Address 1: NEW HALL, NEW HALL LANE

Location

Statutory Address: NEW HALL, NEW HALL LANE

The building or site itself may lie within the boundary of more than one authority.

County: West Sussex

District: Horsham (District Authority)

Parish: Henfield

National Grid Reference: TQ 20921 13259

Details

HENFIELD NEW HALL LANE 1. 5404 Small Dole New Hall (Formerly listed as TQ 21 SW 14/298 15.5.55 Newhall Farmhouse)

II

2. C18 building on the site of the C16 court-house. Two storeys. Five windows. Stuccoed. Stringcourse. Wooden eaves bracket cornice. Hipped slate roof. Glazing bars intact. Doorway with engaged columns, curved pediment, semi-circular fanlights and door of six fielded panels.

Listing NGR: TQ2092113259

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 298458

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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