

LAND AT COLWELL FARM, LEWES ROAD, HAYWARDS HEATH

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LPA ref: DM/25/0445

Inquiry Core Document: 9.5

Built Heritage Proof of Evidence

June 2026

Title of project **North Colwell Farm**

Appellant **Miller Homes Ltd**

Date 26th June 2026

Prepared for **Miller Homes Ltd**

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Project Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex

Issue Date 26th June 2026

Version iii Final

PROFESSIONAL EXPERTISE

- i. My name is Jonathan Smith. I am Director of Blake Turnbull Heritage Consultancy Ltd, having been in this position for a year. We act for a wide range of private and public sector organisations across the UK, providing advice and deliverables in relation to historic environment planning policy and practice.
- ii. I hold a first degree (Bachelor of Arts with Honours) in Archaeology and Geography from the University of Lancaster, a postgraduate degree (Master of Arts) in Buildings Archaeology from the University of York and a Postgraduate Diploma in Historic Conservation (with distinction) from Oxford Brookes University. I am a full member of both the Chartered Institute for Archaeologists and the Institute of Historic Building Conservation. I have over thirty-five years of professional experience in the field of planning and heritage (both archaeology and built heritage), gained in both the public and private sectors.
- iii. I have appeared as an expert heritage witness at inquiries, hearings and examinations in public on over forty occasions, and am currently appointed on and preparing for a further two.
- iv. Prior to my current position I was a Senior Director in the heritage team at RPS Consulting UK (a Tetra Tech company) for twelve years. Before joining RPS (then CgMs) I was Heritage Team leader at Waterman Energy, Environment and Design Ltd for two years. Prior to this, I worked in local government as Heritage Service Manager at Gloucester City Council; Principal Archaeological Officer for the London Borough of Southwark; and County Archaeologist for Hertfordshire County Council. I am also currently a visiting lecturer, since 2013, for the postgraduate Historic Conservation course at Oxford Brookes University.
- v. The evidence which I have prepared and provide for this Appeal in this Built Heritage Proof of Evidence is true, has been prepared and is given in accordance with the guidance of my professional institution the Institute of Historic Building Conservation. I confirm that the opinions expressed are my true and professional opinions.

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Figure 1: Site location and built heritage assets

1 INTRODUCTION

1.1 This built heritage proof of evidence (PoE) has been researched and prepared by Jonathan Smith of Blake Turnbull Heritage Consultancy Ltd on behalf of Miller Homes Ltd.

1.2 The Planning Inspectorate's case reference is 6005876. The Appeal Site, known as Land at Colwell Farm, Haywards Heath, West Sussex (hereafter 'the Site' and 'Appeal Site'), was the subject of an outline planning application DM/25/0445. The application was refused by Mid Sussex District Council 10th September 2025. Reason for refusal 3 (RfR3), set out in the Decision Notice [CD3.2], covers the built heritage reasons for refusal. RfR3 states that:

'The development would result in an unacceptable intensification of development within the setting of the Grade II listed Colwell House and North Colwell Barn, an undesignated heritage asset. The development would also detract from the rural character of the setting of the southern part of the Lewes Road Conservation Area. It is not considered that the public benefits of up to 80 dwellings on the site would outweigh the harm to the setting of both the designated and non-designated heritage assets. The proposal is therefore considered to be contrary to the requirements of policies DP34 and DP35 of the Mid Sussex District Plan 2014-2031 and the aims of the NPPF and policy E9 of the Haywards Heath Neighbourhood Plan'.

Committee Report

The District Planning Committee Report [CD3.3], dated 21st August 2025, recommended that planning permission be granted. While the Report concluded levels of less than substantial harm to the significance of Lewes Road Conservation Area and to the Grade II listed Colwell House, and harm to the non-designated North Colwell Barn [12.95 & 12.102], it found that their concluded levels of harm are outweighed by the Appeal Scheme's public benefits [12.104]. In doing so, Officers applied the applicable statutory and national policy tests.

Case Management Conference

1.3 Subsequent to the Case Management Conference, 27th April 2026, the Inspector's CMC note of 1st May 2026 [CD23.2] identifies the Inquiry's Main Issues as:

- *'Whether the proposal would comply with the development strategy for housing with regard to access to services and facilities.*
- *The effect of the proposal on the countryside/general character and appearance.*
- *The effect of the proposal in terms of proposed loss of trees.*
- *The effect of the proposal on the character and appearance of the Conservation Area and on the setting of the Conservation Area.*

- *The effect of the proposal on the setting of the Grade II listed Colwell House and the undesignated North Colwell Barn.*
- *Ecology? (possible/unknown at present)'.*

Main Statement of Common Ground

- 1.4 Subsequent to the decision, Mid Sussex District Council indicated that they would no longer contest any of the reasons for refusal. This is set out in their letter to PINS 2nd June 2026. Their position is confirmed in the main Statement of Common Ground signed between the Council and the Appellant [3.16; CD8.2] dated 16th June 2026.

Rule 6 Party Statement of Case

- 1.5 The Rule 6 party continue to object to the Appeal scheme. However, their updated Statement of Case [CD11.1] does not include any standalone built heritage reason for dismissal of the Appeal [1.1]. They stated that they intended to call evidence on sustainability, planning and ecology matters [3.1] but expressly not on heritage matters. They allege that the Appeal Site is not a 'sustainable location', in part based on the Appeal Scheme's impact on heritage assets [3.5(2)]. However, the subsequent detail on their sustainability case [3.14-3.27] breaks down into transport and ecological matters; there is no reference to built heritage considerations.
- 1.6 Further to their updated SoC, the R6 party have submitted a letter to PINS dated 15th June 2026. This confirms that the R6 party will not be providing a built heritage expert and that, consequently, the Appellant's built heritage evidence will be uncontested. The letter notes that identified built heritage harms remain relevant to the planning balance. However, the letter mistakenly states that the Council and Appellant agree the levels of identified built heritage harms. The correct position is that the Council are calling no evidence on heritage harms and, therefore, whatever was said in the Reason for Refusal and their Statement of Case, this is no longer supported by any formal evidence. The Council's position, as confirmed in the Main SoCG [CD8.1] is that the appeal should be allowed and permission should be granted, having regard to both the statutory tests and national policy.
- 1.7 The Heritage Statement [CD1.18] supporting the application was accepted by the Council as a suitable document to allow them to make an informed decision in regard to heritage matters. My Proof of Evidence (PoE) uses the same methodological approach and complies with the relevant policy requirements of the NPPF, the PPG and Local Plan built heritage policies. The PoE's methodological approach follows the guidance set out in Historic England's GPA2 *Managing Significance in Decision-Taking in the Historic Environment* [CD18.3] and GPA3 *The Setting of Heritage Assets* [CD18.4].

- 1.8 I conclude in this PoE that the Appeal Scheme will cause no direct impacts to the fabric or form of any built heritage asset's significance. The exception is where the Scheme's access road crosses the eastern portion of the grounds to North Colwell Farmhouse and the narrow strip (a former trackway) along a part of the northern edge of the Appeal Site's western field. These two elements form ground within Lewes Road Conservation Area [Fig.1].
- 1.9 Parts of the Appeal Site also fall within a portion of Lewes Road Conservation Area's setting and within a part of the setting to the non-designated heritage asset North Colwell Barn (to the west of the Appeal Site's western corner [Fig.1]). The PoE also concludes, contrary to the view of the Council, that no part of the Appeal Site forms any part of the setting to the Grade II listed Colwell House (to the north of the Appeal Site's central field [Fig.1]).
- 1.10 The PoE concludes that the Appeal Scheme will cause (1) a low level of less than substantial harm to the significance of Lewes Road Conservation Area; (2) a low level of harm to the significance of North Colwell Barn; and (3) no harm to the significance of Colwell House.
- 1.11 This is contrary to the view of the Council's Officers as set out in the Committee Report [12.95 & 12.102; CD3.3] that the Appeal Scheme will cause (1) a mid to high level of less than substantial harm to the significance of Lewes Road Conservation Area; (2) a mid-level of harm to the significance of North Colwell Barn; and (3) a mid-level of less than substantial harm to the significance of Colwell House [see below Table 1, p.21].
- 1.12 It is also contrary to the view of the Council as set out in their Statement of Case [CD10.1]. This states, in summary, that due to the location and scale of the Appeal Scheme's proposed development, it will adversely impact, via their settings, the Lewes Road Conservation Area, the non-designated North Colwell Barn and the Grade II listed Colwell House [7.2(2)]. Their SoC asserts that the application failed to fully assess the level of harm to the identified built heritage assets [7.22]; that the submitted viewpoints within the LVIA did not consider the impact on views from the identified assets [7.23]; the development will adversely affect the alleged semi-rural character of the Area [7.25-7.26], the wider rural setting to Colwell House [7.28] and the historical relationship between the Appeal Site and North Colwell Barn [7.30]; and that screening vegetation (both existing/retained and proposed) should be afford a limited weight [7.31; this PoE counters this mistaken position below at 7.9-7.10]. However, for the reasons set out above, there will be no formal evidence on this matter.
- 1.13 Finally, I note that the Council's emerging Local Plan document (issued June 2022) recorded in respect of the proposed allocation that the Site was suitable for allocation and

that there would be less than substantial harm to the identified built heritage assets at no greater than a low-mid level. I address this in s.3, p.10, below. Whilst I disagree with a number of elements of the specific findings on harm, I agree that the Appeal Site is clearly suitable for allocation for 80 units, alongside my overall position on the Appeal Scheme.

2 SUMMARY LEGISLATION POLICY AND GUIDANCE

- 2.1 The current national planning policy system identifies, through the National Planning Policy Framework (NPPF) [s.16; CD5.1], that applicants should consider the potential impact of development upon ‘heritage assets’. This term includes:
- Designated heritage assets which possess a statutory designation (for example listed buildings and conservation areas); and
 - Non-designated heritage assets, identified by Local Planning Authorities.
- 2.2 Paragraph 215 of the NPPF does not call on a decision maker to refuse cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset (unlike paragraph 214, pertaining to cases of substantial harm, which advises refusal) also confirming that any identified level of harm within this spectrum should be weighed against public benefits of the proposal. Paragraph 215 is engaged in this case in reference to Lewes Road Conservation Area (and, in the view of the Council, also to Colwell House).
- 2.3 Paragraph 216 of the NPPF directs the decision maker in reference to non-designated heritage assets. A balanced judgement is required having regard to the scale of any harm and the significance of the asset. Paragraph 216 is engaged in this case in reference to the non-designated North Colwell Barn.
- 2.4 Relevant Legislation, case law, planning policy and guidance is summarised in the Heritage Statement [s.2; CD1.18] submitted in support of the application, however, in short, the following have been referred to and used to guide the preparation of this built heritage PoE:
- Planning (Listed Buildings and Conservation Areas) Act 1990;
 - Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137 [CD13.1];
 - National Planning Policy Framework (December 2024) [CD5.1];
 - Planning Practice Guidance (DLHC) (18a: Historic Environment);
 - Good Practice Advice Note 2 (GPA2): *Managing Significance in Decision-Taking in the Historic Environment* (Historic England; 2015) [CD18.3];
 - Good Practice Advice Note 3 (GPA3): *The Setting of Heritage Assets* (Historic England; 2nd edn, December 2017) [CD18.4]; and
 - Mid Sussex District Plan 2014-2031 (adopted March 2018) [CD5.3].

3 SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

- 3.1 Appendix B of the Council's Site Selection Paper 3 [CD6.9c], of June 2022 for the emerging District Plan 2021-2039, identifies the Site under reference ID 844, naming it as '*Land at North Colwell Farm, Lewes Road, Haywards Heath*' and provides evidence informing the Council's opinion regarding the Site's suitability for residential development.
- 3.2 Under '*5. Listed Buildings*' it is concluded that any listed buildings around the Site would deliver a 'neutral' planning constraint. It is specifically noted that:
- 'Listed buildings are present on/within proximity of the site, less than substantial harm – medium impact. Colwell House, Lewes Road, although separated from the rear of the grounds to Colwell House by a field, development on the site is also likely to have an impact on the outlook to the rear of this listed building. This would have a potential detrimental effect on the manner in which the special interest of the house as a mid-nineteenth-century country villa is appreciated. NPPF: Less than Substantial Harm, LOW-MID'.*
- 3.3 Under '*6. Conservation Areas*' it is concluded that any conservation area within or close to the Site would deliver a 'neutral' planning constraint. It is specifically noted that the:
- 'Site is within/close to a conservation area, less than substantial harm – medium impact. The proposed site lies to the south of Lewes Road in a back land position. Development on this site would be contrary to the established pattern of development of the conservation Area and would detract from the rurality of the setting, which contributes positively to the manner in which the special interest of the Area is appreciated. NPPF: Less than Substantial Harm, MID'.*
- 3.4 Most recently the Appeal Site was included on the 15th May 2026 'Long List' of sites [CD6.8] which are being considered for allocation ('*the site is suitable for further testing*') in the emerging Mid Sussex Local Plan.

4 APPRAISAL INTRODUCTION

- 4.1 The Heritage Statement [CD1.18] submitted in support of the refused application identifies three built heritage assets that could potentially be affected by the Appeal Site's development [Fig.1]. These comprise (1) Lewes Road Conservation Area; (2) the non-designated North Colwell Barn; and (3) the Grade II listed Colwell House.
- 4.2 The Heritage Statement, in common with this PoE, concludes that only Lewes Road Conservation Area and North Colwell Barn would have their significance affected by the Appeal Scheme's development.
- 4.3 All three are appraised below in the following order: (1) Lewes Road Conservation Area; (2) the non-designated North Colwell Barn; and (3) the Grade II listed Colwell House.

The Appeal Site

- 4.4 The Site comprises three simple field parcels (there are no designed landscape features) located to the south and southeast of existing residential development on the south side of Lewes Road, to the south-eastern side of Haywards Heath [Fig.1]. The Appeal Site also includes the proposed access from Lewes Road on the eastern side of the grounds to North Colwell Farmhouse (a later twentieth-century residence rather than a farmstead). The Appeal Site is approximately 6.3ha. in area.
- 4.5 Due to the falling topography to the south and the enclosing woodland (to the south and east), hedge lines with mature trees and well-planted adjacent residential gardens, the Appeal Site is well enclosed. Consequently, there is minimal perception of the Appeal Site from beyond its boundaries. In particular, excepting for the proposed point of access, there is no legibility of the Appeal Site from Lewes Road, the spine of Lewes Road Conservation Area.
- 4.6 The historic development of the Appeal Site and the wider area is set out in the Heritage Statement [s.3; CD1.18] and includes reference to historic mapping.
- 4.7 The residential development of the Appeal Site with access is set out in the indicative master plan [CD1.6].

5 LEWES ROAD CONSERVATION AREA

5.1 Lewes Road Conservation Area is spatially huge, being c.24ha. in area [Fig.1]. It extends along Lewes Road, its central spine, taking in the flanking residences addressing the Road and their grounds. The Area is c.1.3km in length east-west. It is c.145m in width, north to south, at the point where it abuts and includes a very small part of the Appeal Site (part of the northern edge of the Site's western field and the proposed access – c.0.15ha.).

5.2 A published conservation area appraisal or management plan is not currently available for Lewes Road Conservation Area. The Council's document *Conservation Areas in Mid Sussex* [CD18.1], last published in 2018 but based on analysis from no later than 2004 [as an extract from the Mid Sussex Local Plan adopted May 2004], includes high-level analysis of the Area's key features. This states that:

'Lewes Road (A272) is situated on the east side of Haywards Heath and is the main approach for westerly travelling traffic. The Area is characterised by low density development and represents the gradual transition from the countryside to the urban area.

The following features make a particular contribution to the character of the Conservation Area:

- *the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;*
- *presence of trees and hedges around and between the buildings;*
- *the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and*
- *the low density of development which creates a gradual transition from the countryside to the urban area'.*

5.3 There are no longer any 'fingers' of agricultural land between the buildings in Lewes Road Conservation Area. While the Area is very greened with extensive small and large-scale planting, its dominating character and appearance is suburban residential, rather than rural.

5.4 The built form within the eastern part of Lewes Road Conservation Area to the north of the Appeal Site is mainly comprised of large twentieth-century residences in spacious and well-planted, domestic gardens. These residential gardens are discrete, sequestered and inward looking, which overall makes this long, narrow Conservation Area largely inward looking towards Lewes Road. The gardens allow no legibility of the Site from Lewes Road.

Conservation Area's Setting

- 5.5 The setting of Lewes Road Conservation Area is of dense later twentieth-century housing to the north, west and south of the western half of the Area, and to the north of the eastern half. The eastern part of the Area has, to the south, a setting that includes some fields partly provided by the Appeal Site's western and central fields, and the two fields to the southwest and southeast of Colwell House [Fig.1].
- 5.6 There are minimal points of visibility from Lewes Road Conservation Area into or across the Appeal Site. The northern part of the Site's central field holds a degree of intervisibility with some elements of the roofscapes and upper parts of the southern elevations of numbers 90-94 Lewes Road across the south-eastern garden boundary to No.94 [Fig.1]. There is some intervisibility with North Colwell Farmhouse from the north-western part of the Site's western field.
- 5.7 The Appeal Site's eastern field is screened from Lewes Road Conservation Area and there is no legibility of the Area's character and appearance (significance) from this field. Consequently, the Site's eastern field forms no part of the Area's setting. The Appeal Site forms a very tiny part of the Area's huge setting.

Conservation Area's Significance

- 5.8 Lewes Road Conservation Area is a heritage asset of high local significance. The significance of the Area is based on a highly greened suburban residential character and appearance set around the central spine of Lewes Road. The large residences flanking the Road are in spacious, well-planted, enclosed and sequestered domestic grounds. It is the suburban character of Lewes Road, the flanking residences and gardens, and their highly greened character, that deliver the primary contribution to the Area's significance.
- 5.9 The setting to Lewes Road Conservation Area is spatially huge and parts of the Appeal Site, wholly excluding its eastern field, forms a very tiny part of the Area's setting. Parts of the western field and the northern part of the central field form some of the green, rural setting to the Area. There are minimal points of intervisibility between the Site and the Area. As such the Site delivers a very small, secondary level of contribution to the spatially huge Area's significance.

Appeal Scheme Impact on the Conservation Area

- 5.10 The Appeal Scheme's residential development of the Site will introduce built form into a very tiny part of Lewes Road Conservation Area's setting. The proposed access road, c.79m in length across a very small part of the Area, will be an introduction of new development to the Conservation Area.

- 5.11 Development of the Appeal Site will be no greater than two storeys in height and associated landscaping with a boundary buffer will strengthen the Site's northern boundary's current screening while retaining the residual trackway (also in the Conservation Area). These elements of the Appeal Scheme's development will minimise the impact on the significance of Lewes Road Conservation Area.
- 5.12 The Appeal Scheme's development will include the removal of thirteen trees from Lewes Road Conservation Area. These are recorded on the FLAC drawing no.43-1039.04C [CD2.19]. No other tree removals associated with the Appeal Scheme will have any impact on the character and appearance (significance) of the Area. The tree removal associated with the Appeal Scheme represents an extremely small proportion of the Area's huge quantum of trees and, as such, will have a negligible impact on the Conservation Area's greened character and appearance (significance).
- 5.13 The Appeal Scheme's introduction of built form in the Appeal Site's western field and the northern portion of the central field, along with the access point across the grounds of North Colwell Farmhouse, will cause a low level of harm, within the spectrum of less than substantial harm, to the significance of Lewes Road Conservation Area.

6 NORTH COLWELL BARN (NON-DESIGNATED HERITAGE ASSET)

- 6.1 North Colwell Barn is a non-designated heritage asset identified by the Council through the planning process. It is the surviving element of a nineteenth-century farmstead of North Colwell Farm converted to residential use by 2006. The detailed history and the significance of North Colwell Barn is set out in the Heritage Statement [4.34-4.40; CD1.18]. The Barn is positioned c.33m northwest of the Site's north-western corner and is within Lewes Road Conservation Area [Fig.1].

North Colwell Barn Setting

- 6.2 The Appeal Site is likely to have formed part of the land holding associated with the former North Colwell Farm. There remains some glimpsed intervisibility between the Site, towards the north-western corner of the western field only, and the Barn. In the limited views the Barn is legible as a wholly residential conversion of an historic, former ancillary farm building.
- 6.3 The asset's wider setting is formed of the built-up Lewes Road Conservation Area to the west, north and east; the woodland block to the south; and part of the Appeal Site's western field.

North Colwell Barn Significance

- 6.4 North Colwell Barn is a non-designated built heritage asset of low, local significance. The asset's significance is gained primarily from the form and surviving fabric of the three joined nineteenth-century ancillary ranges. Its significance has been eroded by its conversion to a residential use; the loss of the farmhouse and other ancillary farm buildings; and the loss of its nineteenth-century isolated location. Its immediate setting, the former farmyard - now a largely enclosed garden of an entirely domestic character – provides no positive contribution to the asset's significance.
- 6.5 The wider setting, including some of the Appeal Site's western field, provides a secondary level of contribution to the asset's significance. The built-up area of Lewes Road Conservation Area provides a negative contribution; the woodland (to the south) and the Site's western field provides a small degree of a positive contribution as a small part of the asset's wider setting.

Appeal Scheme Impact on North Colwell Barn

- 6.6 The Appeal Scheme's development will introduce a small quantum of built form into a small part of North Colwell Barn's wider setting. This will be the eastern two thirds of the Appeal

Site's western field. No other part of the Site's development will have an effect on the asset's significance.

- 6.7 The impact will, to a degree, be mitigated by strengthening and deepening of the Appeal Site's north-western boundary (in common with such treatment throughout the Site); the set back of proposed built form from the Site's north-western corner; and intervening planting within the Site.
- 6.8 It is concluded the Appeal Scheme's development will cause a low degree of harm to the low, local significance of the non-designated North Colwell Barn.

7 COLWELL HOUSE (GRADE II LISTED BUILDINGS)

- 7.1 Colwell House, an early Victorian gentry residence in a Neo-Classical style finished in white stucco, was designated as a Grade II listed building December 1987. The detailed history and the significance of Colwell House is set out in the Heritage Statement [4.15-4.23; CD1.18]. It is located to the north of the Appeal Site's central field close to the south side of Lewes Road and in the eastern end of Lewes Road Conservation Area [Fig.1]. The House is set in extensive grounds but also separated from the Appeal Site by two further open fields to the southwest and southeast, which are outside the Conservation Area. The south-eastern field includes a pond to the south of the House surrounded by trees.

Colwell House Setting

- 7.2 The immediate setting of Colwell House comprises the driveways and tree belts to the east, north and west, with the kitchen garden to the southwest and the ornamental garden to the southeast. The House's wider setting includes the two open fields to the southwest and southeast and the pond, with its enclosing trees, to the south.
- 7.3 Colwell House is a built heritage asset primarily experienced from within its gardens, the asset's immediate setting and the adjacent fields, the asset's wider setting. The greater openness is to the ornamental garden to the immediate southeast and into the open field beyond this to the southeast of the House. The House is almost entirely screened by dense hedgerows including mature trees along the northern edges of the Appeal Site's central and eastern fields. There is some minimal perception of a white stuccoed building from limited northern parts of the Site's central field; it is fleetingly glimpsed in winter months and there is no legibility of the asset's significance.
- 7.4 The Appeal Site forms no part of Colwell House's setting and, as such, makes no contribution to the asset's significance.

Colwell House Significance

- 7.5 Colwell House is a heritage asset of high (national) significance. This significance is primarily derived from the architectural and historic special interest of its fabric and form, with its attendant age, as a Neo-Classical early Victorian gentry house. The original lodge and the ancillary building (possibly a former stable block but now converted to residential use) provide a group value contribution to the asset's significance. The immediate setting also provides a notable contribution to the asset's significance.
- 7.6 The wider setting, the outer portions of the current House's grounds (predominantly the two open fields), provides a secondary level of contribution to the asset's significance.

- 7.7 No part of the Site affords any legibility of the asset's significance. It consequently forms no part of the House's wider setting and, as such, makes no contribution to the significance of Colwell House

Appeal Scheme Impact on Colwell House

- 7.8 The Appeal Site forms no part of the setting to Colwell House and there is no legibility of the asset's significance from any part of the Site. As such, the Appeal Scheme's development will have no impact on the significance of Colwell House.
- 7.9 In regard to the Council's assertion in their SoC that existing and additional planting should be given limited weight by the Inspector [7.31; CD10.1], they have misapplied the Historic England Guidance [GPA3, para.40, p.14; CD18.4]. The quoted guidance relates to design measures to deliver a degree of harm mitigation for development proposals and not to the existing baseline situation. Since the setting of a heritage asset is '*the surroundings in which a heritage asset is experienced*' [NPPF, Annex 2: Glossary; CD5.1], it is wholly correct to assess the intervisibility between assets and the Appeal Site whether that is screening caused by topography, built form, or by existing (and to be retained) planting. This PoE concludes that there is no experience of the significance of Colwell House from any part of the Appeal Site largely due to the existing and, under the Appeal Scheme, to be retained planting along the northern boundary of the Site. This retained planting includes non-ephemeral, mature trees.
- 7.10 Where the quoted guidance may be applicable in this case is in regard to the landscaping proposals set out in the Appeal Scheme's indicative master plan [CD1.6]. While these will be detailed and can be controlled under reserved matters, it does not necessarily follow that where a scheme (at outline or reserved matters) employs landscape planting that would deliver a degree of screening between that built out scheme and heritage assets, that the scheme would inevitably be less than well designed.
- 7.11 It is the case here that the existing vegetation provides levels of screening that cannot be disregarded or afforded minimal weight and that there is scope within the Appeal Scheme, and a subsequent reserved matters application (of a well-designed scheme), to deliver further screening to further minimise the identified harms.

8 CONCLUSIONS

- 8.1 This built heritage proof of evidence (PoE) has been researched and prepared by Jonathan Smith of Blake Turnbull Heritage Consultancy Ltd on behalf of Miller Homes Ltd. The Planning Inspectorate's case reference is 6005876. The Appeal Site, known as Land at Colwell Farm, Haywards Heath, West Sussex, was the subject of an outline planning application DM/25/0445. The application was refused by Mid Sussex District Council 10th September 2025. Reason for refusal 3 covered the built heritage reasons for refusal. The Council subsequently stated on 2 June 2026 that it would no longer defend any of the reasons for refusal.
- 8.2 There is, therefore, no formal evidence from the Council before this Appeal. The Main SoCG Addendum confirms that the Council no longer defends any for the reasons for refusal, that it will submit no evidence to the inquiry and that permission should be granted. The Rule 6 Party have also offered no evidence on built heritage matters. Accordingly, the Heritage Statement findings are not contested by any other party to the Appeal.
- 8.3 This built heritage PoE has been prepared in order to assess the potential impacts of the Appeal Scheme's development on the following built heritage assets:
- Lewes Road Conservation Area;
 - Grade II designated Colwell House; and
 - Non-designated North Colwell Barn.
- The significance of no other built heritage asset, designated or non-designated, will be affected by the Appeal Scheme's development.
- 8.4 This PoE meets the requirements of the December 2024 revision of the NPPF and local planning policy. It provides sufficient, proportionate information and assessment to identify the potential impacts arising from the development of the Appeal Site on the historic built environment and, consequently, allows the Inspector to make a suitably informed decision.
- 8.5 My PoE concludes that the proposed development of the Appeal Site will deliver (1) a low level of harm within the spectrum of less than substantial harm to the significance of Lewes Road Conservation Area; (2) a low level of harm to the non-designated North Colwell Barn; and (3) no level of harm to the significance of the Grade II designated Colwell House. This is summarised in Table 1 below [p.21].
- 8.6 My appraisal and conclusion in regard to the levels of harm diverge from those of the Council. They conclude that the proposed development of the Appeal Site will deliver (1) a mid to high level of harm within the spectrum of less than substantial harm to the

significance of Lewes Road Conservation Area; (2) a mid level of harm to the significance of North Colwell Barn; and (3) a mid level of harm within the spectrum of less than substantial harm to the significance of Colwell House. This is summarised in Table 1 below.

(1) Lewes Road Conservation Area

8.7 The NPPF states in paragraph 215 that:

‘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’.

8.8 Paragraph 215 is engaged in this case in relation to Lewes Road Conservation Area and great weight should be given by the Inspector to any harm caused by the Appeal Scheme to the designated Conservation Area. Additionally, unlike in the preceding paragraph where the decision maker is directed to refuse consent in cases causing substantial harm if stringent caveats cannot be met, paragraph 215 does not direct the decision maker to refuse an application in cases of less than substantial harm.

8.9 The statutory duty for the decision maker, as set out in s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, would be engaged in this case in relation to Lewes Road Conservation Area (but not its setting), such that *‘special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area’*. Additionally, great weight should be given to any harm caused by the development of the Appeal Scheme to the significance of the Conservation Area.

8.10 The Appellant’s Planning PoE considers the Appeal Scheme’s public benefits and balances these against the harms to the historic built environment in the context of paragraph 215 of the NPPF. The Planning PoE also discusses the clear and convincing justification, delivered by the identified public benefits, that would be required for such harms to the significance of the designated Lewes Road Conservation Area. The Planning PoE concurs with the Council that any identified less than substantial harm to the Conservation Area would be outweighed by the Appeal Scheme’s public benefits.

(2) North Colwell Barn

8.11 The NPPF states in paragraph 216 that:

‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

8.12 Paragraph 216 is engaged in this case in relation to the non-designated North Colwell Barn, but there is no statutory duty engaged for the decision maker in this case. Great weight is not required to be ascribed to the identified level of harm to the non-designated heritage asset and that harm is not required to be clearly and convincingly justified.

8.13 The Appellant's Planning PoE considers the Appeal Scheme's public benefits and balances these against the harms to the built historic environment in the context of paragraph 216 of the NPPF. The Planning PoE concurs with the Council that any identified harm to North Colwell Barn would be outweighed by the Appeal Scheme's public benefits.

(3) Colwell House

8.14 Notwithstanding my conclusions of no harm, the Inspector may concur with the view expressed by Council Officers in the Committee Report that the development of the Appeal Scheme will cause a degree of less than substantial harm to the significance of Colwell House. In such a case paragraph 215 of the NPPF, quoted above, would be engaged.

8.15 The statutory duty for the decision maker, as set out in s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, would be engaged in this case and great weight would need to be given to any harm caused by the development of the Appeal Scheme to the significance of Colwell House. As noted above, paragraph 215 does not direct a decision maker to refuse an application in cases of less than substantial harm.

8.16 The Council have concluded that their identified level of less than substantial harm to the significance of Colwell House, having been afforded great weight and, in the context of paragraph 215 of the NPPF, would be outweighed by the Appeal Scheme's public benefits. These public benefits would deliver the clear and convincing justification that would be required for such harms to the significance of a designated heritage asset.

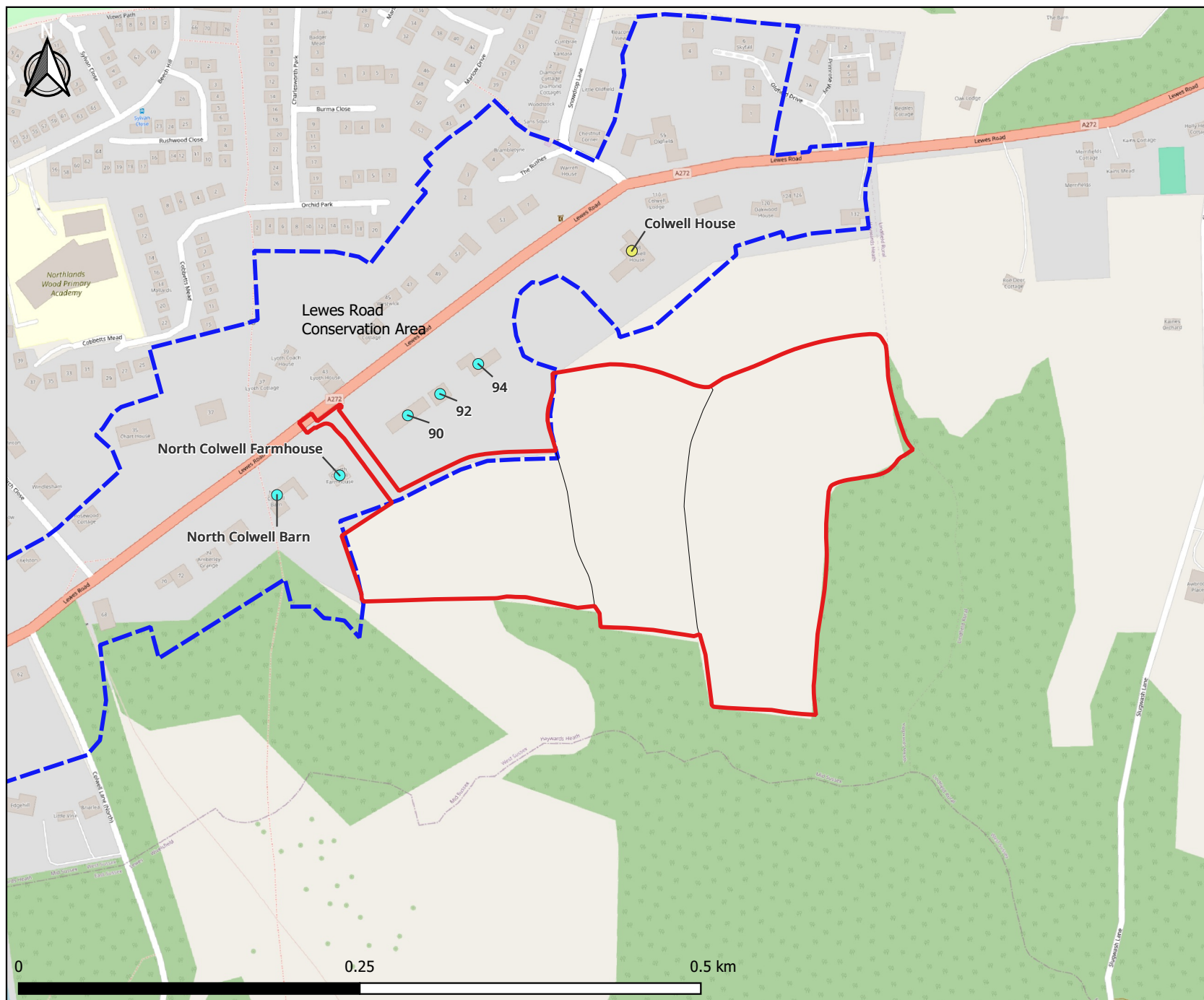
	Appellant	MSD Council
(1) Lewes Road Conservation Area	Low level of less than substantial harm	Mid to high level of less than substantial harm
(2) North Colwell Barn	Low level of harm	Mid level of harm
(3) Colwell House	No harm	Mid level of less than substantial harm

Table 1: Concluded levels of harm to identified built heritage assets' significance.

Summary of Conclusions

- 8.17 The Appellant's Planning PoE considers, where necessary, the Appeal Scheme's public benefits and their balance with any harms to the historic built environment in the context of paragraphs 215 and 216 of the NPPF, and Local Plan Policies DP34 and DP35 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan. The Planning PoE also provides, where required, the clear and convincing justification for the levels of harms to the significance of the identified built heritage assets concluded in this Built Heritage PoE.
- 8.18 Notwithstanding my conclusions and those set out in the Appellant's Planning PoE, the Council have withdrawn all reasons for the Appeal Scheme's refusal and have concluded that the Appeal Scheme's public benefits outweigh the Council's identified higher levels of harm to the noted built heritage assets' significance. Consequently, there is no built heritage consideration that restricts the grant of permission.

FIGURES



- Site
- Conservation Area
- Listed Buildings
 - Grade II
 - Relevant Non-Designated Assets

Fig. 1
Appeal Site & Built Heritage Assets

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