

LAND AT COLWELL FARM, LEWES ROAD, HAYWARDS HEATH

PINs ref: 6005786

LPA ref: DM/25/0445

Inquiry Core Document: 9.5

Built Heritage Summary Proof of Evidence

June 2026

Title of project **North Colwell Farm**

Appellant **Miller Homes Ltd**

Date 29th June 2026

Prepared for **Miller Homes Ltd**

Appellant Address c/o Mr Nicholas Billington
SLR Consulting Ltd
Mountbatten House
1 Grosvenor Square
Southampton, SO15 2JU

Prepared by **Jonathan Smith**, Director
BA (Hons) MA PGCE PGDip IHBC MCIfA
Blake Turnbull Heritage Consultancy
Nimoy House, 9 Leonard Road, Gloucester GL1 4PQ
07588 886 826 • jonathan.smith@bt-heritage.co.uk

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

Issue Date 29th June 2026

Version i Final

Contents

1 INTRODUCTION..... 4

2 SUMMARY LEGISLATION POLICY AND GUIDANCE 7

3 CONCLUDING SUMMARY..... 8

1 INTRODUCTION

- 1.1 The 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 (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

- 1.2 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.

Main Statement of Common Ground

- 1.3 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

- 1.4 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.
- 1.5 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.
- 1.6 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].
- 1.7 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.
- 1.8 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). 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).

- 1.9 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 Colwell House.
- 1.10 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.11].
- 1.11 It is also contrary to the view of the Council as set out in their SoC [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, North Colwell Barn and 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; the PoE counters this mistaken position at 7.9-7.10]. However, for the reasons set out above, there will be no formal evidence on this matter.
- 1.12 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. 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 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 the 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 CONCLUDING SUMMARY

3.1 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. 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.

3.2 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.

3.3 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.

3.4 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.11].

3.5 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

3.6 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’.

3.7 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.

3.8 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.

3.9 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

3.10 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’.

3.11 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.

- 3.12 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

- 3.13 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.
- 3.14 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.
- 3.15 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

- 3.16 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.
- 3.17 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.

Blake Turnbull

HERITAGE CONSULTANCY

Nimoy House, 9 Leonard Road, Gloucester GL1 4PQ
07588 886 826 • jonathan.smith@bt-heritage.co.uk

bt-heritage.co.uk