

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3171	Case Officer:	Andrew Watt
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 1 of application DM/24/2064 - Introduction of 600mm parapet to resident terrace to provide privacy screening from ground floor.		
Site:	23-25 Bolnore Road, Haywards Heath, West Sussex, RH16 4AB, , , ,		
Validation Date	7 Jan 2026	Overall Expiry Date:	30 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Apr 2026
Target Date:	8 Apr 2026	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3171

**23-25 Bolnore Road, Haywards Heath, West Sussex, RH16 4AB, , ,
Variation of condition 1 of application DM/24/2064 - Introduction of 600mm parapet to resident terrace to provide privacy screening from ground floor.
Mr John McElholm**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary a condition of a planning permission for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

RELEVANT PLANNING HISTORY

In December 2021, planning permission was granted for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment (DM/20/3310). All pre-commencement conditions were discharged in December 2023 under ref: DM/23/1263.

In February 2024, permission was granted for a variation of condition 2 of planning application DM/20/3310 - to allow for internal reorganisation of the lower ground, ground, first and second floors to provide a more efficient and operationally more appropriate layout (DM/23/1262).

In November 2024, permission was granted for a variation of condition 1 of planning permission DM/23/1262 (DM/24/2064).

SITE AND SURROUNDINGS

The site is located on the south side of Bolnore Road and formerly consisted of two large detached 2 storey properties of traditional arts and crafts design set in substantial gardens, with land levels dropping by 4.5m from front to rear. Since the original planning permission was granted, the property at no. 23 has been severed from the site, with its rear garden truncated and subdivided into 2 dwellings. The property at no. 25 suffered from an arson attack in September 2023 and was demolished in February 2024. The site as a whole was cleared and fenced off and building works are well underway.

Opposite the site are two large, detached properties and adjacent to these Beech Hurst Close, with more modest houses in smaller plots. To the north are further large detached properties in Bolnore Road, immediately to the south west there is a footpath and beyond this is a block of sheltered flats (Joan

Nightingale House), while at the rear are further sheltered accommodation flats in Amberley Close (Oakwood and Hanover Court).

The site is located within the built-up area of Haywards Heath and backs onto an area of Ancient Woodland. It is also designated as a Great Crested Zone Impact Risk Zone (Red).

APPLICATION DETAILS

Permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary a condition of a planning permission for the demolition of 25 Bolnore Road and garage to 23 Bolnore Road, and the erection of a 67 bedroom residential care facility (C2 use) with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

In detail, Condition 1 of permission DM/24/2064 states:

The development hereby permitted shall be carried out in accordance with the plans/materials schedule listed below under the heading 'Plans Referred to in Consideration of this Application' and below:

Proposed Elevations 3226-HIA-00-XX-DR-A-0302 DO-P4 comparison NW

Proposed Elevations 3226-HIA-00-XX-DR-A-0306 DO-P1

Proposed and Existing Plan incl Site 3226-HIA-00-XX-DR-A-2101-DPC & Threshold Details-S3-P2

Proposed and Existing Plan incl Site 3226-HIA-00-01-DR-A- 2712-Terrace Balustrade Detail-S3-P1

Proposed and Existing Plan incl Site 3226-HIA-00-02-DR-A- 2711-GRP Chimney Detail-S3-P1

Proposed and Existing Plan incl Site 3226-HIA-00-04-DR-A-2710-Hidden Gutter Eaves Detail-D2-P2

Proposed and Existing Plan incl Site 3226-HIA-00-XX-DR-A-3110-Window Details-S3-P2

Proposed Floor Plans 3226-HIA-00-00-DR-A-0201 DO-P8 lower ground

Proposed Floor Plans 3226-HIA-00-00-DR-A-0211 DO-P8 ground

Proposed Floor Plans 3226-HIA-00-00-DR-A-0221 DO-P8 first

Proposed Floor Plans 3226-HIA-00-00-DR-A-0231 DO-P8 second

Proposed Roof Plan 3226-HIA-00-00-DR-A-2701 DO-P2

Proposed Elevations 3226-HIA-00-XX-DR-A-0300 DO-P5 comparison SW

Proposed Elevations 3226-HIA-00-XX-DR-A-0301 DO-P4 comparison NE

Proposed Elevations 3226-HIA-00-XX-DR-A-0303 DO-P4 comparison SE

Proposed Elevations 3226-HIA-00-XX-DR-A-0304 DO-P6

Proposed Elevations 3226-HIA-00-XX-DR-A-0305 DO-P7

Site Plan 3226-HIA-00-XX-DR-A-0102 DO-P3

Reason: For the avoidance of doubt and in the interest of proper planning.

The application has been submitted to substitute new plans showing the introduction of a 600mm high parapet to two resident terraces (one on the first floor NW (front) elevation, above the entrance; and the other on the first floor SE (rear) elevation) to provide privacy screening from the ground floor.

The supporting Planning Statement advises that:

'Changes to the terraces have been introduced to ensure that residents' privacy and dignity are appropriately protected. The revised design mitigates potential overlooking from lower levels, addressing concerns that residents using the terraces may be unaware of the visibility from below. A 600mm-high parapet wall has been incorporated to provide an appropriate level of screening while maintaining outward views, ensuring residents feel safe and at ease when using these spaces. This approach also responds to feedback that large areas of full-height glazing can create an uneasy or exposed feeling for residents, particularly those who are more vulnerable or less spatially aware. Collectively, these adjustments create a more comfortable and private external environment, enhancing residents' enjoyment of the terraces while maintaining the building's overall design integrity.'

As this is a Section 73 application, government advice is that the Local Planning Authority should focus attention on any material changes since the previous permission.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP26: Character and Design

Policy DP38: Biodiversity

Site Allocations DPD

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E9: Local Character

Other Material Considerations

Mid Sussex District Plan 2021-2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on 19 March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4 November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Relevant design principles include:

Principle DG38: Design buildings with architectural integrity and a sense of place

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 39 (decision-making), 48 (determining applications), 131 and 135 (design), 187 (conserving and enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove a condition associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

Accordingly there is no need to reconsider the principle of the development in this case, as the key principles have already been accepted through the original consent. The main issues for considerations are therefore the impact of the changes on the character and appearance of the area and biodiversity net gain.

Design and impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan aims to ensure that all development is well designed and reflects the distinctive character of towns and villages while being sensitive to the countryside.

Policy E9 of the Neighbourhood Plan is similar in intent, and states (in part):

'Policy E9: Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *creates safe, accessible and well-connected environments that meet the needs of users'*

The proposed raising of the parapet walls by 600mm to two parts of the building will have the effect of increasing the amount of brickwork, and consequently reduce the amount/height of glazed balustrading above. These changes could not be treated as non-material amendments to the original scheme (DM/25/2145) as one of the terraces is directly above the main entrance to the building. However, viewed against the scale of the building as permitted, both changes are modest in scope and will be in keeping with the architectural style of the development. They will provide greater privacy to the future

residents when viewed from the ground floor below, particularly at the main entrance, but also from the rear garden.

Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 12 February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The application is deemed to be in keeping with the character of the building and surrounding area and would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan and therefore is considered acceptable. Pre-commencement and other conditions are worded to reflect their recent discharge, and other conditions are imposed again. As the implementation of the original consent has already commenced, no time limit is necessary to be imposed.

Decision: Permission

Case Officer: Andrew Watt