

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0107	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 2 of planning application DM/25/2003 - to allow for design changes		
Site:	Malthouse Field, London Road, Bolney, Haywards Heath, West Sussex, RH17 5QB, ,		
Validation Date	15 Jan 2026	Overall Expiry Date:	11 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Mar 2026
Target Date:	12 Mar 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0107

**Malthouse Field, London Road, Bolney, Haywards Heath, West Sussex, RH17 5QB,
Variation of condition 2 of planning application DM/25/2003 - to allow for design changes
Andy Hogarth**

SUMMARY OF REPRESENTATIONS

No representations have been received.

SUMMARY OF CONSULTEES

No responses from consultees have been received.

PARISH COUNCIL OBSERVATIONS

No response has been received from the Parish Council.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning application DM/25/2003.

RECENT PLANNING HISTORY

BK/016/74 - Outline application for residential development on 17.03 acres. Refused.

01/01633/FUL - Replacement of existing dwelling/outbuildings with 2 storey det'd dwelling, triple garage and 3 no. stables/ tackroom. Formation of new separate access. Refused.

02/01222/FUL - Amended description: Retrospective application for the replacement of stable block with a 4 bay stable block. Permission.

13/03610/FUL - Single Storey Annex Extension. Permission.

DM/25/2003 - Roof extensions to the west and east elevations, including porch extension and Juliette balcony to the eastern side, with new dormers on the west and north roofslopes. Existing dormer window on eastern roofslope reduced. Single storey extension to western elevation and associated changes to windows and doors. Permission.

SITE AND SURROUNDINGS

Malthouse Field is a detached, chalet bungalow with entrances on both the northern and western elevations. It is constructed of red bricks, with a plain tile roof and upvc windows. The dwelling has been previously extended, including to the north, and has various dormer windows. It also benefits from two detached outbuildings to the east of the site, where there is also an area of hardstanding.

The application site is located outside of the built up area of Bolney and therefore lies within the countryside. It is also within the High Weald Area of Outstanding Natural Beauty. Neighbouring dwellings are situated to the east of the site and fields surround the rest of the site.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved under reference DM/25/2003.

Condition no. 2 of planning permission DM/25/2003 states that:

'The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Planning permission was granted for roof extensions to the dwelling, including dormer windows, as well as a porch and single storey addition. The scheme currently under consideration seeks to make a number of changes to the approved design.

The proposed changes relate predominantly to the roof works. Planning permission was granted for the addition of five, flat roof dormer windows. One was to be sited on each elevation, apart from the western where two dormers were shown. It is now proposed to enlarge all of the approved dormers and for them to be of a pitched roof design. Permission is also sought to construct a section of roof between two gables, which was removed from the previous application. It is to be some 5.5 metres long and would continue the ridge line of the main house.

The plans also show changes to the approved fenestration on the eastern and southern elevations, as well as the inclusion of more rooflights.

No changes are proposed to the approved materials for the works.

During the site visit it was noted that no works had started on site.

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 District Plan, Site Allocations Document (DPD) and the Bolney Neighbourhood Plan.

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

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP26 - Character and Design
- DP37 - Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

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

There are no relevant policies.

Bolney Neighbourhood Plan

The Bolney Neighbourhood Plan was formally made on 21st September 2016.

Relevant policies:

- BOLBB1 - Built-up Area Boundary
- BOLE1 - Protect and Enhance Biodiversity
- BOLE2 - Protect and Enhance the Countryside
- BOLD1 - Design of New Development and Conservation

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, 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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPN4 - Trees, Woodland and Hedgerows

DPB1 - Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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 4th 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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved under reference DM/25/2003.

Section 73 (2) of the said Act states that:

'Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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.'

The principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed amendments are for the following:

- Design, impact on character of area and amenity, and
- Impact to trees.

Design, impact on character of area and amenity

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

This is reflected in the High Weald Management Plan.

The proposed development is located within the countryside, therefore policy DP12 of the District Plan is relevant. The principal aim of Policy DP12 of the District Plan states that the

'countryside will be protected in recognition of its intrinsic character and beauty'.

Policy BOLE2 of the Bolney Neighbourhood Plan reflects this ethos.

In terms of design, policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*

- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development'.*

This ethos is reflected in policy BOLD1 of the Bolney Neighbourhood Plan.

The Mid Sussex Design Guide also contains a number of relevant principles with the following being particularly relevant to the application:

- o Principle DG49 - General principles for extensions; and*
- o Principle DG52 - Loft conversions and roof extensions.*

Planning permission was originally granted for alterations and extensions to Malthouse Field, including the roof. It is now proposed to make changes to the approved dormer windows, to include a new section of roof and make changes to some of the windows.

During the course of the original application changes were made to the plans to simplify the design and to create a more cohesive scheme. With regards to the dormer windows, the proposal would not increase the number approved, rather for each to have a pitched roof. This does, unfortunately, result in the size of the dormer windows being increased. The additional section of roof was also removed from the previous scheme. Whilst it is considered that the increased bulk and additional roof form is regrettable, it is noted that the pitched roofs would be consistent with those on the dwelling. Furthermore the dwelling is detached from surrounding properties and is not readily visible from public vantage points. As such it is considered that the proposed changes to the roof design would not result in a level of harm that would warrant the refusal of this application. The changes to the approved fenestration are considered to be acceptable as they would be relatively minor and reflect the design and form of those previously approved.

It remains the case that the application site is located in an existing pocket of residential development, located to the west of London Road, and that the proposal relates to the extension of a dwelling. As such the development would not form an isolated development within the wider landscape and the works would be viewed in the context of the existing built form of the dwelling. It is therefore considered that the proposal would not have any adverse impact on the landscape quality of the AONB. The development would not be readily visible from public vantage points and, given the scale of the additions, the overall character of the countryside would be retained.

In terms of the impact to amenity, given the scale of the extensions and that they would be set well away from neighbouring properties, it is considered that it would not give rise to a loss of light or outlook. Whilst changes are proposed to the windows on the eastern elevation, they are to be set back from the shared boundary by some 30.0 metres. As such, it is therefore considered that they would not give rise to any overlooking concerns.

Impact to trees

Policy DP37 of the Mid Sussex District Plan relates to trees and states in part:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted'.

This ethos is reflected in policy BOLE1 of the Bolney Neighbourhood Plan.

There are five trees located on this site, including one classified as Category A and three as Category B. The proposed changes would not result in the footprint of the dwelling being enlarged beyond the approved plans and, as such, it is considered that the re-imposition of the tree condition would ensure that the trees on site would remain protected.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANING BALANCE AND CONCLUSION

The proposed variation to planning permission DM/25/2003, in respect to the design of the roof extensions and changes to the approved fenestration. The proposal would not result in changes that would be harmful in design terms, to the surrounding landscape, in relation to the amenities of neighbouring dwellings or to surrounding trees. The proposal therefore accords with policies DP12, DP16, DP26 and DP37 of the Mid Sussex District Plan; policies BOLBB1, BOLE1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist