

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2194	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition nos 2 and 3 of planning application DM/23/3021 - to amend the details of Conditions 2 and 3 in order to facilitate a change to the specification and colour of external cladding materials on the dwelling designs approved for Plots 1 and 5.		
Site:	Hatchgate Cottage, Hatchgate Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5DU, ,		
Validation Date	29 Aug 2025	Overall Expiry Date:	23 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Oct 2025
Target Date:	24 Oct 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	9 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2194

**Hatchgate Cottage, Hatchgate Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5DU,
Variation of condition nos 2 and 3 of planning application DM/23/3021 - to amend the details of
Conditions 2 and 3 in order to facilitate a change to the specification and colour of external
cladding materials on the dwelling designs approved for Plots 1 and 5.
Silver Homes (Cuckfield) Ltd**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None received

PARISH COUNCIL OBSERVATIONS

No objection

INTRODUCTION

Variation of condition Nos 2 and 3 of planning application DM/23/3021 - to amend the details of Conditions 2 and 3 in order to facilitate a change to the specification and colour of external cladding materials on the dwelling designs approved for Plots 1 and 5.

RELEVANT PLANNING HISTORY

DM/23/3021 - Demolition of existing dwelling and erection of 5 homes with access from Hatchgate Lane together with parking, landscaping and associated works. Granted

SITE AND SURROUNDINGS

The site currently consists of a modest bungalow within a large plot which is positioned close to the southern side of Hatchgate Lane within the countryside.

The site is located adjacent to the built up area boundary of Cuckfield, which is located along the western side boundary with neighbouring properties, No. 6 Hatchgate Lane and Massabielle. To the eastern side is three other neighbouring properties The Barn, Hatchgate Barn and Hatchgate Farm which are positioned close to the southern side of Hatchgate Lane.

Hatchgate Lane runs from Broad Street to the east where it then turns sharply to the north and continues as Wheatsheaf Lane. Hatchgate Lane does continue at this point to the east within the countryside as a single track private road which also includes a bridleway to the application site and its adjacent neighbours. Beyond the access to Hatchgate Farm the road continues solely as a bridleway through Blunts Wood and Paige's Meadow, which is a Local Nature Reserve, and then to Haywards Heath.

Hatchgate Lane and Wheatsheaf Lane within the built up area boundary of Cuckfield has a distinctive urban character and form, consisting of properties with modest plots and close side by side relationships. The locality also includes a distinct line of three pairs of semi-detached Edwardian dwellings (1-6 Hatchgate Lane) located on the southern side of the highway which has a distinct character and appearance. These properties were originally symmetrical in form and design, with stone lintels and ornate bargeboards but have previously benefited from extensions and alterations. Beyond No.6 Hatchgate Lane is a mature line of trees and hedging which runs along the built up area boundary and

creates a distinct divide between the urban character of the built up area and the rural character beyond this point along the private road. The four properties along the private section of the road have an informal character and relationship with the highway with most of the properties obscured from view by front boundary hedging which contributes to the rural character of the area along with open fields to the north and south.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans and details to amend the colour of the external cladding to the dwellings of Plots 1 and 5 from black to white.

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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Cuckfield 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:

DP26 - Character and Design

Site Allocations DPD

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

There are no relevant policies.

Cuckfield Neighbourhood Plan (made October 2014)

Relevant policies:

CNP1 - Design of New Development and Conservation

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

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.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions 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.'

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Design and Character
- Biodiversity Net Gain

Design and Character

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:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *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;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *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);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *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;*
- *optimises the potential of the site to accommodate development.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

Principle DG40 of the Design Guide states: *'Development should be designed to ensure that streets and public spaces have good levels of natural surveillance and are overlooked by ground floor habitable rooms and upper floor windows. Buildings should therefore be designed with open, active frontages that engage with and provide a public face onto the street and spaces. They should normally be organised with:*

*Windows that directly overlook the public realm;
Corner buildings that address both their street facades;
Main entrances that face the street; and
Boundary treatment that allows for street surveillance.*

Conversely blank facades and unsightly gaps in street frontages should be avoided.'

Policy CNP1 of the Cuckfield Neighbourhood Plan states:

New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

The inspector for the previous appeal for 8 No. dwellings concluded that: *'due to the number, scale and layout of the dwellings and their plots, and the extensive area of hard surfacing within the site, the*

proposal would be harmfully at odds with the rural character of the countryside, and it would fail to maintain or enhance the rural and landscape character of the District.'

The proposed alterations to the facade of the dwellings of Plots 1 and 5 would alter the appearance of the dwellings and the development as a whole, which would be visible from Hatchgate Lane. The proposed materials would provide a further variation in the appearance and design of the dwellings within the development which would be appropriate to the locality and would maintain a high quality design.

It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policies DP26 and CNP1.

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 application for the original planning permission to which the Section 73 planning permission relates was made before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

CONCLUSION

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area, Therefore, the proposal complies with Mid Sussex District Plan policy DP26, Cuckfield Neighbourhood Plan policy CNP1, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams