

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2479	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition nos 2, 3 and 4 of planning application DM/22/0738 - to amend the detailed drawings and allow for design changes		
Site:	West Street Baptist Church, West Street, East Grinstead, West Sussex, RH19 4EY, , ,		
Validation Date	6 Oct 2025	Overall Expiry Date:	7 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 Nov 2025
Target Date:	1 Dec 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	26 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2479

**West Street Baptist Church, West Street, East Grinstead, West Sussex, RH19 4EY, ,
Variation of condition nos 2, 3 and 4 of planning application DM/22/0738 - to amend the detailed
drawings and allow for design changes
Dr Graham Scott**

SUMMARY OF REPRESENTATIONS

A letter of representation has been received from Flat 1 Chapter House, No. 13 West Street, who raise the following concerns:

- View from window would be blocked (*Officer Comment: the loss of a view is not a planning consideration*)
- Seating to the front of main entrance to No. 13 West Street, noise impact along with safety concerns for residents (*Officer Comment: The proposed plans do not include any external seating*)

SUMMARY OF CONSULTEES

MSDC Conservation Officer - No objection

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Variation of condition nos 2, 3 and 4 of planning application DM/22/0738 - to amend the detailed drawings and allow for design changes

RELEVANT PLANNING HISTORY

GR/124/95 - Restoration of wooden windows. Granted

02/02030/LBC - Repair 3 front upper windows and right back upper window of church building and replacement of flat roof elevation following repair of windows using felt rather than lead. Granted

DM/16/5553 - Replacement of front porch with new entrance area. Changes to side hall roof shape and internal amendments to side hall. Alterations to side hall front facade. New paving and landscaping alterations in front of church. (Amended plans received 10.01.2017). Granted

DM/16/5558 - Replacement of front porch with new entrance area. Changes to side hall roof shape and internal amendments to side hall. Alterations to side hall front facade. New paving and landscaping alterations in front of church. (Amended plans received 10.01.2017). Granted

DM/22/0738 - Resubmission of lapsed consent for the demolition and replacement of the front porch building with a new entrance area to the church. Changes to the side hall roof shape and alteration side hall elevation along with internal changes to the side hall. Addition of amendments to previous consents - new internal staircase to replace existing. Amendment to the design of the north end of the proposed new addition. Granted

DM/22/0739 - Resubmission of lapsed consent for the demolition and replacement of the front porch building with a new entrance area to the church. Changes to the side hall roof shape and alteration side hall elevation along with internal changes to the side hall. Addition of amendments to previous consents -

new internal staircase to replace existing. Amendment to the design of the north end of the proposed new addition. Granted

DM/25/0286 - Non Material Amendment to planning application DM/22/0738 - to amend the roof profile to raise the ceiling height. Granted

DM/25/2480 - Demolition and replacement of the front porch building with a new entrance area to the church. Changes to the side hall roof shape and alteration side hall elevation along with internal changes to the side hall. Addition of amendments to previous consents - new internal staircase to replace existing. Under Consideration

SITE AND SURROUNDINGS

The property consists of West Street Baptist Church a Grade II listed building located on the northern side of West Street, within the town centre and Conservation Area of East Grinstead.

The existing building has a pitched gable roof with large symmetrical ornate windows which gives the front western side elevation a double frontage appearance with an existing single storey front flat roofed projection and entrance with a side single storey gable roofed projection on the southern side which extends up to the adjacent neighbour, 9-11 West Street. The existing front entrance opens onto an open forecourt area shared with the neighbouring building Chapter House which houses a number of flats and office space under separate ownership. The building is constructed in brick, white timber fenestration, slate tiles and felt roofing.

The locality is characterised by buildings of varying designs and ages, positioned close to the highway with active frontages. The buildings largely consist of retail and commercial units on the ground floor with offices and residential flats above, which contribute to the town centre character of the locality.

The property was previously granted planning permission and listed building consent (DM/22/0738 and DM/22/0739) for extensions and alterations to the building. However, from a site visit to the site some of the works taken place are not in accordance with the approved plans and are currently unfinished.

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 to allow for changes to the design of the extensions and alterations, which include:

- Changes to the proposed cladding to Kingspan Facades Oxidised 0010 cladding;
- Removal of from perforated corten steel screen and cantilevered bench;
- Retention of the front elevation of the side hall, new replacement entrance door;
- Internal lobby to side hall; and
- Changed orientation to W.C. in the small hall

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 East Grinstead 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

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

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.

East Grinstead Neighbourhood Plan (November 2016)

Relevant policies:

Policy EG3 - Promoting Good Design

Policy EG4 - Heritage Assets

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
DPB2 - Listed Buildings and Other Heritage Assets
DPB3 - Conservation Area

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

Other Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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 Impact on the Listed Building and Conservation Area
- Impact on the amenities of neighbouring properties
- Biodiversity Net Gain

Design and Impact on the Listed Building and Conservation Area

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S. 72(1) states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paras 210, 212-215 of the NPPF state:

'210. In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. 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 including, where appropriate, securing its optimum viable use.'

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Mid Sussex District Plan policy DP35 states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Policy EG4 of the East Grinstead Neighbourhood Plan states: *'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'*

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.

There may be potential to introduce a new character / development form and massing (refer to chapter 5):

- *On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*

- *In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

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.'*

Policy EG3 of the East Grinstead Neighbourhood Plan echoes the ethos of this policy.

The Council's Conservation Officer has been consulted on the application and has provided the following comments:

'The Zion Chapel is a Grade II listed building located within the East Grinstead Conservation Area. Planning permission and listed building consent were granted in 2022 for works including demolition and replacement of the existing 20th century front porch, and changes to the side hall roof shape and elevation. Unfortunately, the work to the side hall as carried out does not fully accord with the approved scheme. The current applications seek to regularise the situation.

As carried out, the scheme differs from the approval in respect of the design of the front elevation of the side hall, the cladding material to this elevation, the plan form of the side hall around the entrance area and WC, and the opening between the side hall and main chapel.

These amendments are not considered to materially affect the impact of the works on the special interest of the building or the character and appearance of the Conservation Area, and are not considered contentious. The amended treatment of the opening between the hall and chapel retains more of the existing fabric and is therefore positive in these terms.

The proposal is therefore considered to preserve the special interest of the listed building and the character and appearance of the Conservation Area, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.'

The proposed extension and alterations to the property are considered to be of a size, form and design that would in proportion and appropriate to the character and size of the building. The proposed external alterations and extension would be visible from the streetscene however would be seen at subordinate additions to the main building and are considered to be appropriate to its existing character and appearance. It is therefore considered that the proposal would not have an impact on the character and appearance of the Conservation Area or the special interest of the listed building.

Impact on the amenities of neighbouring properties

Policy DP26 in part seeks to ensure that development:

'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 DP29);'

Policy EG3 states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

To the southern side is No. 9-11 West Street which includes a takeaway on the ground floor and a residential flat above. This residential property does include a first floor side opening facing onto the application property. Given the nature and proportions of the proposed extension and alterations in relation to the existing form of the building and its relationship with this neighbouring dwelling it is considered that it would not cause significant harm to the amenities of this neighbour.

On the north-west is Chapter House which consists of residential flats and offices. This building shares the open forecourt area with the church and is orientated with its front elevation facing towards the highway. To the west of the forecourt is the patio area of Chapter House which includes seating and is partly screened by planting and trellis. The proposed alterations to side projection would be obscured from view by the existing building. The proposed front extension would have a footprint similar to the existing front projection and would not extend beyond the front doors of Chapter House. Given this and the nature of the use of the building it is considered that the proposal would not cause significant harm to the amenities of these neighbouring properties.

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 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

CONCLUSION

In conclusion, the proposal is considered to be appropriate in terms of the impact to the listed buildings and Conservation Area; and would not cause significant harm the amenities of neighbouring properties. Therefore the proposal complies with Mid Sussex District Plan policies, DP26, DP34 and DP35, policy EG3 and EG4 of the East Grinstead Neighbouring Plan, the relevant provisions of the NPPF, and the Listed Building and Conservation Area (LBCA) Act 1990. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams