

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1612	Case Officer:	Andrew Watt
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/20/1333 - amended drawings		
Site:	Land At Junction Of Blackwell Farm Road And Holtye Road, East Grinstead, West Sussex, , , , ,		
Validation Date	13 Aug 2025	Overall Expiry Date:	8 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Nov 2025
Target Date:	12 Nov 2025	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:	12 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1612

**Land At Junction Of Blackwell Farm Road And Holtye Road, East Grinstead, West Sussex, , , ,
Variation of condition no 2 relating to planning application DM/20/1333 - amended drawings
Ms Clare Egan**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

Committee resolved to approve.

INTRODUCTION

Permission is sought under Section 73 of the Town and Country Planning Act 1990 for a variation of condition no 2 relating to planning application DM/20/1333 - amended drawings. The effect of this change is to reposition the revised hammerhead/plot 10 parking space; and change the retaining wall to the northern boundary in relation to the level of high voltage cable.

RELEVANT PLANNING HISTORY

In March 2022, planning permission was granted for the construction of 10 affordable dwellings with associated car parking, landscaping and creation of new access onto Blackwell Farm Road (DM/20/1333). Construction works to implement this consent are well underway, up to roof level.

SITE AND SURROUNDINGS

The site is located within the built-up area of East Grinstead within 7km of the Ashdown Forest. It was formerly used as an outdoor play space and a Multi Functional Green Space (MFGS), owned by Mid Sussex District Council, but is now a building site to implement the planning permission highlighted above.

Occupying an area of 0.38ha, the land slopes down gently from north to south and from east to west. There is a belt of deciduous, mainly semi-mature trees to the eastern and southern frontages (Blackwell Farm Road and Holtye Road respectively), albeit with some gaps, and a tall (15m) Leylandii hedge and mature Ash tree on the western boundary to Mount Noddy Cemetery.

Adjoining the site to the north is a 3-storey semi-detached block of flats. Opposite to the east are detached and semi-detached dwellings: no. 2 being a detached bungalow, no. 4 being a detached house and nos. 6 and 8 being semi-detached houses. To the south-west are dwellings along Blackwell Road and to the south on higher ground behind a mature vegetation screen is a small grouping of houses at the entrance to the East Court complex (police station and Town Council offices), with the extensive recreational area of Ashplats Wood beyond.

The site is designated as a Great Crested Newt - Impact Risk Zone (Amber/Green) and is also within an area at risk of surface water flooding.

APPLICATION DETAILS

Permission is sought under Section 73 of the Town and Country Planning Act 1990 for a variation of condition no 2 relating to planning application DM/20/1333 to substitute amended drawings.

Condition 2 states:

'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.'

In detail, the approved plan showed the hammerhead almost up to the northern boundary, separated by a slim grass verge, together with 2 parking spaces immediately north of Plot 10 and adjacent to the hammerhead. This scheme involved removing earthworks at a higher level to the northern boundary, so this area would be at grade with the rest of the development (the land slopes uphill from south to north).

The plans have now been revised to take into account the detailed positioning of an underground high voltage cable which runs parallel to the northern boundary. This means retaining the grass verge and cutting in to the earth a greater distance from the boundary (approximately 3.5m away) and constructing a retaining wall. The hammerhead will therefore be repositioned further south and a turning head will be provided to the north of Plot 10. The two parking spaces previously approved in this area will be repositioned. One additional parking space will be provided next to Plot 9 where landscaping was previously proposed and another additional parking space opposite Plot 9 in place of some landscaping.

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:

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

Section 38(6) of the 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 Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead 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

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.

East Grinstead Neighbourhood Plan (Nov 2016)

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies:

Policy EG3: Promoting Good Design

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 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN2: Biodiversity Net Gain

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 DG18: Integrate parking to support attractive streets and spaces

Principle DG19: Provision of off-street parking

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 131 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 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.'

Accordingly it is not necessary to reassess all of the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition/s that are proposed to be amended.

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 character and appearance of the area.

Design and visual impact on the character and appearance of the area

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 DP29);*
- *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 Neighbourhood Plan states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Chapter 4 of the Mid Sussex Design Guide SPD relates to site layouts and advises that off-street parking spaces should be discreetly incorporated and preferably screened from the main public realm.

The proposed changes are necessary following detailed survey work and do not change the number of off-street parking spaces. The main change is therefore to retain the existing landscaping along the northern boundary but remove two areas of approved landscaping adjacent to and opposite Plot 9.

It is therefore considered that the intervention of cutting into the slope along the northern boundary will be reduced and therefore the overall impact of the changes will be more positive than the approved layout, particularly when approaching the access in front of Plots 9 and 10 looking north. Details of the retaining wall will be sought through condition.

Accordingly, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the 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.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Amber/Green). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The proposal would retain the underground high voltage cable in situ allowing for future maintenance with minimal intervention. The parking spaces previously within this area will be satisfactorily relocated. The hammerhead will be marginally re-configured and a retaining wall provided adjacent. These changes are deemed to be acceptable in relation to their visual impact on the character and appearance of the area.

There would be no harm to biodiversity. Accordingly it is considered that the proposed development would comply with Policy DP26 of the Mid Sussex District Plan, Policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt