

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1229	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/24/2618 - to allow design changes		
Site:	St Winifreds, 44 Hurst Road, Hassocks, West Sussex, BN6 9NL, , ,		
Validation Date	19 Jun 2026	Overall Expiry Date:	2 Oct 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Oct 2026
Target Date:	14 Aug 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	9 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1229

**St Winifreds, 44 Hurst Road, Hassocks, West Sussex, BN6 9NL, ,
Variation of condition no 2 relating to planning application DM/24/2618 - to allow design changes
Mr And Mrs Parr**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'The committee recommend that permission is granted.'*

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/24/2618. The proposal would carry out design changes from the previously approved garage alterations.

RELEVANT PLANNING HISTORY

DM/24/2618 - Demolition of existing rear extension. Erection of a new single storey rear extension. Conversion of the existing garage building into a garden studio. Modifications / improvements to existing house including new front porch, raised garage roof / mezzanine and alterations to some windows/doors. Permission 14.01.2025.

SITE AND SURROUNDINGS

The application relates to 44 Hurst Road, a detached three storey dwelling set to the northern side of the highway. The existing dwelling is of an imposing Victorian style featuring two front gables projecting towards the roadside and chimney stacks to either side of the principal roof pitch. The existing dwelling extends out to the rear elevation through a two storey and single storey element and there is an existing single storey garage outbuilding positioned to the side (west) of the existing dwelling. The existing property is composed of red brick exterior walls, red clay plain roof tiles and timber double glazed sash window units. There is ample garden amenity space which stretches out to the north in a linear plot form.

There are a number of detached residential dwellings primarily grouped to the northern side of the road within the specific stretch of the road. Dwellings are typically afforded verdant generous plots to the north and are bordered by open fields to their northern boundaries.

With regard to policy constraints, the site is not located within any designated area.

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 DM/24/2618.

Condition no. 2 of planning permission DM/24/2618 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.'

The proposal would alter appearance of the garden studio from a pitched roof to a flat roof. The proposal would retain both side walls and would measure at approximately 6m in length, 6m in width and 3.5m high. Proposed materials would comprise treated and non-combustible timber cladding the walls, a single ply flat roof membrane and rooflight as well as Crittall style doors and windows.

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 Allocation Development Plan Document (DPD) and the Hassocks 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 policy:

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.

Neighbourhood Plan

Hassocks Neighbourhood Plan (Made July 2020).

Relevant policy:

Policy 9: Character and 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 is currently at Examination with initial hearings held in February/March 2026. The Council has consulted on Main Modifications which are required to ensure the plan is legally compliant and sound with further Hearings taking place in November 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:

DPS1 - Climate Change

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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration. Policies DP3, L2 and P3.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/24/2618, as set out under Section 73 of The Town and Country Planning Act 1990.

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

'73 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.'

It is only necessary to consider the specific changes that are proposed to the previously approved development. The following issues are considered to be relevant:

- Design and Character
- Biodiversity Net Gain

Design and Character

Policy DP26 of the District Plan relates to character and design. In addition, Policy 9 of the Hassocks Neighbourhood Plan has a similar ethos. However, policy DP26 of the Mid Sussex District Plan and Policy 9 of the Neighbourhood Plan are considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF in part states:

To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location.

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting'.

The proposed development would change the external appearance of the garden studio from the previously consented pitched roof into a flat roof design. The proposed palette of materials would be comparable to the previously consented scheme but would change the windows from timber framed

glazing to Crittall style windows. It is still considered that the outbuilding would be of a limited overall size and scale. Therefore, the building would appear subservient towards the main dwelling on site.

The proposal would comply with the provisions of Policy DP3 of the NPPF, Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the relevant principles of 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 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.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting.

The proposal will comply with Policy DP3 of the NPPF, Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the MSDC Design Guide.

Decision: Permission

Case Officer: Stefan Galyas