

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0816	Case Officer:	Hamish Evans
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Condition 2 - Approved Plans and Condition 9 - Sustainability, pursuant to DM/22/0752 (as amended by NMA DM/25/0992).		
Site:	Earthingleigh, College Road, Ardingly, Haywards Heath, West Sussex, RH17 6SA, ,		
Validation Date	15 Apr 2025	Overall Expiry Date:	6 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 May 2025
Target Date:	10 Jun 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	2 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0816

**Earthingleigh, College Road, Ardingly, Haywards Heath, West Sussex, RH17 6SA,
Variation of Condition 2 - Approved Plans and Condition 9 - Sustainability, pursuant to
DM/22/0752 (as amended by NMA DM/25/0992).
Remmus**

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in response to this application.

SUMMARY OF CONSULTEES

WSCC Highways

No objection subject to conditions and informatives.

PARISH COUNCIL OBSERVATIONS

Ardingly Parish Council

No comment.

INTRODUCTION

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary conditions 2 and 9 of planning permission DM/22/0752 which was granted on the 17th January 2024 for a "Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road." at Earthingleigh College Road Ardingly RH17 6SA.

RELEVANT PLANNING HISTORY

DM/22/0752. Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road. Permission.

DM/25/0992. Non Material amendment to DM/22/0752 - Proposed amendment to the description of development. Permission

SITE AND SURROUNDINGS

The application site is located within the countryside, the High Weald Area of Outstanding Natural Beauty and within 7km of the Ashdown Forest. The site is considered to be adjacent to the built up area of Ardingly which is located to the east of the site and to the north of the properties that are north of the application site. There is also an area of Ancient Woodland located to the west of the site.

The application site is currently a cleared site with significant tree lines and hedgerows to the south, east and west. A private lane is located to the north of the application site which connects to College Road to the east of the site. Residential properties are located to the north and west of the site.

APPLICATION DETAILS

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary conditions 2 and 9 of planning permission DM/22/0752 which was granted on the 17th January 2024 for

a "Erection of one detached 5 bedroom dwelling and a pair of semi-detached 5 bed dwellings with associated parking and access from College Road." at Earthingleigh College Road Ardingly RH17 6SA.

The variations to condition 2 seeks to improve the quality and architectural interest of the previously approved scheme. The proposed design alterations also include:

- Plots 3 and 4 are to be connected via garages with pitched roofs rather than directly through the buildings as previously approved. They would retain their permitted semi-detached nature.
- Parking for plots 3 and 4 would be positioned to the front of the garages.
- Increase in roof pitch height by some 1.0 metre and it would incorporate hipped roof forms.
- Relocation of chimney for plot 5.
- Alterations to elevations to include gable features.
- Integration of fully operational chimneys to replace previously approved faux chimneys.
- Alterations to design approach to a more traditional design and materials.
- Alterations to internal floor plan.
- Alterations to access to reflect development as built.

The application also seeks to vary the wording of condition 9 of DM/22/0752 in relation to sustainability measures at the proposed dwellings. It includes an amended sustainability statement, seeks to remove the inclusion of solar panels and include Air Source Heat Pumps at each dwelling.

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, the Mid Sussex Site Allocations DPD and the Ardingly 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.

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP39 - Sustainable Design and Construction

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.

Ardingly Neighbourhood Plan (adopted March 2015)

Relevant policies:

ARD5 - Housing 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 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.

DPC1: Protection and Enhancement of the Countryside

DPC4: High Weald Area of Outstanding Natural Beauty

DPB1: Character and Design

DPT4: Parking and Electric Vehicle Charging Infrastructure

National Planning Policy Framework (NPPF December 2024)

Planning Practice Guidance

Mid Sussex Design Guide Supplementary Planning Document

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.

West Sussex County Council Guidance on Parking at New Development (September 2020)

The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

ASSESSMENT

The application is submitted under Section 73 of the Town and Country Planning Act 1990. 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."

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 consist of amendments to the designs of the approved dwellings, alterations to the originally approved access drawings to reflect the access as built and amendments to the approved sustainability statement.

Character, Design and Protection of Countryside

The site is located outside of a defined built up area boundary and, as such, is within the countryside. Policy DP12 of the Mid Sussex District Plan seeks to protect the countryside *'in recognition of its intrinsic character and beauty' and supports new development 'provided it maintains or where possible enhances the quality of the rural and landscape character of the District'.*

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.'*

A similar ethos is contained within policy ARD5 of the Ardingly Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposed alterations to the approved dwellings would amend their form, scale, appearance and design. The resulting appearance and design of the dwellings is considered to be of a more traditional appearance with the gable ends, working chimneys and using a palette of materials that reflect the character of the area. The resulting roof slopes would be significantly larger than originally proposed, which would reflect other roof forms within the surrounding area and the proposed garages would be subordinate in height to the existing dwellings. The garages to plot 3 and 4 would also include modest front facing dormer windows that would be suitably modest in their scale and of an acceptable pitched roof design. Taking into account the above, the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would maintain the quality of the rural and landscape character of the District. Therefore the proposal complies with policies DP12 and DP26 of the Mid Sussex District Plan, policy ARD5 of the Ardingly Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on the High Weald Area of Outstanding Natural Beauty

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.

Policy 16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant. This 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 proposed works are relatively modest in their nature and the design and character of the proposed works are considered to address the character and appearance of the surrounding area. As such it would not have any adverse impact on the landscape quality of the AONB, which would be conserved, and the proposal therefore complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Transport

Policy DP21 of the Mid Sussex District Plan in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

The Scheme protects the safety of road users and pedestrians.'

A similar ethos is contained within the West Sussex County Council Parking Guidance.

The proposed alterations would result in an amended off-street parking layout with parking to the front of plots 3 and 4 and within the proposed garages and parking to the side of plot 5 and within the proposed garage. Whilst the layout of the parking arrangement is proposed to be altered, the overall off-street parking numbers would be the same as were permitted under DM/22/0752.

The access arrangements are also proposed to be altered to reflect what has been built at the site. West Sussex County Council Highways team have been consulted on the application and have raised no objection to the amended access arrangement or the parking arrangement subject to them being secured by suitably worded conditions.

Taking the above into account, the proposal is considered to comply with policy DP21 of the Mid Sussex District Plan and the West Sussex County Council Parking Guidance.

Sustainability

District Plan Policy DP39 is relevant in the determination of this application. This states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The submitted statement confirms the use of Air Source Heat Pumps at the site. Whilst the loss of the solar panels is regrettable, due to the number of other sustainable measures that were permitted under the previous application and that are to be retained, the development is still considered to comply with policy DP39 of the Mid Sussex District Plan.

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 proposed alterations are considered to address the character and scale of the surrounding buildings and landscape and maintain the quality of the rural and landscape character of the District. The resulting parking arrangement and highways access are considered to be acceptable, and the proposal would not have any adverse impact on the landscape quality of the High Weald AONB, which would be conserved. It is also considered to be acceptable in regard to sustainable construction and it would be exempt from the requirements of Biodiversity Net Gain. Therefore, the proposal complies with policies DP12, DP16, DP26 and DP39 of the Mid Sussex District Plan, policy ARD5 of the Ardingly Neighbourhood Plan, the Mid Sussex Design Guide SPD, the West Sussex County Council Parking Guidance, High Weald AONB Management Plan 2024-2029 and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans