

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1763	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/1007 - to allow for cladding changes		
Site:	76 Savill Road, Lindfield, Haywards Heath, West Sussex, RH16 2NN, , ,		
Validation Date	20 Jul 2026	Overall Expiry Date:	11 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Sep 2026
Target Date:	14 Sep 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	11 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1763

**76 Savill Road, Lindfield, Haywards Heath, West Sussex, RH16 2NN, ,
Variation of condition no 2 relating to planning application DM/25/1007 - to allow for cladding
changes
Thomas Henton**

SUMMARY OF REPRESENTATIONS

A letter of support was received from No.61 Savill Road.

SUMMARY OF CONSULTEE COMMENTS

None received

PARISH COUNCIL OBSERVATIONS

No objections

INTRODUCTION

Permission is sought to vary of condition 2 of DM/25/1007 to allow for alterations to the approved plans.

RELEVANT PLANNING HISTORY

06/01634/FUL - Bedroom and bathroom extension to bungalow and bay window to lounge.(approved)

DM/25/1007 - Rear single storey extension with flat roof and lantern rooflights. Side single storey extension. Front single storey extension. Composite cladding to external walls of extension. (approved)

SITE AND SURROUNDINGS

76 Savill Road is a detached plain tiled roof pitched roofed bungalow, the walls are a mix of face brickwork and timber cladding and beige composite cladding with upvc doors and window. The dwelling has an existing rear upvc conservatory.

To the north of the site is close boarded fencing and detached garage to No.74 Savill Road beyond, to the south of the site is grassland to Barrington Road beyond, to the west of the site is the rear garden with close boarded fencing to 1 Barrington Road beyond and to the east of the site is the front garden to the highway beyond.

The site is within the built-up area of Lindfield.

APPLICATION DETAILS

This application seeks permission to vary condition 2 of DM/2/1007. This Condition stated:

' 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 alterations are that grey composite cladding was approved, fibre cement click Wall cladding Smooth, Charcoal is proposed. The approved cladding was horizontal whereas the proposed is vertical cladding.

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 Site Allocations DPD and the Lindfield and Lindfield Rural 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

Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was formally made on 23 March 2016.

There are no relevant policies.

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.

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 hearings were concluded on 19th March 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:

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) (August 2026)

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 associated with the planning permission reference DM/25/1007 for alterations to the approved plans.

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.'

S73 applications allow for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow

The principle of the development was originally accepted through the previous permission under reference DM/25/1007.

Even though the result of this application would be the issuing of a new planning permission, in light of the above legislation, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

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

- Design and Character

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design. However, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

DP3 of the NPPF in part states:

'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'.

As noted within the 2025 approval the previously approved grey composite cladding was deemed *"not be out of character with the existing dwelling which is in part characterised by similar materials, and the wider streetscene which is characterised by a mix of materials to which to the use of this material would not be out of character"*.

Dark cladding is a material used within the streetscene including on the first floor at No.49 (DM/24/0440) and No.38 (DM/24/2698) with a mix of materials characterising the streetscene. Therefore, whilst the dwelling is in a highly prominent location as a corner dwelling as noted above the use of a darker material will not be out of character with the non-coherent palette of materials which characterises the streetscene.

The change from horizontal to vertical cladding is acceptable.

Therefore, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan and DP3 of the NPPF.

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 to a householder application. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

It has previously been considered that the development was acceptable through the determination of the permission reference DM/25/1007.

The proposed amendments to the previously approved plans detailed in condition 2 are considered to be not out of character to the design and character of the dwelling and the surrounding area.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and policy DP3 of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell