

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1842	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/2875 - to allow for design changes.		
Site:	2 Preston Cottages, The Green, Slaugham, Haywards Heath, West Sussex, RH17 6AQ, ,		
Validation Date	27 Jul 2026	Overall Expiry Date:	4 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Sep 2026
Target Date:	21 Sep 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	14 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1842

**2 Preston Cottages, The Green, Slaugham, Haywards Heath, West Sussex, RH17 6AQ,
Variation of condition no 2 relating to planning application DM/25/2875 - to allow for design
changes.**

Clare Stevens

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Conservation Officer: *'In summary, the proposal is considered on balance acceptable in terms of the impact on the character and appearance of the Conservation Area and the settings of the adjacent listed buildings. This meets the requirements of the relevant paragraphs of the NPPF, and of District Plan Policies DP34 and DP35.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks permission under Section 73 of the Town and Country Planning Act 1990, to vary condition 2 of DM/25/2875. This would include alterations to change the appearance of the rear dormer, the rear roof form and side window layout.

RELEVANT PLANNING HISTORY

10/00788/FUL - Rear extension to enlarge and open up kitchen with pitched tiled roof. Permission 10.05.2010.

DM/25/2875 - Proposed two storey and single storey rear extension, new side windows and replacement front windows. Permission 19.03.2026.

SITE AND SURROUNDINGS

The application relates to 2 Preston Cottages, a two-storey semi-detached residential dwelling which features a part pitched, part hipped roof form. The existing dwelling is positioned to the eastern side of the road and is set back from the roadside edge by a gravelled front driveway. Further garden amenity space is located to the rear (east) of the dwelling which borders an open field to the rear boundary. In terms of existing materials, the existing dwelling is composed of brick walls with brick detailing around the windows and corners, tile hanging at first floor level to the principal elevation, flat grey concrete roof tiles, white uPVC and timber windows and doors.

In terms of the site's locality, there are a number of other residential properties from varying time periods fronting either side of the highway edge. Tile hanging features prominently throughout the street scene to add visual interest and there is some variance from this with the use of ashlar stone in some instances.

The application site is not located within any defined built up area boundary. The property is set within the Slaugham Conservation Area as well as the High Weald Area of Outstanding Natural Beauty (National Landscapes). There are a number of grade II listed properties located along The Green within the site's locality.

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 under DM/25/2875.

Condition no.2 of planning permission DM/25/2875 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 adjust the position and appearance of the rear dormer as well as altering the rear roof form into a singular crown roof. The new eaves height of the crown roof would measure at approximately 4.8m in maximum eaves height and 7.4m high to the ridge.

The side (south) elevation windows would be omitted at both ground and first floor level, with a new roof light added to the southern roof slope.

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 Slaugham 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.

Neighbourhood Plan

Slaugham Neighbourhood Plan (Made September 2019)

Relevant policies:

Policy 4: Conservation Areas

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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

DPS2 - Sustainable Design and Construction

DPB:1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

DPB3: Conservation Areas

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, P3, HE4, HE5, HE6 and HE9.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/2875, 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.'

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 that is proposed to be amended. The following issues are considered to be relevant to the current application which seeks to carry out alterations to the proposed windows throughout:

- Impact on Character and Design, Including Heritage Assets
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Character and Design, Including Heritage Assets

Policy DP34 of the District Plan relate to developments impact on Listed Buildings and other heritage assets and policy DP35 relates to Conservation Areas. . Similarly, Policy 4 of the Neighbourhood Plan relates to Conservation Areas. It is considered that these policies are materially inconsistent with the NPPF and therefore attribute very limited weight following the publication of the NPPF with Policies HE4, HE5, HE6 and HE9 having greater weight.

Policies HE5 and HE6 of the NPPF relate to Assessing effects on heritage assets and Proposals affecting designated heritage assets. Policy HE9 of the NPPF relates to Conservation Areas

Policy DP26 of the District Plan relates to character and design. However, policy DP26 is 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 below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application site is considered to be read within a pair of semis, with the adjoining neighbouring property at No.1. The pair of semis are flanked on either side by grade II listed buildings and accordingly form the immediate setting of these nearby heritage assets. It was noted within the Conservation Officer's response that the pair of semis retain some period features and on balance make a positive contribution towards the character and appearance of the Conservation Area.

The Conservation Officer commented in response to the proposal that the loss of the double hipped roof in favour of a crown roof was not optimal, however on balance this would not be visually prominent within the context of the street scene. It was therefore not considered reasonable to object towards the application on this basis.

The slight alteration to the size and position of the rear dormer were not considered to be contentious, nor were the omission of the two side windows or the addition of the rooflight to the southern roof slope. A condition was however recommended requiring the rooflight to be flush fitting and of a metal framed conservation style. Such a condition is considered to be relevant and necessary given the sites Conservation Area setting and proximity to nearby listed buildings. The above comments from the Conservation Officer are agreed with by the Case Officer.

The proposal is therefore considered to preserve character and appearance of the Slaughtam Conservation Area and would preserve the special interest of the nearby listed buildings. The proposal would comply with the provisions of policies HE5, HE6, HE9 and DP3 of the NPPF, policies DP34 and DP35 in the District Plan and policy 4 in the Neighbourhood Plan.

Impact on Neighbouring Amenities

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26. However, policy DP26 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'*.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.

The proposed alteration to the rear roof form from a double hip into a crown roof is not considered to increase the built form nor significantly increase the bulk of this element. It is therefore not considered that the proposal would result in an unacceptable overbearing impact towards the neighbouring property.

The proposed alterations to the position and size of the dormer are not considered to materially differ from that of the approved scheme under DM/25/2875. As for the addition of a new rooflight to the southern roof slope, this is considered to be set at a high level and serve light into the landing area. As such, it is not considered that the proposed development would result in an unacceptable overlooking impact in this regard.

Accordingly, the proposal is considered to comply with the provisions of policies L2 and P3 of the NPPF in terms of neighbouring amenities and policy DP26 of the 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 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, will not negatively impact on the host dwelling nor its immediate setting and will not harm neighbouring amenities.

The proposal will comply with Policies L2, P3, HE5, HE6, HE9 and DP3 of the NPPF, policies DP26, DP34 and DP35 of the District Plan, Policy 4 of the Slaughtam Neighbourhood Plan, the MSDC Design Guide and Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act.

Decision: Permission

Case Officer: Stefan Galyas