

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1464	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Retrospective application for variation of condition numbers: 2 and 4 of planning permission DM/24/3026 to enable the substitution of plans to allow for the outbuilding to be repositioned and removal of gate pillar		
Site:	20 Grove Road, Burgess Hill, West Sussex, RH15 8LF, , , ,		
Validation Date	10 Jun 2025	Overall Expiry Date:	26 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Oct 2025
Target Date:	5 Aug 2025	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:	2 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1464

20 Grove Road, Burgess Hill, West Sussex, RH15 8LF, , ,

Retrospective application for variation of condition numbers: 2 and 4 of planning permission DM/24/3026 to enable the substitution of plans to allow for the outbuilding to be repositioned and removal of gate pillar

Daniel And Jill Williams

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

No responses received.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: Recommended approval and regretted the retrospective nature of the application.

INTRODUCTION

The application seeks consent for a variation of conditions 2 and 4 relating to planning application DM/24/3026 to allow for design alterations.

RELEVANT PLANNING HISTORY

DM/21/1629 - Demolish existing porch fronting the highway and erect new porch with internal alterations and new/ altered windows. Permission 18.06.2021.

DM/24/3026 - Proposed garage/ outbuilding. Permission 14.03.25.

SITE AND SURROUNDINGS

The application relates to 20 Grove Road, a semi-detached two storey dwelling set to the eastern side of the highway. The property is set back from the road edge by a low boundary wall and front garden amenity space. The dwelling is set within a boxed plot with garden amenity space wrapping around the entirety of the property with the exception of the northern elevation. Visual interest is provided from the street side through decorative bargeboarding beneath the dwelling's eaves and to the front porch.

To the north is the attached semi which displays a degree of uniformity with the application dwelling, albeit using a different shade of render to the exterior walls. There are some existing single storey outbuildings abutting either side of the road with varying roof forms and detailing. On the opposite side of the road to the west are chalet style houses from a more modern time period. To the east is tree screening and then the London to Brighton railway line.

The site is within the built-up area for Burgess Hill as defined in the District Plan (DP).

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for the outbuilding to be repositioned further to the south and the removal of a gate pillar.

It was clarified by the Applicant that the application was part-retrospective when the current application was made valid and has since progressed to a stage of substantial completion. Nevertheless, the proposal will be assessed on the basis of the outbuilding being part retrospective and to not require assessment under Section 73a as a full retrospective planning permission.

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:

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

Section 38(6) 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 thus as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Burgess Hill 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:

DP21: Transport

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

Burgess Hill Neighbourhood Plan (Made January 2016)

There are no relevant policies.

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 (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.

Relevant policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 115-117, 131, 135 & 139.

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'

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

- Design and Character
- Impact on Neighbouring Amenities
- Highways Impact
- Other Matters
- Biodiversity Net Gain

Design and Character

DP26 of the 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:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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'*

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

Principle DG11 of the Mid Sussex Design Guide notes among other matters that:

'Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric.'

Additionally, Principle DG50 as set out within the Design Guide, relates to front extensions:

'Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.'

The proposed alterations would constitute a slight alteration to the existing outbuildings siting, re-positioning the proposed building further to the south. The proposed facades throughout the building would remain as previously proposed and the alteration is therefore not considered to be contentious in this regard.

As a result of the outbuildings newly sited position, the previously proposed brick-built gate pillar would be removed. The change to remove this element of the proposal is not considered to inflict significant harm upon the character and appearance of the area.

The proposal is therefore considered to comply with Policy DP26 of the District Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development:

'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 DP29);'

The re-siting of the outbuilding and the removal of the gate pillar are considered to result in limited alterations to the form and massing of the proposal.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Highways Impact

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

Policy DP21 of the District Plan requires schemes to provide adequate car parking whilst taking into account the accessibility, type, mix and use of the development.

The proposed outbuilding would still utilise sliding doors which was considered to be acceptable in a previous consultation with the Highways Engineer.

The development proposal originally sought to utilise barn doors which would directly abut the pavement edge. In response to the original proposal, West Sussex County Council's Highways Engineer raised concerns with regard to the potential for these doors to overhang and obstruct the footway. It was also raised that it was preferable that the outbuildings point of entry was internal to the site and did not front the highway.

The internal dimensions of the building would not likely meet the criteria to be counted towards an off-road parking space 6m x 3m. Nevertheless, it is considered that there is sufficient room on site to allow the off site parking for two vehicles. As such, it is not considered that the proposal would lead to a significant worsening of the off-road parking situation on site.

It was recommended within the Highway Engineer's response that a Vehicular Crossover Licence would be required under a separate consent. A condition ensuring that the vehicular access is provided prior to use was therefore recommended and is considered relevant and necessary in the instance that planning permission is granted.

Other Matters

The proposal is considered to be of an incidental use to the host dwelling and would be sufficiently linked to the host dwelling on site. Nevertheless, a condition ensuring that the outbuildings remain within the same planning unit is considered necessary and relevant in the case that planning permission is granted.

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, will not harm neighbouring amenities and will not lead to an adverse impact upon the highway.

The proposal will comply with Policies DP21 and DP26 of the District Plan, the Burgess Hill Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas