

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0764	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 2 of planning application DM/24/2395 - to allow for design changes.		
Site:	Henfield Place, Church Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NH, ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	28 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Jun 2025
Target Date:	26 May 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	9 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0764

**Henfield Place, Church Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NH,
Variation of condition 2 of planning application DM/24/2395 - to allow for design changes.
Mr And Mrs Tom Robinson**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Conservation Officer - no objection following the removal of the solar panels

PARISH COUNCIL OBSERVATIONS

LRPC have no comment on this consultation.

INTRODUCTION

Variation of condition 2 of planning application DM/24/2395 - to allow design changes.

RELEVANT PLANNING HISTORY

F/49/96 - Addition to 'Keepers Cottage'. Granted

F/49/97 - Enlargement of den. Granted

DM/23/0020 - Proposed construction of a single storey rear extension, two storey side extension, insertion of new conservation roof lights, new porch canopy and installation of PV panels. Internal alterations, fenestration alterations and replacement with double glazed windows. Refused

DM/24/2395 - Alteration to the existing 1960s extension to facilitate a loft conversion to include raising of roof and extension to East with gabled roof detail above. Ground floor infill extension to North connected to existing roof via cat-slide roof and installation of three conservation roof-lights. Two-storey side extension to West. (Amended description 21.10.2024). Granted

SITE AND SURROUNDINGS

The application property is a large two storey detached dwelling located off the western side Church Road, outside the built up area of Scaynes Hill and within the countryside.

The immediate locality of the property has an edge of village character with ribbon development located on the eastern side of Church Road, with a large green on the western side of the highway which has an open verdant character with the extended access drives of the properties to the eastern side, which are sparsely positioned along the highway. The application property includes an 'L' shape dwelling positioned within a large plot with a one and a half storey garage which is positioned closest to the highway. The property is separated from the highway and the green by close boarded fencing and gates. The property is set back from the highway, however due to the open nature of the green, the dwelling is highly visible from the highway and contributes to the character of the area.

The property dates back to the 17th century with remodelling and extensions during the 1930s and 1970s, however there is no planning history for the later alterations. The property includes a good example of a possibly 17th century timber framed cottage, and although altered and extended in the 1930s in a reasonably sympathetic manner in an Arts and Crafts inspired style of that period. The historic maps also suggest that the house may have once been associated with the village smithy, which has some communal value. On this basis the Council considers that the property should be regarded as a non-designated heritage asset of historical and architectural interest in the local context.

The dwellinghouse is constructed in brick, hanging tiles, timber and render, plain roof tiles and timber fenestration.

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 enlargement of the ground floor of the two storey side extension. The enlargement would be located to the northern side of the extension and would have a width and depth of some 0.6 metres and 2.1 metres. This enlargement would have a lean to roof with an overall height of some 3.2 metres.

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 this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and 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

DP34 - Listed Buildings and Other Heritage Assets

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.

Lindfield and Lindfield Rural Neighbourhood Plan (made March 2016)

No relevant policies.

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 the 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
DPB2 - Listed Buildings and Other Heritage Assets

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance *National Design Guide/Code*

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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 Non-Designated Heritage Asset
- Impact on the amenities of neighbouring properties

Design and Character

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.'*

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 DG50 relates to side extensions and states: *'Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building. The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view.'*

Principle DG51 specifically relates to rear extensions and states that *'rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

The proposed alterations would be of form and design which would reflect the existing appearance and proportions of the building and the existing permission. The proposed changes would be located to the rear of the dwelling and would not be visible from the streetscene. It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policy DP26.

Impact on Non-Designated Heritage Asset

Paras 203 and 209 of the NPPF state:

'203. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Principle DG11 of the Mid Sussex Design Guide states: 'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.

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. There may be potential to introduce a new character / development form and massing:

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

The Conservation Officer was consulted on the application and has made the following comments: 'Henfield Place is an unlisted building which regarded as an NDHA, and is located within the village of Scaynes Hill, adjacent to the Common. As I have discussed the nature of the significance of the building within the local context in commenting on the previous applications to which the current proposal is related I will not repeat that discussion here.

The current proposal relates to a recent planning approval for alterations and extensions to the house and is for amendments to that scheme comprising the addition of a lean-to roof to the approved two storey side extension, and addition of solar PV panels to the southern roof elevation. To consider these amendments in turn:

- The proposed lean-to addition to the approved extension to the western end of the building will result in some increase in footprint and bulk, but it is modest in its proportions and to the northern side of the addition, adjacent to previously existing 20th century additions rather than to the historic core of the building. On balance, and subject to detail, this aspect of the proposal is not considered contentious.*
- The proposed solar PV array is shown across the south facing roof slope of the house, above the historic core, and on arguably its most architecturally significant elevation. In my opinion, and in the context of the approved new and replacement extensions which will bookend this elevation, the impact of this work in its own right and in particular cumulatively with those approved additions will be detrimental to the historic character of the building. The solar PV panels would be a visually prominent and unattractive addition to the currently unbroken slope of the roof. I would recommend that this aspect of the proposal is omitted. Given the very extensive gardens around the house, it may be that a ground mounted array in an appropriate location may be a more acceptable alternative.*

As it stands I consider that the proposal, because of the inclusion of the solar PV array, would result in a mid level of harm to an asset of a mid level of significance within the local context, as set out in the balancing exercise described in paragraph 216 of the NPPF.'

Following these comments the proposed solar panels were removed from the proposal.

The proposed alterations would be of form and design which would be sympathetic and subordinate to the existing dwelling and the existing permission. The proposed changes would be located to the rear of the dwelling and would not be visible from the streetscene. Given the above the proposal is considered to conserve the non-designated heritage asset and its significance and would comply with policy DP34.

Impact on the amenities of neighbouring properties

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 Policy DP29);'

To the southern side of the property are Bramlea, Evergreen, Henfield Cottage, which would be at least 44 metres from the proposal. To the north are No.s 1 and 2 Henfield Cottages which would be at least 25 metres from the proposal. Due to the separation distances the proposal is not considered to cause harm to the amenities of neighbouring properties.

CONCLUSION

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area, would conserve the non-designated heritage asset, would not cause harm to the amenities of neighbour properties or the future occupiers of the dwelling. Therefore, the proposal complies with Mid Sussex District Plan policies DP26 and DP34, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams