

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2573	Case Officer:	Rachel Richardson
Application Type:	Removal/Variation of Condition		
Proposal:	Removal of condition no 1 of planning application F/67/251 - seeking the removal of the agricultural workers condition		
Site:	The Haven, Wickham Hill, Hurstpierpoint, Hassocks, West Sussex, BN6 9NP, ,		
Validation Date	10 Oct 2025	Overall Expiry Date:	2 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Mar 2026
Target Date:	5 Dec 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	3 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2573

**The Haven, Wickham Hill, Hurstpierpoint, Hassocks, West Sussex, BN6 9NP,
Removal of condition no 1 of planning application F/67/251 - seeking the removal of the
agricultural workers condition
Mrs Sandra Payne**

SUMMARY OF REPRESENTATIONS

One letter of representation was received which had neutral comments asking for guidance regarding the nature of the proposal.

SUMMARY OF CONSULTEES

Agricultural Consultant: None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: Recommends permission be granted.

INTRODUCTION

The application seeks permission to remove condition 1 of planning permission ref: F/67/251, for the removal of an agricultural workers condition.

RELEVANT PLANNING HISTORY

F/67/251 bungalow for bee keeping and honey production. Permission 24/11/1967

SITE AND SURROUNDINGS

The site comprises a detached bungalow which is located off a private road to the north and rear of, Wickham Hill in Hurstpierpoint. It is situated within the built-up area boundary as defined in the District Plan.

APPLICATION DETAILS

Outline planning permission was granted by the former Cuckfield Rural District Council as described above. Permission was granted under F/67/251 for a bungalow on approximately one and a quarter acres, for bee keeping and honey production on the land adjoining Bentley Cottage off Wickham Hill, Hurstpierpoint.

Condition 1 of F/67/251 states that;

The Occupation

'the occupation of the dwelling shall be limited to a person employed, or last employed locally in agriculture as defined in section 221 (1) of the Town and Country Planning Act 1962, or forestry a dependant of such a person residing with him (but including a widow or widower of such a person.'

The reason for the condition is given as, 'Th site is in an area where the policy is to restrict development primarily to that required for agriculture and forestry.'

The current application sets out in the cover letter that the applicants husband who worked in the family business died last year and the business subsequently closed at the end of 2024.

Whilst Mrs Payne, the applicant is aware that she can occupy the subject property as a widower, as there is no longer an agricultural business associated with the property, she wishes to seek removal of the planning condition.

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) And 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 Allocations Development Plan Document (DPD) and the 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:

DP6: Settlement Hierarchy

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Relevant policies.

None.

Neighbourhood Plan

Hurstpierpoint and Sayers Common NP was made on 19 March 2015.

None.

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 the majority of 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:

None.

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, 57 & 84.

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 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.

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 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.'

There is therefore no need to reconsider the principle of the development in this case. The main issue for consideration is considered to be whether Condition 1 of planning permission ref: F/67/251, still serves a useful planning purpose.

Government guidance on the use of planning conditions is contained within the NPPF and PPG. Paragraph 57 of the NPPF states:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'

Further guidance on the use of conditions to remove permitted development rights is contained in the PPG, which states in part:

'Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn.'

DP15 of the Mid Sussex District Plan states:

'Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.'

The cover letter submitted in support of the application confirms that there is no longer a need for the dwelling to be occupied in association with agriculture or forestry. The bee keeping business is no longer operating and when permission was granted for the dwelling it was located within the countryside, which is no longer the case. Given the residential built-up character of the area, it is considered unreasonable to require the applicant to demonstrate further agricultural need.

It is considered that the agricultural restrictions on this property no longer serve any useful planning purpose.

This will also provide a dwelling unrelated to agriculture which is acceptable in principle, and is in accordance with the criteria of DP6. It is in a sustainable location in a category 2 settlement with services and facilities nearby. This is considered to be positive in the planning balance given that the Council does not have a 5 year housing land supply.

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.

PLANNING BALANCE AND CONCLUSION

Taking into account the personal circumstances and fact that the application property is located within the built-up area boundary, it is considered that the previous occupancy condition under planning permission ref: F/67/25, no longer serves a useful planning purpose. As such, it is recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson