

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2828	Case Officer:	Hamish Evans
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 1 of planning application DM/23/0056 - to extend the patio and alter the driveway and parking area adjacent to the approved garage.		
Site:	The Old Rectory, Church Lane, Twineham, Haywards Heath, West Sussex, RH17 5NR, ,		
Validation Date	19 Nov 2024	Overall Expiry Date:	3 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Apr 2025
Target Date:	14 Jan 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	16 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2828

**The Old Rectory, Church Lane, Twineham, Haywards Heath, West Sussex, RH17 5NR,
Variation of condition 1 of planning application DM/23/0056 - to extend the patio and alter the
driveway and parking area adjacent to the approved garage.
Mr And Mrs Hatcher**

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in response to this application.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The proposal is considered to preserve the setting of the listed building and complies with policy DP34 of the MSDP and the relevant paragraphs of the NPPF.

PARISH COUNCIL OBSERVATIONS

Twineham Parish Council

No objection.

INTRODUCTION

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/23/0056 which was granted on the 4th July 2023 for the 'Demolition of the existing garage and construction of a new garage with proposed gym and office in the roof space, with associated hard and soft landscaping. Alterations and enhancements to the driveway to provide access to the new garage.' at The Old Rectory Church Lane Twineham RH17 5NR.

RELEVANT PLANNING HISTORY

DM/23/0056. Demolition of the existing garage and construction of a new garage with proposed gym and office in the roof space, with associated hard and soft landscaping. Alterations and enhancements to the driveway to provide access to the new garage. Permission.

DM/23/0057. Demolition of the existing garage and construction of a new garage with proposed gym and office in the roof space, with associated hard and soft landscaping. Alterations and enhancements to the driveway to provide access to the new garage. Permission.

DM/24/2815. Application for amendments to the hard landscaping/ driveway area to allow for parking away from the main house and Amendments to the patio area to allow for a place to sit directly beside the house. (Amendments are to application DM/23/0057). Permission.

DM/25/0977. Non-material amendment to planning application DM/23/0056 - to remove the following written commentary from the planning approval - "(FRA received 17.04.2023) (Amended plans 28.04.2023, 09.05.2023 and 07.06.2023)". Permission.

SITE AND SURROUNDINGS

The application site is located within the countryside and the Neighbourhood Plan area of Twineham. The main dwelling is a residential two-storey detached Grade II listed building which is characterised by

white painted render walls, brown clay roof tiles and white timber window and door frames. The dwelling is set a significant distance from the highway with the residential garden between the dwelling and the highway. There are a number of single storey outbuildings to the east of the dwelling which are characterised by a variety of external materials. The existing boundary treatment consists of some 2.0 metres high brick wall to the north and some 2.0 - 3.0 metres high hedgerows to the east, south and west of the site. Church Lane is located to the south of the site, open countryside is located to the north of the site and residential properties are located to the east and west of the site. The surrounding area is semi-rural in its nature with a number of two-storey detached dwelling within the locality which are characterised by a variety of external materials.

APPLICATION DETAILS

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/23/0056 which was granted on the 4th July 2023 for the 'Demolition of the existing garage and construction of a new garage with proposed gym and office in the roof space, with associated hard and soft landscaping. Alterations and enhancements to the driveway to provide access to the new garage.' at The Old Rectory Church Lane Twineham RH17 5NR.

The proposed changes consist of:

- Alterations to the hard landscaping and driveway area,
- Extending the existing patio area, and
- The installation of lower level bollard lighting.

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 Mid Sussex Site Allocations DPD and the Twineham 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.

DP12 - Protection and Enhancement of Countryside

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.

Twineham Neighbourhood Plan (adopted March 2016)

Relevant policies:

TNP2 - Design

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 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.

DPC1: Countryside

DPB2: Listed Buildings and Other Heritage Assets

DPB1: Character and Design

NATIONAL POLICY

National Planning Policy Framework (NPPF December 2024)

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

OTHER PLANNING GUIDANCE

Mid Sussex Design Guide Supplementary Planning Document

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.

ASSESSMENT

The application is submitted under Section 73 of the Town and Country Planning Act 1990. 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."

The principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed changes consist of:

- Alterations to the hard landscaping and driveway area,
- Extending the existing patio area, and
- The installation of lower level bollard lighting.

Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

While Policy DP34 seek to preserve the special interest of the Listed Building a similar ethos is found within the National Guidance contained in Paragraphs 210-215 of the NPPF.

The Councils Conservation Officer has raised no objection to the proposal and they have advised that the proposal would preserve the special interest of the listed building.

Therefore, in line with the comments of the Conservation Officer, the proposal is deemed to be acceptable in line with policy DP34 of the Mid Sussex District Plan, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant provisions of the NPPF.

Character, Design and Protection of Countryside

The site is located outside of a defined built up area boundary and, as such, is within the countryside. Policy DP12 of the Mid Sussex District Plan seeks to protect the countryside *'in recognition of its intrinsic character and beauty' and supports new development 'provided it maintains or where possible enhances the quality of the rural and landscape character of the District'.*

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.'*

A similar ethos is contained within policy TNP2 of the Twineham Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposed landscaping and patio alterations would be relatively modest in their scale and nature and they would be characterised by external materials similar in appearance to the existing site. The proposed bollards are modest in their scale and due to their position and the existing boundary treatment there would be limited views of them from the surrounding area.

Taking into account the above, the proposal is considered to address the character and scale of the surrounding buildings and landscape and would maintain the quality of the rural and landscape character of the District. Therefore the proposal complies with policies DP12 and DP26 of the Mid Sussex District Plan, policy TNP2 of the Twineham Neighbourhood Plan and the Mid Sussex Design Guide SPD.

CONCLUSION

To summarise it is considered that the proposed amendments are acceptable. As such this application can be approved and the proposal complies with Policies DP12, DP26 and DP34 of the District Plan, Policy TNP2 of the Twineham Neighbourhood Plan, The Mid Sussex Design Guide SPD, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of the NPPF.

Decision: Permission

Case Officer: Hamish Evans