

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0251	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of conditions 2 and 5 of planning application DM/23/3218 - to allow for design changes.		
Site:	Great Bentley Plantation, Borde Hill Lane, Haywards Heath, West Sussex, , , ,		
Validation Date	20 Feb 2025	Overall Expiry Date:	28 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 Jun 2026
Target Date:	22 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:	Joanne Fisher	Date:	24 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0251

**Great Bentley Plantation, Borde Hill Lane, Haywards Heath, West Sussex, , ,
Variation of conditions 2 and 5 of planning application DM/23/3218 - to allow for design changes.
Mr Alex Goddard**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Flood Risk and Drainage Team - no objection

PARISH COUNCIL OBSERVATIONS

No comments received.

INTRODUCTION

Variation of conditions 2 and 5 of planning application DM/23/3218 - to allow for design changes.

RELEVANT PLANNING HISTORY

DM/23/3218 - The provision of 5 no. self-contained holiday lodges. Conversion of an existing structure to provide a new reception building. (Amended plans received 15/02/2024 to include the removal of the new access). Granted.

DM/25/0159 - Discharge of planning conditions nos 5 and 6 in relation to planning application DM/23/3218. Withdrawn.

DM/25/0408 - Non Material Amendment to planning application DM/23/3218 - Remove the last sentence of the planning permission description, which reads: (AMENDED PLANS RECEIVED 15/02/2024 TO INCLUDE THE REMOVAL OF THE NEW ACCESS). Granted.

DM/25/3004 - Provision of a freestanding solar array comprising 10 panels with an associated GRP enclosure for inverter and battery storage to serve the holiday lodge accommodation. Granted.

SITE AND SURROUNDINGS

The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty, and is accessed by an existing single track off the western side of Borde Hill Lane. This access track extends approximately 1km from the public highway to the application site and through a portion of the Grade II* Historic Park and Garden of Borde Hill.

The track extends through areas of open fields and to the south of Great Bentley Plantation, and area of Ancient Woodland, with areas of hardstanding by the junction with the highway and to the south of the existing shooting lodge. There is also another existing timber building to the south of the track. The main area of the site consists of a deforested area located to the west of the Ancient Woodland and fields to the east, along with a paddock and woodland to the south. There are distant public views of the site from public footpaths to the north and south of the site.

The locality has a distinctive rural and verdant character with areas of open fields and woodland with sporadic residential and commercial development.

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 and information to allow for changes to the design approved (condition 2) and drainage (condition 5) including the following:

- Changes to Units 1-3 to a shepherd hut style holiday lodge;
- Repositioning of unit 1 further to the north along with its access path;
- Extended turning area to the south of Unit 1 and to the east of Unit 2; and
- Amended drainage design to include rainwater harvesting tanks

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 the Ansty and Staplefield 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:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP19 - Sustainable Tourism
- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP34 - Listed Buildings and Other Heritage Assets
- DP36 - Historic Parks and Gardens
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction

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.

Ansty and Staplefield Neighbourhood Plan (made February 2017)

Relevant policy:

AS3 - High Weald area of Outstanding Natural Beauty

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 hearings were concluded on the 19th March 2026. 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
DPS4 - Flood Risk and Drainage
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPN4 - Trees, Woodland and Hedgerows
DPN5 - Historic Parks and Gardens
DPN7 - Noise Impact
DPN8 - Light Impacts and Dark Skies
DPD1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPE1 - Sustainable Economic Development
DPE - Sustainable Rural Development and Rural Economy
DPE9 - Sustainable Tourism and Visitor Economy
DPH12 - Accessibility

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

Other Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

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, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty
- Impact on heritage assets
- Impact on the amenities of neighbouring properties
- Flood Risk and Drainage
- Biodiversity Net Gain

Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. This is reflected in DP12 of the District Plan as noted in the previous sub-section. The aim of protecting the character of an area is also found in the NPPF at para 174 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Footnote 66: *English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.*

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

The ethos of this policy is echoed in policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

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.'

The proposed alterations to the positioning and design of three of the holiday lodges, along with associated changes to the landscaping and inclusion of rainwater harvesting tanks would alter appearance of the development but would retain the overall design and appearance of the development. The amended plans would not increase the level of development proposed and would remain small-scale development within the AONB.

The application would also continue to provide significant landscaping and ecological enhancements which would improve the existing area of deforested woodland that the proposal would be positioned within. This is considered to result visual enhancements to the site which would have a positive impact to the wider landscape and scenic beauty of the AONB.

The proposed plans are therefore considered to conserve and enhance the natural beauty and landscape of the countryside and the High Weald AONB. As such it is reasonable to conclude that the application complies with Policies DP12, DP16 and DP26 of the District Plan, Policy AS3 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

Impact on heritage assets

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'

Paras 210, 212-215 of the NPPF state:

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

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

216. 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.'*

Mid Sussex District Plan policy DP36 states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

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 (refer to chapter 5):

- 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 proposed changes to the approval would be some 210 metres from the boundary of the Registered Park and Gardens and due to the topography in between the changes are not considered to be in the setting of this heritage asset. The listed buildings within the wider locality; Naldred Cottages, Naldred Farmhouse and Borde Hill House are a significant distance from the proposed changes and would also not impact on the setting of these assets.

It is therefore considered that the proposal complies with policies DP34 and DP36 of the Mid Sussex District Plan.

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);'

Policy DP29 of the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or

o an assessment of the effect of noise by an existing noise source upon a proposed development;

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'

The closest neighbouring residential properties to the proposal includes Goldings, Brook Street to the west which is approximately 600 metres from the proposal, Great Bentley Farm 700 metres to the north, Stone Lodge 700 metres to the south and Naldred Farmhouse 1.1 kilometres to the east. The proposed changes would not increase the scale of the development and due to the continued secluded position of the proposal it is considered that the proposal would not cause harm to the amenities of neighbouring properties.

The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP41 of the District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses, and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

The Council's Flood Risk and Drainage Team have been consulted on the application and raise no objection to alternative drainage and flood risk and the proposal is considered to comply with policy DP41 of the Mid Sussex 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 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 submitted 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The amended design and impact on the AONB landscape is considered acceptable and would not cause harm to the amenities of neighbouring residential properties. The proposal would also be acceptable in terms of flood risk and drainage. The application therefore complies with policies DP12, DP16, DP26, DP29, and DP41 of the District Plan, AS3 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams

