

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1246	Case Officer:	Rachel Richardson
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/22/0536 - for the condition to be varied and propose the following revised wording - 'The parking spaces shown shaded blue on Drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose.'		
Site:	Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL, ,		
Validation Date	13 May 2025	Overall Expiry Date:	6 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Jul 2025
Target Date:	8 Jul 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	10 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1246

**Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL,
Variation of condition no 2 relating to planning application DM/22/0536 - for the condition to be varied and propose the following revised wording - 'The parking spaces shown shaded blue on Drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose.'**

Dr Allen Zimble

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

None received

TOWN COUNCIL OBSERVATIONS

No objections.

INTRODUCTION

Variation of condition no 2 relating to planning application DM/22/0536 - for the condition to be varied and propose the following revised wording - 'The parking spaces shown shaded blue on Drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose.'

RELEVANT PLANNING HISTORY

DM/25/0783 - NMA to DM/22/0536 to remove words from the description of the decision letter in relation to amended plans . Permission 04.04.2025

DM/24/2924 - Vary condition 2 relating to DM/22/0536. Refused 26.02.2025

DM/22/0536: Conversion from existing garages and studio into a dwellinghouse, together with the construction of a detached pair of garages associated with the dwelling (retrospective). Approved.

DM/17/3893: Proposed conversion of existing studio and garage into a three bedroom residence for estate worker. Approved.

DM/17/3776: Demolition of existing house and replacement with new 10 bedroom house with seven garages, a covered porch and basement (Description amended 19th July 2018). Approved.

06/00692/FUL: New detached garage. Approved.

SITE AND SURROUNDINGS

The application site comprises two parking spaces in a tandem arrangement situated to the northern side of the former double garage/studio (within the roof space), store and stables. There is an annexe building to the north.

The main house, workers cottages, garages and greenhouse are located to the western of the application site and all are accessed via a long driveway off Vowels Lane.

Moatlands consist of 67 Hectares and was once part of the Gravetye estate, with the access to Gravetye being located to the north east of the converted garage and studio. A footpath runs along the eastern (side) of the building and the application site is designated as being within the Countryside, Area of Outstanding Natural Beauty and is within 7km of the Ashdown Forest.

APPLICATION DETAILS

As this is a section 73 application, which seeks a variation to an already approved scheme and the national advice is that the LPA should focus attention on any material changes since the previous permission.

This application seeks to vary Condition 2 of the approval granted under DM/22/0536 to seek to alter the parking provision for the dwelling permitted under DM/22/0536, to provide two external parking spaces instead of the originally proposed garaging.

The application under DM/22/0536 was for works described as follows:

'Conversion from existing garages and studio into a dwellinghouse, together with the construction of a detached pair of garages associated with the dwelling (retrospective) (Amended plans and description 14.11.2022) (Amended existing and proposed floor plans and elevations 25/09/2023).'

Condition 2 of DM/22/0536 reads as follows:

'No part of the development shall be first occupied until the car parking spaces within the garages have been constructed in accordance with approved plans. These spaces shall thereafter be retained at all times for their designated purpose.'

Reason: To provide car-parking space for the use and to comply with DP21 of the Mid Sussex District Plan. '

This application seeks to vary the wording of the above condition as follows:

"The parking spaces shown shaded blue on Drawing 001 (dated 27 November 2024) shall be retained at all times for their designated purpose."

DM/24/2924 (with the same description proposal as this application DM/25/1246) was refused due to the reference in the description of the approved plans *'reflect some of the approved plans, result in the approved plans being within the 'operative' part of the permission'*. The refusal reason was as follows:

'This application is refused as it is not possible to amend the operative part (the description of the development) of the original permission via s73 of the Town and Country Planning Act 1990, to remove the requirement to provide parking spaces within the retrospectively permitted garage and provide them in an alternative location. The deletion of this condition would result in the approved dwelling not having secured, designated, parking to meet occupiers needs and would be contrary to Policy DP21 of the Mid Sussex District Plan.'

Consequently, DM/25/0783 was then submitted to propose a non-material amendment which was approved and removed the following words from the description of development in the decision notice:

"(Amended plans and description 14.11.2022) (Amended existing and proposed floor plans and elevations 25/09/2023)."

The description for DM/22/0536 is now:

'Conversion from existing garages and studio into a dwellinghouse, together with the construction of a detached pair of garages associated with the dwelling (Retrospective).'

This application, DM/25/1246, is proposing the same as DM/24/2924 which is to change the wording of condition 2 under DM/22/0536 so that the garaging approved under DM/22/0536 is not utilised for parking in association with the approved dwelling.

The garaging has been converted to residential accommodation without planning permission. This is under planning investigation.

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 West Hoathly 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

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.

West Hoathly Neighbourhood Plan)

The Neighbourhood Plan was made on 16 April 2015.

There are 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:

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)

ASSESSMENT

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.'

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan, the Site Allocations DPD and the West Hoathly Neighbourhood Plan.

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 associated with the planning permission reference DM/22/0536.

The principle of the development was originally accepted following the granting of planning permission under DM/22/0536 and subsequently under DM/25/0783 non-material amendment of the description.

Accordingly, it is not necessary to reassess all of the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition that is proposed to be amended.

It is considered that the main issue therefore, is whether there is adequate parking provision as shown on drawing 001, for the dwelling which was approved under DM/22/0536.

Policy DP21 stipulates that the scheme provides adequate car parking for the proposed development taking into account accessibility of the development, the type mix and use of the development and availability and opportunities for public transport inter alia.

The approved plans under DM/22/0536 showed 2 cars within the pair of garages and the Highway Authority previously commented that, *'there appears to be plentiful space on site for this parking demand to be accommodated, with space for turning.'*

Therefore, 2 parking spaces for a 3 bedroom dwelling is considered adequate and in accordance with parking standards and DP21. This is a spacious site with a long driveway and plenty of turning space.

In terms of the planning conditions relating to DM/22/0536 the development has made a lawful start and the planning permission is therefore extant and there it would not be relevant to include a condition to implement this permission within a time limitation imposed. Condition 3 of DM/22/0526 has been discharged. Condition 4 is a preoccupation condition and the proposed development is already occupied, so this condition is no longer relevant.

Given the above, it is recommended that permission be granted to amend the wording of the condition 2 of DM/22/0536.

CONCLUSION

The proposed parking and re wording of condition 2 is considered to be acceptable. The application therefore complies with policies DP21 of the District Plan, and the provisions of the NPPF.

Decision: Permission

Case Officer: Rachel Richardson