

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0596	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Vary condition 1 (Approved Plans) and removal of condition 11 (bin store) of planning permission DM/23/0971 to allow for proposed changes to car port (to be predominantly wood clad and storage to run the length of car port).		
Site:	The Old Dairy, Great Thorndean Farm, Slough Green Lane, Warninglid, Haywards Heath, West Sussex, RH17 5SL,		
Validation Date	10 Mar 2025	Overall Expiry Date:	28 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 May 2025
Target Date:	5 May 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	6 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0596

The Old Dairy, Great Thorndean Farm, Slough Green Lane, Warninglid, Haywards Heath, West Sussex, RH17 5SL

Vary condition 1 (Approved Plans) and removal of condition 11 (bin store) of planning permission DM/23/0971 to allow for proposed changes to car part (to be predominantly wood clad and storage to run the length of car port).

Elizabeth Adams

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Conservation Officer

The application site is a former dairy building within the Great Thorndean historic farmstead, which contains two Grade II listed buildings- the farmhouse, and a former barn. The dairy is regarded as curtilage listed; planning permission and listed building consent were granted in 2017 for the conversion of the barn and dairy to residential use, including the construction of two car ports, one per dwelling. The current proposal is to change the facing material of the approved car port to the Old Dairy from brick to timber cladding, and to extend the approved attached bin and log store, which is in the form of a lean-to to one side of the building, along its full length. These works are not considered contentious- the proposed timber cladding is sympathetic to the context, and the extension of the log and bin store will have only a minor impact on the footprint and bulk of the building.

A condition requiring details of the materials (facing and roofing) to the building should be applied- although this may be covered by other conditions to the original approval? In essence we would want to see detail of the brick to the plinth, the timber cladding (including finish) and the clay roof tile, except if/where these have already been seen and approved.

PARISH COUNCIL OBSERVATIONS

No response received.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 1 and remove condition 11 of planning permission DM/23/0971.

RELEVANT PLANNING HISTORY

DM/17/1837 - Demolition of buildings, conversion and alteration of buildings to form two dwellings and erection of car ports. Site address amended 22.05.2017 (previously given as Great Thorndean Farm). Permission granted 23.08.2017.

DM/17/1846 - Demolition of buildings, conversion and alteration of buildings to form two dwellings and erection of car ports. Site address amended 22.05.2017 (previously given as Great Thorndean Farm). Permission granted 23.08.2017.

DM/17/5102 - Discharge of conditions 3, 4, 5, 6, 8, 10 and 11 relating to DM/17/1837. Details approved 18.04.2018.

DM/17/5104 - Discharge of conditions 3, 4, 5, 6, 7, 8, and 9 relating to DM/17/1846. Details approved 18.04.2018.

DM/18/2672 - Alterations to approved planning application DM/17/1837 including additional windows, alterations to internal layout and relocation of the extension and car port. - Withdrawn - 21.09.2018.

DM/18/2673 - Alterations to approved planning application DM/17/1846 including additional windows, alterations to internal layout and relocation of the extension and car port. - Withdrawn - 21.09.2018.

DM/20/2681 - Conversion of Barn to residential. Refused 30.11.2020. Dismissed at appeal 09.08.2021.

DM/20/2688 - Conversion of Barn to residential. Refused 30.11.2020. Dismissed at appeal 09.08.2021.

DM/21/1245 - Non-material amendment relating to reference DM/17/1846 to allow for changes to fenestration. - Not Proceeded With - 23.04.2021.

DM/21/1714 - Variation of condition 2 relating to planning application DM/17/1846 to allow for amendments to approved plans with the plans submitted for this application (numbered CDMS-21002.07,08,09 and 10). Amended plans and elevations received 25.06.2021 showing alterations to window and door openings, reduction in roof height of link extension and removal of proposed chimney. Heritage statement received 30.07.2021. Permission granted 22.09.2021.

DM/21/2919 - Variation of Condition 2 relating to planning reference DM/17/1837 to allow amendments to the list of approved drawings to allow for alterations to fenestration. Permission granted 28.10.2021.

DM/21/3687 - Repositioning of garage, changes to fenestration, alteration of the landscaping (from previously approved application DM/17/1837). As well as several internal alterations to the layout of the main dwelling, this includes the relocation of staircases, kitchen and downsizing the number of bedrooms from 6 to 5. Permission granted 06.06.2022.

DM/21/3694 - Repositioning of garage, changes to fenestration, alteration of the driveway surface, and landscaping (from previously approved application DM/17/1837). As well as several internal alterations to the layout of the main dwelling, this includes the relocation of staircases, kitchen and downsizing the number of bedrooms from 6 to 5. Permission granted 06.06.2022.

DM/22/2243 - Variation to conditions 3 and 4 of planning application DM/21/2919 (relating to planning application DM/17/1837) for alterations to materials. Permission granted 8.09.2022.

DM/22/2362 - Variation of conditions 2 and 3 of application DM/21/1714 - to allow for amendments to the list of approved materials attached in this application. Change style of front door. Permission granted 08.09.2022.

DM/22/2018 - Please note amended address and description: Variation of condition 5 of planning application DM/22/2243 - to allow a different finish to the courtyard. Updated landscaping plan received. Permission granted 08.11.2022.

DM/23/0971 - Variation of Condition 2 (drainage) and Conditions 5 and 6 (landscaping) of planning application DM/22/2018 (relating to planning application DM/17/1837). Permission granted 04.09.2023.

SITE AND SURROUNDINGS

The application site consists of Great Thorndean Barn, a grade II listed barn, that has been converted to form residential accommodation. To the southwest of the listed barn lies The Old Dairy; a brick built building that was constructed between 1843 and 1874 and is considered to be curtilage listed. Conversion works to convert The Old Dairy building to a residential dwelling have been undertaken.

The buildings are nestled within a cluster of buildings and are accessed via a private track to the south of Slough Green Lane. A grade II listed property, Great Thorndean Farmhouse, lies further to the north east, with Oakwood House lying further east, to the east of the access track. Agricultural land lies to the west of the site with land levels of the adjoining field rising westwards. To the south west, the adjoining property at Great Thorndean Farm Gables is situated at a higher level.

The site was subdivided and sold separately prior to conversion works taking place and consequently the buildings at Great Thorndean Barn and The Old Dairy lie in separate ownership.

In terms of planning policy, the site lies within the countryside and the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Several applications have been submitted and approved, under section 73 of The Town and Country Planning Act 1990, to vary the original planning permission and listed building consent granted under respective applications DM/17/1837 and DM/17/1846.

This latest application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 1 and remove condition 11 of planning permission approved DM/23/0971.

Condition no. 1 of planning permission DM/23/0971 states that:

'1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning'.

Condition no. 11 states that:

'Prior to the commencement of construction of the car port and associated bin/logs/storage area, associated with the dwelling at The Old Dairy, a schedule of materials and finishes to be used for external walls and roofs shall be submitted to and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to protect the special character of the Listed Buildings and their settings and to accord with policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031'.

The application seeks to vary the design and materials of the approved car port. It is now proposed to enlarge the bin and log store to the side of the structure so that it would include additional storage space. It is now to extend along the side elevation but would retain the approved roof design, with the pitch connecting to the eaves of the main structure. It is also proposed for the building to be predominantly clad in oak weatherboarding.

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, Site Allocations Document (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
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets

Site Allocations Development Plan Document

The Site Allocations DPD 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

The Ansty and Staplefield Neighbourhood Plan was made on the 2nd February 2017.

Relevant policies:

AS3 - High Weald Area of Outstanding Natural Beauty

Other Legislation

Countryside and Rights of Way Act 2000

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:

DPS2 - Sustainable Design and Construction
DPS6 - Health and Wellbeing
DPC4 - High Weald Area of Outstanding Natural Beauty
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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

This application seeks permission to develop land without compliance with conditions no. 1 and 11 previously attached to planning permission DM/23/0971, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.'

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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 amendments are for the following:

- Design and Impact on character of area and setting of listed buildings, and
- Impact to amenity.

Design and Impact on character of area and setting of listed buildings

NPPF paragraph 187 states in part that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This stance is reflected under policy DP12 of the District Plan which states in part that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside... provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for agricultural purposes or is supported by a specific policy reference in the Development Plan.'

Policy DP26 of the District Plan relates to character and design and states in part that:

'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;*
- *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);'*

The site also lies within the High Weald Area of Outstanding Natural Beauty.

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.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'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'.*

This is also reflected in policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

Great Thorndean Barn is a grade II listed building and The Old Dairy building is considered to be curtilage listed.

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, the local planning authority or, as the case may be, the Secretary of State shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This stance is reflected under policy DP34 of the District Plan which states in part that *'development will be required to protect listed buildings and their settings'*.

Planning permission and listed building consent were granted in 2017 for the conversion of the barn and dairy to residential use, including the construction of two car ports, one per dwelling. Permission is now sought for changes to the car port to the Old Dairy, comprising changing the facing materials from brick to timber cladding, and to extend the approved attached bin and log store, which is in the form of a lean-to to one side of the building, along its full length.

Comments have been received from the Conservation Officer in response to the proposal. It has been advised that the proposed works would not be considered contentious. This is because the timber cladding would be considered sympathetic to the context and the extension of the log and bin store will have only a minor impact on the footprint and bulk of the building. This view is shared from a design perspective and would also result in the works not having an adverse impact on the wider character of the countryside or the AONB.

The Conservation Officer has recommended that a condition should be included that would secure the details of the facing and roofing materials.

Condition 11 relates to the materials and finishes of the bin store at The Old Dairy and states that:

'Prior to the commencement of construction of the car port and associated bin/logs/storage area, associated with the dwelling at The Old Dairy, a schedule of materials and finishes to be used for external walls and roofs shall be submitted to and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.'

Reason: In the interests of visual amenity and of the environment of the development and to protect the special character of the Listed Buildings and their settings and to accord with policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031'.

A schedule of materials has been submitted by the applicant, during the course of the application, which corresponds with the materials schedule approved for the overall development. It has been further clarified that the schedule includes two brick types as a mixture of these bricks were used on The Old Dairy itself, and that the timber cladding will be untreated. It is considered that the proposed approach would ensure a consistent finish with the wider scheme and would appear appropriate to the character of the area.

Given the wording of condition 11, the applicant has also agreed for this condition to be removed. As set out under Section 73 (2) of the said Act, the Local Planning Authority can impose additional conditions. To ensure that the proposal is finished in a manner appropriate to the listed buildings and the character of the surrounding area, it is therefore considered necessary and reasonable for the following condition to be imposed:

'The car port and associated bin/logs/storage area associated with the dwelling at The Old Dairy, shall be carried out in accordance with the submitted Materials Schedule (received 30.04.2025) and email from Elizabeth Adams (received 01.05.2025).'

Reason: In the interests of visual amenity and of the environment of the development and to protect the special character of the Listed Buildings and their settings and to accord with policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031'.

Impact to neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states:

'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);'

Whilst the proposal would result in the garage building having an increased footprint, the enlargement would occur away from neighbouring properties. Given the arrangement of surrounding properties and the proposed increase in scale, it is concluded that the proposal would not result in a loss of light or outlook to neighbouring properties.

No new windows are proposed as part of this development and, given the domestic nature of the scheme, it is considered that there would not be an adverse impact on noise, air or light pollution.

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 application for the original planning permission to which the Section 73 planning permission relates was made before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANING BALANCE AND CONCLUSION

The proposed variation to planning permission DM/23/0971, in respect of changing the facing materials from brick to timber cladding and to extend the approved attached bin and log store, is considered acceptable. The proposal would not result in changes that would harm the setting of the listed buildings and the wider landscape and scenic beauty of the High Weald AONB conserved. The proposal would not harm the amenities of neighbouring dwellings. The proposal therefore accords with policies with DP12, DP16, DP26 and DP34 of the Mid Sussex District Plan, policy AS3 of the Ansty and Staplefield Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist