

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0355	Case Officer:	Caroline Grist
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of conditions 2 and 3 of planning application DM/24/0874 - to amend the approved plans and materials.		
Site:	Lower Ricks, London Road, Balcombe, Haywards Heath, West Sussex, RH17 6HS, ,		
Validation Date	13 Feb 2025	Overall Expiry Date:	31 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Aug 2025
Target Date:	10 Apr 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:	14 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0355

**Lower Ricks, London Road, Balcombe, Haywards Heath, West Sussex, RH17 6HS,
Variation of conditions 2 and 3 of planning application DM/24/0874 - to amend the approved plans
and materials.**

Mrs Marian James

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

PARISH COUNCIL OBSERVATIONS

BPC have no objection to the changes proposed.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary conditions 2 and 3 of planning permission DM/24/0874.

RELEVANT PLANNING HISTORY

06/01749/FUL - Two storey extension to contain on ground floor, kitchen, drawing room, and library. On first floor two en-suite bedrooms. Permission.

12/01129/LDC - Construction of outbuilding containing swimming pool. Permission.

DM/22/1794 - Erection of 4 no two storey 4 bedroom dwellings, access, landscaping and other associated infrastructure. Removal of existing outbuildings on site. Refused.

DM/24/0874 - Renovation and extension of a single family dwelling. Permission.

SITE AND SURROUNDINGS

Lower Ricks is a detached two storey dwelling with a number of associated outbuildings. The site is located to the western (side) of London Road and is set at a lower level than the road and is also set to the rear of a number of dwellings which face directly onto London Road down a private access track. The dwelling is set within a good size plot, with the land sloping down towards the west with a woodland, stream and railway track beyond.

To the north the site borders Balcombe C of E Primary School, with an open field and a wooded area beyond to the south. The application site is designated as being within the Countryside, as the built up area boundary runs along the eastern (side) boundary of the site. It is also within the High Weald Area of Outstanding Natural Beauty and the woodland to the west is designated as ancient woodland.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary conditions no. 2 and no. 3 of planning permission approved DM/24/0874.

Condition no. 2 of planning permission DM/25/0874 states that:

'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. 3 states that:

'No external materials shall be used other than those specified on the approved plans and the Design and Access Statement without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan'.

During the course of the application, it has been confirmed that the changes to the approved plans relate to:

- o The heights of the extensions;
- o Window design;
- o Number of windows; and
- o Additional rooflights.

It was also identified that changes are proposed to the materials previously specified. These changes relate to the brick specified, using charred timber rather than painted, using timber cladding for the balcony and timber for the garage doors.

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

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.

Balcombe Neighbourhood Plan

The Balcombe Neighbourhood Plan was made on the 22nd September 2016.

Relevant policies:

Policy 1 - Built Up Area Boundary
Policy 3 - Design

Other Legislation

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

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. 2 and 3 previously attached to planning permission DM/25/0874, 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
- Impact to amenity.

Design and impact on character of area

The application site lies within the countryside. 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.'

The site is also within the High Weald Area of Outstanding Natural Beauty. The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Levelling-Up and Regeneration Act 2023. Section 245(6)(a) sets out the primary purpose of AONBs: *'to conserve and enhance natural beauty. It also requires Local Planning Authorities to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*.

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:

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

This is reflected in policy 3 of the Balcombe Neighbourhood Plan and the High Weald Management Plan, while Paragraph 182 of the NPPF states (in part) that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, 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 these designated areas should be limited.'

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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

o 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 3 of the Balcombe Neighbourhood Plan also requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings to reflect the architectural and historic character and scale of the surrounding buildings.

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions'.

Planning permission was originally granted for a range of extensions and works to the dwelling in order to renovate the property. Whilst it was acknowledged that a range of works were proposed, the additions were to be single storey and remain subordinate and the use of materials was considered to provide interest and ensure that the enlargements could be perceived as extensions.

The proposed changes to the plans do seek changes to the approved extensions, however they are to retain the same footprint and overall scale. Whilst changes are proposed to the height of the extensions, there would not result in a substantial increase in building height. As such, the overall scale, form and appearance would still resemble the extensions previously approved.

It is considered that the changes proposed to the fenestration would remain in keeping with the overall design approach and the additional rooflights would be appropriately sited.

With regards to the changes to the materials, whilst the brick is to be changed, it would still match the house and would be of a higher quality. The remaining changes to the materials would still be in keeping with the house and extensions and, as such, would not be harmful.

Due to the dwelling being set back from London Road, and the existing screening to the east, the proposal would not be widely visible from public view points. The proposed extensions and alterations are fairly modest in relation to the existing dwellinghouse, which they will be viewed in context of. Although set within the countryside, it is closely related to the built up area boundary and development to the east along London Road, as such the proposal would not form an isolated development within the wider landscape.

It is therefore considered that the proposed changes would still result in a proposal that would be of an appropriate design, size and scale that would be in-keeping with the character of the existing dwellinghouse and that of the wider countryside. They would also not result in an adverse impact upon the landscape quality High Weald Area of Outstanding Natural Beauty.

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);'

Due to the position of the house, including the changing land levels whereby the application site is lower than neighbouring properties, and existing boundary treatments it is considered that the proposed extensions would not result in a significant level of harm regarding a loss of light, outlook or privacy. The balcony is to remain on the western elevation and, as such, would still be screened from neighbouring properties by the existing dwelling.

PLANING BALANCE AND CONCLUSION

The proposed variation to planning permission DM/24/0874, in respect of changes to the approved extensions and materials, is considered acceptable. The proposal would not result in changes that would harm the wider landscape and the scenic beauty of the High Weald AONB would be conserved. The proposal would be acceptable in design terms and would not harm the amenities of neighbouring dwellings. The proposal therefore accords with policies with DP12, DP16 and DP26 of the Mid Sussex District Plan, policies 1 and 3 of the Balcombe Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Caroline Grist