

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1576	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 3 relating to planning application DM/25/0049 - to allow for the Redistribution of the rendered finish to the right hand side of the property replacing the originally proposed brickwork shown on drawing MOGG/2/PL05 Rev B.		
Site:	19 Gander Hill, Haywards Heath, West Sussex, RH16 1QU, , , ,		
Validation Date	24 Jun 2026	Overall Expiry Date:	21 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Aug 2026
Target Date:	19 Aug 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	12 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1576

**19 Gander Hill, Haywards Heath, West Sussex, RH16 1QU, , ,
Variation of condition no 3 relating to planning application DM/25/0049 - to allow for the
Redistribution of the rendered finish to the right hand side of the property replacing the originally
proposed brickwork shown on drawing MOGG/2/PL05 Rev B.
Mr S Mogg**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No response received.

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/25/0049. The proposal would alter the materials to the principal (south-east) elevation to include render to the right hand side.

RELEVANT PLANNING HISTORY

DM/25/0049 - The removal of the existing garage and carport and replacement with a new attached garage, part single, part 1 1/2 storey rear extension, replace existing gable ended low-pitch roof with new half hipped steeper pitched roof and a single storey home office in garden. Permission 14.04.2025.

SITE AND SURROUNDINGS

19 Gander Hill is a two-storey detached dwelling with a pitched roof, a front single storey lean to element, a pitched single storey side wing and rear flat roofed single storey element. The property is set to the north-western side of the road and has a linear plot form with the land generally sloping up towards the rear of the site. Access is served through a front driveway which slopes sharply up from the highway edge and front mature boundary planting acts as the main front boundary treatment. The existing dwelling is composed of brickwork and tile hanging at first floor level, pan tiles to the pitched roofs and bitumen flat roofs, double glazed white uPVC windows and white uPVC doors.

With regards to the site's locality, there are a number of other detached dwellings with setbacks from the roadside. Dwellings to the north-western side of the road are generally set at a higher finished floor level than the highway.

The site is within the built-up area for Haywards Heath as defined in the District Plan (DP) and within the College Road/ Portsmouth Lane/ Summerhill Lane Area of Townscape Character.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/25/0049.

Condition no. 2 of planning permission DM/25/0049 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.'

The proposal would alter the materials to the proposed principal (south-eastern) elevation to replace the previously proposed brickwork with render to the right hand side.

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 Allocation Development Plan Document (DPD) and the Haywards Heath 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:

DP26: Character and Design

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.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (Made March 2016)
Policy E9 - Protection and Reinforcement of Local Character
Policy E10 - Areas of Townscape Character
Objective 6F - Character and Quality of the Locality

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 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

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.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 115-117, 131, 135 & 139.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/0049, 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.'

It is only necessary to consider the specific changes that are proposed to the previously approved development. The following issues are considered to be relevant:

- Design and Character
- Biodiversity Net Gain

Design and Character

DP26 of the 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:

- 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 protects open spaces, trees and gardens that contribute to the character of the area;*
- 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'*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the sites to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

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- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the sites to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Policy E10 of the Neighbourhood Plan notes that:

Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question.

Under subparagraph 6.30 of the Neighbourhood Plan, it is stated that:

In the townscape character areas HHTC expects developers to demonstrate how their proposals for development or redevelopment, will reinforce the local character and thus meet objective 6F of this Plan. In particular, proposals should:

- o retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- o retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- o avoid the demolition of existing*

The proposed alteration to change the brickwork to the principal elevation is not considered to introduce a new material into the overall palette of the previously approved scheme. Instead, it would utilise render which would already be used to the principal elevation. It is therefore considered that the proposed alteration would relate well to the rest of the dwelling and would result in an acceptable visual impact.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policies E9 and E10 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a

householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting.

The proposal will comply with Policy DP26 of the District Plan, Policies E9 and E10 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas