

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0261	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of conditions 2 and 3 to planning reference DM/25/1514 to allow for amended plans and materials.		
Site:	10 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY, ,		
Validation Date	5 Feb 2026	Overall Expiry Date:	10 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Apr 2026
Target Date:	2 Apr 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0261

**10 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY,
Variation of conditions 2 and 3 to planning reference DM/25/1514 to allow for amended plans and materials.**

Mr Mears

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

None received

PARISH COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

Permission is sought to vary conditions 2 and 3 of the previously approved DM/25/1514 to allow for alterations to the approved plans and to alter materials.

RELEVANT PLANNING HISTORY

DM/22/1136 - LDC for retention of dwellinghouse (Refused)

DM/22/2230 - Retention of dwelling (Refused LDC)

DM/23/0218 - Continued use of existing building for residential purposes (Approved)

DM/25/1514 - Proposed replacement single storey dwelling house. (approved)

SITE AND SURROUNDINGS

The site is characterised by a single storey detached timber weatherboarding clad pitched roofed unit within a cul-de-sac off Brighton Road. The dwelling is characterised by black timber windows and doors.

To the north of the site is the driveway with woodland to neighbours in Thorndean Drive beyond, to the south of the site is the rear garden with close boarded fencing to fields beyond, to the east of the site is woodland to fields beyond and to the west of the site is close boarded fencing to set back No.9a Highfields beyond.

The site is within the countryside and the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

This application seeks permission to vary conditions 2 and 3 of DM/25/1514.

Condition 2 stated:

'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 3 stated the following:

'No external materials shall be used other than those specified on the approved plans and application form 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'.

Alterations to the previously approved application include the installation of two new windows on the side (south-east) elevation, alterations to the front windows and the installation of a rooflight to the front roofslope and rooflights to the rear roofslope and set of rear windows changed to French doors.

The entrance porch is widening by 600mm, the depth of the masonry plinth increased by 600mm and the entrance porch altered from timber cladding to face stonework.

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, the Site Allocations 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:

DP26 - Character and Design

Ansty and Staplefield Neighbourhood Plan

The Neighbourhood Plan was made on 2nd February 2017.

Relevant policies:

None relevant

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.

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:

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 8, 11, 131 and 135.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary conditions 2 and 3 associated with the planning permission reference DM/25/1514 for alterations to the approved plans.

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.'

S73 applications allows for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow changes to the materials on the porch from timber cladding to face stonework. Other alterations include the installation of two new windows on the side (south-east) elevation, alterations to the front windows and the installation of a rooflight to the front roofslope and rooflights to the rear roofslope and set of rear windows changed to french doors with the entrance porch is widening by 600mm, the depth of the masonry plinth increased by 600mm.

The principle of the development was originally accepted through the previous permission under reference DM/25/1514. Even though the result of this application would be the issuing of a new planning permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Design and Character

Design and Character

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'.*

External changes to the dwelling are visually similar to the previous application and modest and are not out of character with the existing dwelling and the surrounding area.

The proposal is thereby as with the previous scheme considered to comply with Policy DP26 of the Mid Sussex District Plan, the design principles set out in the Design Guide, and the requirements of the NPPF.

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 had an impact on less than 25sqm of onsite habitat and 5 metres of linear habitats such as hedgerows and therefore is deemed to be exempt. This application is therefore exempt from the requirement to provide biodiversity net gain.

CONCLUSION

It has previously been considered that the development of the site for is acceptable through the determination of the permission reference DM/25/1514.

The proposed amendments to the previously approved details outlined with conditions 2 and 3 are considered in character with the replacement dwelling previously approved and would not detract from the character of the surrounding area.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell

