

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0428	Case Officer:	Deborah Lynn
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 13 relating to planning application DM/21/3820 - to allow for design changes.		
Site:	Land West Of Lodge Cottage, South Avenue, Hurstpierpoint, West Sussex, , , ,		
Validation Date	25 Feb 2026	Overall Expiry Date:	27 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Apr 2026
Target Date:	22 Apr 2026	Recommending Officer Signature:	Deborah Lynn

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/26/0428

**Land West Of Lodge Cottage, South Avenue, Hurstpierpoint, West Sussex, , ,
Variation of condition no 13 relating to planning application DM/21/3820 - to allow for design changes.**

Mr Colin Whelan

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Not applicable.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

INTRODUCTION

This application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 13 of planning permission DM/21/3820.

RELEVANT PLANNING HISTORY

DM/18/2698 - Erection of a single dwelling with associated landscaping. Permission granted 21.09.2018.

DM/21/3820 - Proposed addition of a triple garage with home office. Amendment to planning permission DM/18/2698 (which is under construction). Permission granted 06.01.2022.

SITE AND SURROUNDINGS

The application site consists of a former garden area to the west of Lodge Cottage, a semi-detached dwellinghouse which adjoins South Lodge on South Avenue in Hurstpierpoint. The site is served via a private access drive off South Avenue that runs to the north of South Lodge. Land levels slope down from north to south.

A contemporary style dwelling with attached garage is currently under construction on the site, with construction works having lawfully commenced within 3 years of the previous planning permission. The dwelling is split level with a flat roof (to be planted with sedum) and is finished with black stained timber weatherboarding punctuated by black metal framed glazing.

Land to the north forms part of South Avenue Recreation Ground which includes a children's playground, bowling green and pavilion and tennis courts. Land to the west is in use as private allotments with a public footpath beyond and a dwelling (Apple Tree Cottage) beyond that.

In terms of planning policy, the site lies within the countryside as defined by the Mid Sussex District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan. The site adjoins Hurstpierpoint conservation area which lies to the north and east and includes the driveway and Lodge Cottage, but not the substantive site. Adjoining land to the south falls within the South Downs National Park.

APPLICATION DETAILS

This application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 13 of planning permission DM/21/3820.

Planning permission was granted under reference DM/21/3820 for the "proposed addition of a triple garage with home office. Amendment to planning permission DM/18/2698 (which is under construction)."

Condition no. 13 of that permission 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.'

This application therefore seeks to make design changes to the proposal and amend the plans previously approved. The proposed plans show a reduction in the number of horizontal timber louvres proposed to the eastern and southern elevations of the building and the removal of vertical timber louvres to the western elevation of the building. Plans also show changes to fenestration with some window openings replaced with smaller sized panels, i.e. to the eastern elevation. The previously approved large glazed window to the south-western corner of the building is shown to be replaced by a smaller window. Plans also show the elevations to be finished with horizontal timber boarding in place of vertical boarding.

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) 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.'

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 Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common 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 the countryside

DP18 setting of the South Downs National Park

DP26 character and design

DP35 conservation areas

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.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Neighbourhood Plan was made on the 18th March 2015.

Relevant policies:

HurstC1 conserving and enhancing character

HurstC2 South Downs National Park

Hurst C4 conservation areas

HurstH5 development principles

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 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:

DPC1 protection and enhancement of the countryside

DPC5 setting of the South Downs National Park

DPB1 character and design

DPB3 conservation areas

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

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.

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.'

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.

This application essentially seeks design changes to the proposed dwelling with regards to fenestration, louvres and timber cladding. The main issues therefore deemed relevant to the consideration of this application are design and impact on the character of the area, including setting of the conservation area and South Downs National Park and impact upon neighbouring amenities.

Design and impact on character of the area

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 and policy HurstC1 of the Neighbourhood Plan which state that development proposals will be permitted in the countryside provided they maintain or where possible enhance the quality of the rural and landscape character of the district / parish.

Policy DP26 of the District Plan relates to character and design and requires all proposals, including alterations and extensions, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape.

Policy HurstH5 of the Neighbourhood Plan requires house designs and layouts to respond to the village character of the area and follow the Village Design Statement (May 2004).

The Council's Design Guide SPD is also a material planning consideration with principles DG37, DG38, DG39 and DG41 deemed pertinent in this instance.

As the site adjoins Hurstpierpoint conservation area, policy DP35 of the District Plan is relevant. This states in part that development proposals should protect the setting of the conservation area and in particular views into and out of the area. Policy HurstC4 of the Neighbourhood Plan shares a similar stance stating that *'new development in the countryside adjacent to Conservation Areas will be permitted where it does not conflict with other Countryside policies and where the settings of the Conservation Areas are conserved or enhanced.'*

In addition, as the southern boundary of the site adjoins the South Downs National park, policy DP18 of the District Plan is relevant, stating in part that *'development... will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'*

This stance is also reflected under policy Countryside HurstC2 of the Neighbourhood Plan which states in part that *'development in the Parish that contributes to the setting of the South Downs National Park will only be permitted where it conserves or enhances and does not detract from the National Park's visual qualities and essential characteristics.'*

The proposed amendments to the dwellinghouse are modest in nature and will retain its contemporary design. The proposed reduction in the number of louvres is considered an improvement upon the previous design, creating a simplified and less busy appearance to the building, which sits nestled within the landscape.

The north elevation of the dwelling sits less than 2 metres above adjoining ground levels. Due to screening to the north and higher ground levels, it is not considered that the dwelling would be visible from the adjoining recreation ground. To the east, the dwelling should be obscured in views from South Avenue by Lodge Cottage and South Lodge. As such, the proposal is considered to protect the setting of the conservation area.

The proposed amendments to the approved dwelling are considered to have limited visual impact upon the wider landscape, being of a modest nature. The proposal should not interfere with views across the South Downs National Park from the recreation ground to the north. As such, the proposal is not considered to detract from the visual and special qualities of the National Park and views into and out of the National Park.

The proposed development is therefore considered acceptable in terms of design and impact upon the character of the area, thereby according with the above policies.

Impact on neighbouring amenity

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'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'*.

As with the original application, the only property affected by the proposal is the host dwelling at Lodge Cottage, sited some 33m away (with South Lodge being obscured beyond). Allotments lie to the west of the site.

The proposed amendments are not considered to cause harm to adjoining amenities in terms of creating overlooking or reducing outlook. The proposal therefore accords with policy DP26 of the District Plan.

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 was granted before 2nd April 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed development is deemed acceptable in that it will retain the contemporary design of the new dwellinghouse and should not detract from its appearance or the surrounding area, including the setting of the South Downs National Park. The proposal should not be harmful to neighbouring amenities and will protect the setting of the Conservation Area. The proposal therefore accords with policies DP12, DP18, DP26 and DP35 of the Mid Sussex District Plan and policies HurstC1, HurstC2, HurstC4 and HurstH5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

Decision: Permission

Case Officer: Deborah Lynn