

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2899	Case Officer:	Hamish Evans
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 2 of planning application DM/24/0213 - to amend the plans to allow for design changes.		
Site:	Lapwings, 131A High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PU, ,		
Validation Date	11 Nov 2025	Overall Expiry Date:	19 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Dec 2025
Target Date:	6 Jan 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	24 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2899

**Lapwings, 131A High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PU,
Variation of condition 2 of planning application DM/24/0213 - to amend the plans to allow for
design changes.
Webster Saks**

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in response to this application.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council

No comment.

INTRODUCTION

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 2 and of planning permission DM/24/0213 which was granted on the 24th April 2024 for a 'Replace the existing poor quality conservatory with a single storey extension to the same footprint, alter fenestration, install roof lights and solar panels, form an external bike store to the driveway, reconfigure garden wall, re-tile the existing roof, installation of dormer, replace the existing pergola and remove the external stair.' at Lapwings 131A High Street, Hurstpierpoint.

RELEVANT PLANNING HISTORY

DM/24/0213. Replace the existing poor quality conservatory with a single storey extension to the same footprint, alter fenestration, install roof lights and solar panels, form an external bike store to the driveway, reconfigure garden wall, re-tile the existing roof, installation of dormer, replace the existing pergola and remove the external stair. Permission.

SITE AND SURROUNDINGS

The site is designated as being within the Hurstpierpoint built up area, the Hurstpierpoint Conservation Area and is considered to be within the setting of 131 High Street, which is a Grade II listed building and located to the south of the site. The existing dwelling is a single storey detached dwelling which is characterised by bare brickwork walls, brown clay roof tiles and white uPVC window and door frames. The existing pergola at the site is characterised by a grey metal frame and there is an existing metal framed external staircase. The existing boundary consists of some 1.8 metre bare brick wall and trellis fencing. There are some two off-street parking spaces to the front and side of the existing dwelling. The surrounding area is residential in its nature and the dwellings in the locality are similar in their appearance and scale to the application site.

APPLICATION DETAILS

The application seeks to amend the plans approved under planning permission DM/24/0213 which was granted on the 24th April 2024 for a 'Replace the existing poor quality conservatory with a single storey extension to the same footprint, alter fenestration, install roof lights and solar panels, form an external

bike store to the driveway, reconfigure garden wall, re-tile the existing roof, installation of dormer, replace the existing pergola and remove the external stair.' at Lapwings 131A High Street, Hurstpierpoint.

The proposed changes consist of replacing the proposed hipped roof within the southern facing roof slope with a half-hipped gable end. They also include relocating a permitted solar PV panel from the south west facing roof slope to the south east facing roof slope. The proposal would also include a roof light within the south east roof slope.

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 Mid Sussex Site Allocations 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.

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

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 Hurstpierpoint and Sayers Common Neighbourhood Plan was adopted January 2016

None considered relevant.

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the policies in the draft District Plan. 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.

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

DPB3: Conservation Areas

Mid Sussex Design Guide Supplementary Planning Document

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)

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

The application is submitted under Section 73 of the Town and Country Planning Act 1990. 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."

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 consist of replacing the proposed hipped roof within the southern facing roof slope with a half-hipped gable end. They also include relocating a permitted solar PV panel from the south west facing roof slope to the south east facing roof slope. The proposal would also include a roof light within the south east roof slope.

Impact on Heritage Assets and Character and Design

Policy DP34 seeks to protect the setting of the Listed Building and a similar ethos is found within the National Guidance contained in Paragraphs 212-216 of the NPPF.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

No.131 High Street is a Grade II listed building and is located to the south of the site. The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DP35 seeks to conserve or enhance Conservation Areas, their special character, appearance and the range of activities which contribute to it.

The site is located within the Hurstpierpoint Conservation Area, as designated in 1972. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Hurstpierpoint Conservation Area), the site being within its boundary,

and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposed alterations are relatively modest in their nature and they would reflect the character, scale and appearance of the existing dwelling. They would not significantly alter what was previously approved at the site.

Taking into account the above the proposed works are considered to reflect the character and scale of the existing and surrounding buildings and landscape, protect and preserve the setting of the listed building to the south and it is considered to conserve the character and appearance of the Conservation Area.

Therefore, the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Mid Sussex Design Guidance SPD, the Hurstpierpoint and Sayers Common Neighbourhood Plan and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CONCLUSION

In conclusion the proposed alterations are considered to reflect the character and scale of the existing and surrounding buildings and landscape, protect and preserve the setting of the listed building to the south and it is considered to conserve the character and appearance of the Conservation Area. Therefore, the proposal is considered to comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, the Mid Sussex Design Guidance SPD, and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision: Permission

Case Officer: Hamish Evans

