

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1208	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 2 of planning application DM/23/2039 to allow for changes to the scheme		
Site:	Friday Ad Ltd, London Road, Sayers Common, Hassocks, West Sussex, BN6 9HS, ,		
Validation Date	8 May 2025	Overall Expiry Date:	13 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Dec 2025
Target Date:	7 Aug 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	11 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1208

**Friday Ad Ltd, London Road, Sayers Common, Hassocks, West Sussex, BN6 9HS,
Variation of condition 2 of planning application DM/23/2039 to allow for changes to the scheme
Mr Peter Huxley**

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

None received

PARISH COUNCIL OBSERVATIONS

Our recommendation is that MSDC should give permission. The committee is satisfied with the revised plans noting the reduced scale and supports bringing the site back into use. As per the comments submitted on the previous application, the committee request conditions are applied concerning noise, access, work restricted to taking place Monday - Friday only due to the close proximity of residents. Porsche to work with contractors to minimise construction traffic coming through Sayers Common village.

INTRODUCTION

Permission is sought to vary of condition 2 of planning application DM/23/2039 to amend the approved drawings to allow for design alterations.

PLANNING HISTORY

HP/052/91: Outline application for B1 office. (Permission)

HP/126/95: Erection of 3,250 sq m commercial premises consisting: 2,790 sq m - B1 use 460 sq m - B1(a) office use. (Permission)

HP/085/98: Proposed erection of headquarters development comprising of offices and printing building, car parking, access road and landscaping. (Permission)

04/02232/FUL: Proposed 2 storey office accommodation to extend the Company's internet business. (Permission)

04/02400/FUL: Proposed extension of existing printing building to increase storage facilities for printing paper. (Permission)

08/01925/FUL: RETROSPECTIVE. Installation of colour coated roller shutter door in north external wall to provide additional access into the paper store extension previously approved under Ref. 04/2400/FUL. (Permission)

09/02905/ADV: Renewal of Planning Permission for the retention of the existing entrance sign mast. (Permission)

11/04027/FUL: New Security Gate to Main Entrance. (Permission)

DM/23/2039 - Demolition of existing FM House buildings and development of New Porsche Centre for the sale and service of motor vehicles including workshop, parts storage, office accommodation and MOT testing facility. (Permission)

SITE AND SURROUNDINGS

The application site is located to the northwestern side of the B2118, which is the slip road onto the A23 to the east of the site. The existing site covers an area of approximately 14,700 square metres (3.6 Acres) and comprises of two large warehouses/office buildings which are linked by a raised walkway

between. The site has an existing commercial use, however the existing units on site have been vacant for a number of years.

The application site is fairly well screened by existing established vegetation on all sites, with a pond and wooded area to the north of the site. The site has one main access to the south of the site and a smaller secondary access further to the north also on the eastern boundary. The application site shares a boundary with Hickstead Park homes to the western (rear), with open agricultural land to the south and the access to the Hickstead Park homes along the northern (side) boundary with Strood's Farm beyond.

The application site is semi-rural in nature being set outside the settlement boundary of Sayers Common, which is located approximately 170 metres to the south of the site. The application site is designated within the Mid Sussex District Plan as being within the Countryside, it is also within the red zone for Great Crested Newts and any works to the trees are subject to a planning condition.

APPLICATION DETAILS

This application seeks permission to vary condition number 2 in relation to planning application DM/23/2039.

Condition 2 is in relation to approved plans and stated the following:

'Approved Plans

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.'

Alterations to the approved plans include the following:

The building footprint being reduced by 297m², the previously approved first floor showroom area being omitted and the roof top car deck extended over showroom.

This means that the total built area, including the car deck is very close to that of the consented scheme. The overall proposal is 76m² smaller than the approved scheme. The showroom car display is reduced from 30 to 12 and car storage parking has a net increase of 21 spaces.

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 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:

DP26 - Design and Character

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Relevant policies:

None relevant

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:

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 are considered to be relevant to this application.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 associated with the planning permission reference DM/23/2039 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 size of the building with associated external and internal alterations.

The principle of the development was originally accepted through the previous permission under reference DM/23/2039. 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 matters that are pertinent is to consider are 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 impact on the character of the area

Policy DP26 of the District Plan relates to character and design. It 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

In terms of the visual impact of the design changes, these are relatively minor compared to the whole scale of the development and are of a standard equal to the previous proposal. Therefore, and as with the previous scheme, it can be concluded that the proposal accords with neighbourhood, local and national policy and be character with the surrounding area.

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 submitted before 12th February 2024 and therefore is deemed to be exempt. This application is therefore exempt from the requirement to provide biodiversity net gain.

Other

The existing watercourse on the site is labelled as an inland watercourse and an informative will be placed on the approval to seek advice from West Sussex.

CONCLUSION

It has previously been considered that the redevelopment of the site for a Porsche Centre is acceptable through the determination of the permission reference DM/23/2039.

The proposed amendments to the previously approved plans detailed in condition 2 are considered to be sensitive to the design and character of the commercial building previously approved and would not detract from the character of the area

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

Decision: Permission

Case Officer: Andrew Horrell