

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1565	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 1 relating to DM/23/2432, as amended by NMA DM/25/1392, to allow for revised plans.		
Site:	126 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX, , ,		
Validation Date	18 Jun 2025	Overall Expiry Date:	25 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Aug 2025
Target Date:	13 Aug 2025	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:	11 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1565

**126 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX, ,
Variation of condition 1 relating to DM/23/2432, as amended by NMA DM/25/1392, to allow for revised plans.**

C/o Agent

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Conservation Officer:

The application site is an unlisted end of terrace building located in a relatively prominent position to the southern side of the High Street, within the Hurstpierpoint Conservation Area. Planning permission was recently granted for works including rear ground, first and second floor extensions, alongside change of use on the first and second floors to residential, and external works to the rear yard. The current application is effectively for amendments to the approved scheme which comprise:

- *Relocation and reduction in the width of the two external doors at ground floor level, at the base of the two storey extension and facing onto the rear yard;*
- *Reduction in the depth of the single-storey infill extension adjacent to the two storey wing, incorporating a new sloped roof detail;*
- *A revised glazed balustrade design to the terrace above this addition; and*
- *Amendments to the fenestration to the double doors leading to the roof terrace.*

These amendments are relatively minor in nature and are not considered to adversely affect the character and appearance of the building or of the wider Conservation Area.

This meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: The committee had no further comment.

INTRODUCTION

The application seeks to vary condition 1 relating to planning application DM/23/2432 in order to carry out design alterations.

RELEVANT PLANNING HISTORY

DM/18/4180 - Replacement windows and doors to shopfront, to include repositioning of entrance door. Installation of timber gates to existing rear parking area. Permission 06.12.2018.

DM/20/0980 - (Amended plans 11/05/2020) Replacement of the existing windows and doors to shopfront. Permission 06.05.2020.

DM/23/2432 - Rear ground, first and second floor extensions. Change of use on first and second floors (to change Class E - Commercial, Business and Service to Class C3 Dwelling house. New re-surfacing to rear enclosed service yard and provision of new parking spaces + waste storage. (Amended plans and planning statement 12/02/2024). Permission 22.03.2024.

DM/24/1720 - Discharge of planning conditions nos 3, 5,6, 7 and 9 relating to planning application DM/23/2432. Permission 09.09.2024.

DM/25/1392 - Non material amendment to planning application DM/23/2432 - remove the date from the contested description to allow for variations to the consent. Permission 26.06.2025.

SITE AND SURROUNDINGS

Freeman Brothers is an existing 3 storey building located on a corner plot, with The High Street running along the northern (front) boundary, with South Avenue to the eastern (side) boundary. To the southern (rear) is the residential dwelling The Old Coach House and the building is attached on the western side to 124 High Street. The ground floor is used in part as a funeral directors, with the other part being used as a bakery.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Hurstpierpoint, it is also within the Hurstpierpoint Conservation Area.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for alterations to the proposed doors and fenestration, a reduction in the depth of the single storey infill extension which would incorporate a sloped roof and a revised glazed balustrade.

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) Any 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 thus as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Burgess Hill 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:

DP1 - Sustainable Economic Development
DP3 - Village and Neighbourhood Centre Development
DP18 - Setting of the South Downs National Park
DP26 - Character and Design
DP35 - Conservation Areas
DP39 - Sustainable Design and Construction

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

Hurstpierpoint and Sayers Common Neighbourhood Plan (March 2015)

Relevant policies:

Policy HurstC2 - South Downs National Park
Policy HurstH5 - Development Principles

Mid Sussex District Plan 2021-2039 Consultation Draft

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 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DNP6 - Pollution
DNP7 - Noise Impacts
DNP9 - Air Quality
DPB1 - Character and Design
DPC5 - Setting of the South Downs National Park
DPB3 - Conservation Areas
DPE1 - Town and Village Centre Development
DPH1 - Housing
DPH3 - Sustainable Development - Inside the BUA

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, 131, 135, 139 & 189.

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'*

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

- Impact on Character and Appearance, Including Heritage Assets
- Impact on Neighbouring Amenities
- Setting of the South Downs National Park

Impact on Character and Appearance, Including Heritage Assets

In terms of the impact on the Hurstpierpoint Conservation Area, policy DP35 of the District Plan states:

"Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."

Significance is defined in Annex 2 of the NPPF as: *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or*

historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

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Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The Hurstpierpoint Conservation Area, by virtue of its designation, is significant in heritage terms and this significance is likely to arise from its aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy DP26 of the Mid Sussex District Plan relates to design and amenity and 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 DP29);*
- *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.'*

Policy H5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan sets out that new housing should enhance the existing settlement pattern of the village and house designs and the layouts and densities shall respond to the village character of the area and follow the village design statement.

Principle DG38 of the Mid Sussex Design Guide states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a reinterpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

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 pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed alterations are considered to present minor changes to the previously approved scheme with a number of alterations to the proposed materials. The scheme would also alter the previously approved footprint from being a continuous rear elevation to more of a staggered design. This change is not considered to be contentious in nature and the proposal would likely integrate well with the existing. Moreover, the following a consultation with the Council's Conservation Officer, it was concluded that the amendments would not adversely affect the character and appearance of the building or the Hurstpierpoint Conservation Area.

It is considered that the proposed windows and doors would deviate from the previous scheme and therefore from the details submitted within the approved discharge of conditions application. It is therefore considered necessary and relevant that a condition be appended to any permission that may be granted to secure details of the proposed windows and doors.

Accordingly, the development proposal is considered to conserve the special character and appearance of the Hurstpierpoint Conservation Area and is considered to result in a neutral impact. As such, it is considered that the proposal would comply with Policies DP26 and DP35 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'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 DP29);'*

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The proposal would reduce the amount of terracing at first floor level when compared to the previous scheme. A privacy screen featuring obscure glazing would remain from the previous scheme to the side (western) boundary of the terrace. Furthermore, the existing dormer roof level would be reduced in overall size which would be set within a close proximity to the boundary. Accordingly, it is not considered that the resulting relationships would cause significant harm in terms of overlooking, loss of privacy and loss of light to the adjacent neighbouring properties.

Setting of the South Downs National Park

Policy DP18 refers to the setting of the South Downs National Park. It states, in part, that:

'development within land that contributes to the setting of the South Downs National Park 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.'

At local level Policy HurstC2 states:

'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.'

Paragraph 189 of the NPPF is also relevant. This states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

The South Downs National Park boundary is located some 220 metres to the south of the application site, with dwellings between. The proposal would be viewed in context of the existing building and that of the wider village of Hurstpierpoint. In light of the above, the proposal is not considered to detract from the setting of the South Downs National Park and would comply with the above mentioned policies.

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, preserve the character of the Conservation Area and the setting of the South Downs National Park and will not harm neighbouring amenities.

The proposal will comply with Policies DP1, DP3, DP18, DP26, DP35 and DP39 of the District Plan, Policies HurstC2 and HurstH5 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas