

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1502	Case Officer:	Rachel Richardson
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 to planning application DM/23/3181 to allow for design changes		
Site:	2 Keymer Road, Hassocks, West Sussex, BN6 8HA, , , ,		
Validation Date	17 Jun 2026	Overall Expiry Date:	10 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Aug 2026
Target Date:	12 Aug 2026	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	25 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1502

**2 Keymer Road, Hassocks, West Sussex, BN6 8HA, , ,
Variation of condition no 2 to planning application DM/23/3181 to allow for design changes
Ms Michelle Coe**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

Hassocks Parish Council:

The committee recommend that permission is granted.

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 to allow for design changes in relation to planning permission DM/23/3181.

RELEVANT PLANNING HISTORY

DM/23/3181 - Proposed single storey residential dwelling, to the rear of 2 Keymer Road. Permission 06.03.2024

DM/26/2001 - Non material amendment to application DM/23/3181 to change the wording of the description. Approved 20/08/2026

SITE AND SURROUNDINGS

The application property comprises a large detached two storey house set back from the road in an elevated position with stepped access to the east of the property. There is a garage at ground level accessible from the pavement which sits alongside a retaining wall fronting the garden which is laid to lawn. Existing parking has been created adjacent to the pavement.

The house benefits from a large rear garden which is triangular in shape. The rear garden boundary to the south is defined by a 2m high close boarded fence and vegetation.

The western and southern (rear) boundaries adjoin footpaths. The land to the western side is grassed and wooded and is a PROW adjoining the railway line in a north south direction.

The area within the immediate vicinity and adjoining the site to the east is characterised by large detached properties of varying architectural styles. These are all set up on higher ground compared to Keymer Road and within smaller rectangular plots.

There is a 3m high brick and flint retaining wall with two storey flatted development above, and behind existing mature boundary vegetation. This is on Station Approach East.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/23/3181.

Condition no. 2 of planning permission DM/23/3181 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.'

The proposed amendments include:

- o Rotation in plan by 6 degrees
- o Reduction in northern extension and shift to East elevation from West
- o Omission of door and window from Northeast elevation
- o Addition of door and window to Southwest elevation
- o Centralise extension on Southeast Elevation
- o Adjustment of fenestration to Northwest elevation

These proposed amendments are shown on the following drawings:

Previous drawing > New drawing

775/302 > ENA187-002_A_Proposed Site Plan

775/311 > ENA187-150_A_Proposed Floor and Roof Plan

775/321 > ENA187-200_A_Proposed Elevations

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 the Hassocks 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

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

Hassocks Neighbourhood Plan (made June 2020)

Relevant policies:

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 of planning permission reference DM/23/3181 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 and the cover letter submitted with this application states that the following amendments are being sought:

- o *'Rotation in plan by 6 degrees (this moves the building slightly further away from the neighbour to the south)*
- o *Reduction in northern extension and shift to East elevation from West*
- o *Omission of door and window from Northeast elevation (reduced potential overlooking towards the host dwelling)*
- o *Addition of door and window to Southwest elevation*
- o *Centralise extension on Southeast Elevation*
- o *Adjustment on fenestration to Northwest elevation*
- o *Rooflights to give natural light over entrance hall/front door'*

The principle of the development was originally accepted through permission given under reference DM/23/3181.

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
- Neighbouring Amenities

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'.*

It is considered that the proposed rotation of the dwelling so it is orientated slightly further northeast, is relatively minor in terms of its design and character. It would still be positioned in roughly the same place as already approved, albeit slightly further north of the rear southern boundary.

The approved northern has now been omitted from the design. However, a single storey flat roofed modest extension has been added to the western half of the northern elevation. This is an external store

with brickwork facing walls. This is considered to be acceptable in terms of design and character having regard to the proposed dwelling and existing dwelling and the general character of the locality.

The approved projection on the southeast elevation has been centralised under the amendments now proposed. It has roughly increased by about 1m in length but is around the same height. The amended scheme provides symmetry to the design of this elevation and is considered to be acceptable.

The fenestration on the northwest elevation is also different but this is considered to be of minor significance splitting up a double pane into two singles and adding a door. Rooflights are also proposed on this elevation. This is the elevation facing the PROW. This is considered acceptable in terms of design and character.

It is also noted that the roof has been amended to a slate tile covering instead of plain clay tiles, which is acceptable. The dimensions of the length and width of the proposed dwelling are about the same as that previously approved.

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.

Impact on neighbouring amenity

District Plan Policy DP26 and Neighbourhood Plan Policy 9 are relevant in the determination of this application with regards to the impact of the changes on residential amenities.

There is a conflict in the phrasing of these policies. Policy DP26 requires that 'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings. In contrast Policy 9 states that the character and design of development proposals should take account of certain design principles and not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security.

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. As such, Policy 9 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

The amended proposals to add a door and window to the southwest elevation will not cause any unacceptable harm to the adjoining neighbouring properties. They are at ground level and there would be no overlooking/loss of privacy. The proposed omission of fenestration on the northeast elevation will benefit the relationship between the garden dwelling and existing dwelling.

The amended proposal is therefore considered to comply with policy 9 of the Neighbourhood Plan and would not result in unacceptable harm in terms of neighbouring amenities.

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 application to which the Section 73 planning permission relates was submitted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

It has previously been considered that the development was acceptable through the determination of the permission reference DM/23/3181.

The proposed amendments to the previously approved plans detailed in condition 2 are considered to be sensitive to the design and character of the dwelling and not harmful to neighbouring amenities.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, policy 9 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Rachel Richardson