

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0962	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/3023 - to allow for design changes.		
Site:	2 By Sunte, Lindfield, Haywards Heath, West Sussex, RH16 2DF, , ,		
Validation Date	15 Apr 2026	Overall Expiry Date:	12 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Jun 2026
Target Date:	10 Jun 2026	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>Joanne Fisher</i>	Date:	8 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0962

**2 By Sunte, Lindfield, Haywards Heath, West Sussex, RH16 2DF, ,
Variation of condition no 2 relating to planning application DM/25/3023 - to allow for design
changes.
Taylor**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks permission under Section 73 of the Town and Country Planning Act 1990, to vary condition 2 of DM/25/3023. This would include alterations to enlarge the first-floor windows.

RELEVANT PLANNING HISTORY

DM/25/0416 - Proposed replacement garage and single storey side extension to the East and two storey side extension to the West. Permission 24.06.2025.

DM/25/3023 - Replacement garage and two storey side extension to the East. New roof light to South elevation. New French doors to South elevation replacing existing single door. Replacement of bay window to the west elevation and extending to the first floor. Permission 19.01.2026.

SITE AND SURROUNDINGS

The application site is a two storey detached dwelling located in a residential setting of largely detached properties. Although on the southern side of By Sunte, the site occupies a corner plot location with its western flank located along the eastern side of Portsmouth Lane.

The nearest neighbour, and those most likely to be affected by the proposals, are located just beyond the boundary to the south at 24 Portsmouth Lane and to the east at 4 By Sunte.

A 'main river' watercourse runs through the garden.

In policy terms the site is within the built up area of Lindfield. It also falls within Flood Zones 2 and 3 and is within the Area of Townscape Character defined within the Lindfield and Lindfield Rural Neighbourhood Plan.

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 under DM/25/3023.

Condition no.2 of planning permission DM/25/3023 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 proposal would increase the height of a windows to the northern and southern elevation at first floor level to align with the eaves barge board. Furthermore, a new double glazed casement window would be added to the southern elevation at first floor level. The proposed window frames and mouldings would be to match the existing windows.

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 Lindfield and Lindfield Rural 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 policy:

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

Lindfield and Lindfield Rural Neighbourhood Plan (Made March 2016).

Relevant policy:

Policy 7: Areas of Townscape Character

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 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:

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) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135 & 139.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/3023, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached. (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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. The following issues are considered to be relevant to the current application which seeks to carry out alterations to the proposed windows throughout:

- Design and Character
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Design and Character

DP26 of the 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:

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 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'

Policy 7 of the Neighbourhood Plan states that:

'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement. In particular, proposals should:

- i. retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- ii. retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- iii. avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The alteration to increase the height of the first floor en-suite window to the northern elevation is considered to be the most visually prominent alteration under the current proposal. It is considered that the proposed alteration would be of an acceptable appearance and the use of the casement style would help assimilate the proposal in to match the existing.

The proposed window enlargement and window addition to the southern elevation would be set to a more visually discrete position with regard to public views. The windows are considered to be acceptable given their context and would match the existing in appearance.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, Policy 7 of the Lindfield Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

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);'*

The proposed window enlargement to the southern elevation is considered to largely reflect the current level of outlook. Furthermore, the new proposed window would serve as a primary window to a bedroom and would be set circa 17m from the shared boundary with No.24 Portsmouth Lane and mature boundary planting would largely obscure views from the window to the neighbouring site. As such, it is considered that the proposal would not result in a significant overlooking impact.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan 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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is appropriate in terms of design, will not negatively impact on the host dwelling nor its immediate setting, will not harm neighbouring amenities and result in an acceptable highways impact.

The proposal will comply with Policy DP26 the District Plan, Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas

