

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1630	Case Officer:	Martin Dale
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Condition no 2 and 32 relating to planning application DM/22/2272 - amended drawings to allow a revised access point from Hurstwood Lane into Parcel 2 of the site.		
Site:	Land At Hurst Farm, Hurstwood Lane, Haywards Heath, West Sussex, , , ,		
Validation Date	30 Sep 2025	Overall Expiry Date:	9 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Dec 2025
Target Date:	30 Dec 2025	Recommending Officer Signature:	<i>Martin Dale</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	8
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	23 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1630

**Land At Hurst Farm, Hurstwood Lane, Haywards Heath, West Sussex, , ,
Variation of Condition no 2 and 32 relating to planning application DM/22/2272 - amended
drawings to allow a revised access point from Hurstwood Lane into Parcel 2 of the site.
Homes England**

SUMMARY OF REPRESENTATIONS

7 Letters of objection were received. These related mainly to the outline application on the following grounds.

1. Incorrect Transport Modelling for the development
2. Adverse impact on heritage assets
3. Adverse impact on the countryside
4. Noise disturbance
5. Adverse design and overbearing impact
6. Impact on infrastructure
7. Adverse highway traffic impact

SUMMARY OF CONSULTEES

WSC No objections Following informative recommended:

"Notwithstanding the approved details forming part of this planning application, the Applicant is requested to investigate and if feasible seek to obtain those consents necessary to provide a length of footway on the southern side of the proposed access road connecting to the proposed footway located within the development to the west to that section of Hurstwood Lane that is to be closed to traffic, and thereby achieving an improved route for pedestrians.

Arboricultural Officer

No objection subject to adherence to arboricultural method statement

HAYWARDS HEATH PARISH COUNCIL OBSERVATIONS

Support the development.

INTRODUCTION

This application made under S.73 of the Town and Country Planning Act (as amended) 1990 seeking a variation to planning permission LPA Reference DM/22/2272 for the above site, as approved on 29 May 2025. Planning permission has been granted for:

"Outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas."

This S.73 application seeks to make minor alterations to the approved drawings, principally relocating one of the proposed access points into the site. The application, therefore, seeks to vary conditions 2 and 32 of the planning permission to replace the approved drawings with updated revisions reflecting the revised access location.

RELEVANT PLANNING HISTORY

DM/22/2272 Outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping and parking areas. Granted

SITE AND SURROUNDINGS

The application site extends to approximately 33 hectares and is located on the southeastern side of Haywards Heath. The site lies to the south of the Haywards Heath Relief Road (A272) and is divided by Hurstwood Lane.

This western parcel of land is laid to grass.

There is a fall in levels through this part of site from west to east. There is a tree belt that runs from east to west through this parcel of land that divides it. There is a pond within the centre of the site that is bounded by trees. The site is bounded by the rear gardens of the houses on Hurstwood Lane at the southern corner of the site. To the southwest, the site adjoins the rear gardens of the houses on Fox Hill. To the north, the western site adjoins the Hurstwood Grange Business Estate. To the east there is tree screening along the boundary with Hurstwood Lane. There is a rise in levels from south to north along Hurstwood Lane. To the north there is a rise in levels towards the A272 relief road and beyond this is the new development around the old St Francis hospital.

Within the centre of the site there is an access road that serves several residential properties and the businesses located at Hurstwood Grange. These properties are all outside of the planning application site. The commercial premises are single storey. Hurst House is a residential dwelling that is a grade two star listed property, and the neighbouring Hurst Barn is a grade two listed building.

The western parcel of the site is used for grazing. There are no public rights of way that run through it.

The northern part of the western parcel of the site is a narrower parcel of land. There is a fall in levels from west to east through this parcel of land and a rise in levels to the northern tip of the site. There is low level screening along the northern boundary of the site.

There is a pedestrian crossing on the relief road by the junction with Hurstwood Lane.

There is a footway that leads into the residential estate to the west. There is no footway on the relief road past the Hurstwood Lane junction. There is a right turn lane on the relief road into Hurstwood Lane.

The relief road has a speed limit of 50mph. The northern end of Hurstwood Lane is subject to a 30mph speed limit. The majority of Hurstwood Lane is subject to the national speed limit.

To the eastern side of the site, there is a strong tree screen along Hurstwood Lane.

Beyond this the majority of this part of the site is a field that is laid to grass. There is a fall in levels from north to south. To the north are the residential properties on Birch Way and Greenhill Park. To the south and east are fields laid to grass. The district boundary between Lewes and Mid Sussex runs through the eastern side of the site.

The eastern part of the site is grazing land.

APPLICATION DETAILS

The proposed amendment relates to the proposed central access into Parcel 2 of the development from Hurstwood Lane. Further investigations by the applicant indicate that the location of the approved access is not suitable and, therefore, a revised access position is now proposed to the south-west of the approved location. This requires amendments to conditions 2 and 32 of the approval.

Condition 2 states

"In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing nos C5116_0000-01 Rev G K, C5116_0000-02 Rev F, C5116_0000-03 Rev D F, C5116_0000-04 G, C5116_0000-07 Rev D G)."

Condition 32 of the decision notice currently states:

"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 Applications".

An amendment to this condition is required as new drawing which will supersede the approved drawings are required and the list of approved drawings needs to be updated.

No other changes to the approved development are proposed.

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 this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and xxxx

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:

DP21: Transport

DP37: Trees, Woodland and Hedgerows

bSite Allocations Development Plan Document (2022)

The Site Allocations DPD was adopted on 29th June 2022. However, there are no policies relevant to this application.

Haywards Heath Neighbourhood Plan (2016)

Relevant policies:

Policy H1: Land at Hurst Farm

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 of 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:

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

bASSESSMENT

This application has been submitted under Section 73 of the Town and Country Planning Act and seeks planning permission to vary conditions 2 and 32 of planning permission reference DM/22/2272.

S.73 of 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 development was established by the granting of outline permission DM/22/2272 which reserved all matters except for access.

Policy H1 of the Neighbourhood Plan seeks to ensure that any submitted planning application is compliant with the requirements of this policy which includes, providing sustainable transport infrastructure, identifying and taking account of the environmental, landscape and ecological constraints.

The proposed relocation of the access will not materially affect the approved development. The revised access drawings demonstrate how the revised access location can appropriately be provided for. Furthermore, the updated tree report submitted with the application demonstrates that the revised access location would have a materially different impact on the trees that front Hurstwood Lane.

The relocation of the approved access is considered compliant with the aims of Policy H1 of the Neighbourhood Plan

The applicant has an ES Conformity Technical Note which confirms that the revised location of the access would not result in any material changes to the Environmental Impact Assessment carried out in support of the outline application.

bTransport, Highways and Movement

Policy DP21 deals with general transport matters and sets out a number of criteria against which development proposals will be considered against, these include 'appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking'.

The highway authority has no objection to the amended location of this access point to parcel 2 of the proposed development. Having regard to comments of the highway authority, and given that no alternative evidence has been presented to the contrary, it is considered that the proposal would not have an unacceptable impact on the highway safety, or the wider network.

Arboricultural Impact

Policy DP37 of the District Plan seeks to protect and enhance trees, woodlands and hedgerows that are important as part of development proposals, amongst other things.

The council's arboricultural officer notes the submitted arboricultural report has identified the need to remove a single oak tree, which is in decline.

Having regard to this, and fact that the final comprehensive landscaping scheme will be secured as part of the reserved matters process, no objections are raised subject to the development being undertaken in accordance with the arboricultural report. The development therefore accords with Policy DP37 of the Mid Sussex District Plan.

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. This application is therefore, exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Section 73 of the Town and Country Planning Act 1990 (as amended), states that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Therefore, whilst, if granted, the proposal would issue a new planning permission for the entire scheme, the application is not an opportunity to revisit the principle of the entire scheme which has already been established by the granting of the outline permission reference DM/22/2272.

The proposal would result in the amended position of a single point of access within parcel 2 of the proposed development, with the loss of one oak tree in decline. No objection has been raised to this by WSCC Highways or the Councils Arboricultural Officer.

The application is therefore deemed to comply with policies DP21 and DP37 of the Mid Sussex District Plan, Policy H1 of the Haywards Heath Neighbourhood Plan and the NPPF. The application is therefore recommended for approval, subject to the conditions listed on the decision notice.

Decision: Permission

Case Officer: Martin Dale