

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2449	Case Officer:	Hamish Evans
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition No: 1 of planning permission DM/22/1039 to amend plans approved and to allow for minor amendments to the locations of windows and rooflights, with slight adjustments to their sizes. Modest alterations to the design and positioning of bifold doors, along with corrections to the roof plan to ensure consistency with the elevation, specifically where the proposed porch roof was previously misaligned. Also to include raised platform.		
Site:	Nyes Hill House, Wineham Lane, Bolney, Haywards Heath, West Sussex, RH17 5SD, ,		
Validation Date	29 Oct 2025	Overall Expiry Date:	1 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Feb 2026
Target Date:	24 Dec 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	13 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2449

**Nyes Hill House, Wineham Lane, Bolney, Haywards Heath, West Sussex, RH17 5SD,
Variation of condition No: 1 of planning permission DM/22/1039 to amend plans approved and to allow for minor amendments to the locations of windows and rooflights, with slight adjustments to their sizes. Modest alterations to the design and positioning of bifold doors, along with corrections to the roof plan to ensure consistency with the elevation, specifically where the proposed porch roof was previously misaligned. Also to include raised platform.
Short**

SUMMARY OF REPRESENTATIONS

Three third-party representation letters have been received from the same postal address in response to this application. They object to the proposal due to it resulting in overlooking of The Barn Nyes Hill Farm and the number of openings. They also object to the permitted extension as it is intrusive, overbearing and out of keeping with the character of the surrounding area. They object because the proposed alteration is a deliberate breach.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The revised scheme would be unsympathetic however given the approved scheme, screening and location of the extension an objection on grounds of harm to the setting of the heritage asset may not be justifiable.

Horsham District Council

No objections.

PARISH COUNCIL OBSERVATIONS

Bolney Parish Council

No comment.

INTRODUCTION

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/22/1039 which was granted on the 19th July 2022 for a 'Demolish existing attached garage. Proposed single storey rear extension, single storey porch extension and 2 storey side extension.' at Nyes Hill House Wineham Lane Bolney RH17 5SD.

RELEVANT PLANNING HISTORY

DM/22/1039. Demolish existing attached garage. Proposed single storey rear extension, single storey porch extension and 2 storey side extension. (Amended plans received 05.07.2022). Permission.

DM/26/0334. Non-Material Amendment to remove the bracketed elements from planning application DM/22/1039. Permission.

SITE AND SURROUNDINGS

The site is located within the countryside and the locality is considered to be semi-rural in its nature. The existing dwelling is a four-bedroom residential property which has a single storey external appearance but a first-floor within the existing roof space. It is characterised by a mixture of bare brickwork, timber horizontal clad, brown clay hanging tile and white render walls, brown clay roof tiles, white uPVC window frames and timber door frames. There is an existing detached garage with some two off-street parking spaces, an integral garage with one off-street parking spaces and some six off-street parking spaces to the front of the dwelling. The existing boundary treatment consists of some 1.8 metre high closed board fencing, some 1.8 metre high hedgerows and significant tree lines. Residential properties are located to the north and east of the site, open fields are located to the south and Wineham Lane is located to the west. Wineham Cottage is located to the north of the site and is a grade II listed building.

APPLICATION DETAILS

This application seeks permission, under section 73 of the Town and County Planning Act 1990, to vary condition 1 of planning permission DM/22/1039 which was granted on the 19th July 2022 for a 'Demolish existing attached garage. Proposed single storey rear extension, single storey porch extension and 2 storey side extension.' at Nyes Hill House Wineham Lane Bolney RH17 5SD.

The proposed changes consist of altering the location of the permitted ground floor side facing windows within the east and west elevations, alterations to the permitted bifold doors, extending the permitted raised platform and reducing the height of the roof of the permitted rear extension. The submitted documents advise that the works permitted under DM/22/1039 have commenced however they advise that the works have not been completed.

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, the Mid Sussex Site Allocations DPD and the Bolney 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.

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

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.

Bolney Neighbourhood Plan

The Bolney Neighbourhood Plan was adopted September 2016.

BOLD1 - Design of New Development and Conservation

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 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the policies in the draft District Plan. 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.

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document

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)

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

The application is submitted under Section 73 of the Town and Country Planning Act 1990. 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 the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed changes consist of altering the location of the permitted ground floor side facing windows within the east and west elevations, alterations to the permitted bifold doors, extending the permitted raised platform and reducing the height of the roof of the permitted rear extension.

Impact on Heritage Assets and Character and Design

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DP34 seeks to protect the setting of the Listed Building and a similar ethos is found within the National Guidance contained in Paragraphs 212-216 of the NPPF.

Wineham Cottage is located to the north of the site and is a grade II listed building. The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on

application): to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

A similar ethos is contained within the Mid Sussex Design Guide SPD and policy BOLD1 of the Bolney Neighbourhood Plan.

The proposed alterations are relatively modest in their nature and they would reflect the character, scale and appearance of the existing dwelling. They would not significantly alter what was previously approved at the site.

Taking into account the above, the proposed works are considered to reflect the character and scale of the existing and surrounding buildings and landscape and protect and preserve the setting of the listed building to the north. The Conservation Officer's comments are noted and whilst they do raise concern, taking into account the above the proposal is considered to be acceptable in relation to its impact on the heritage assets identified.

Therefore, the proposal is considered to comply with policies DP26 and DP34 of the Mid Sussex District Plan, the Mid Sussex Design Guidance SPD, policy BOLD1 of the Bolney Neighbourhood Plan and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 Policy DP29);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposed alterations to the window are considered to be modest in their nature. The window is located on the ground floor, it is located some 10 metres from the boundary of the site, and the existing boundary treatment consists of some 1.8 metre high closed board fencing. The proposed enlargement of the permitted raised platform is not considered to be significant, and it would be some 17 metres from the boundary of the site.

Taking into account the above it is considered that the proposal would not cause significant harm to the amenities of nearby residents and as such complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

CONCLUSION

In conclusion the proposed alterations are considered to reflect the character and scale of the existing and surrounding buildings and landscape, protect and preserve the setting of the listed building to the south. It is also not considered to cause significant harm to the amenities of nearby residents. Therefore, the proposal is considered to comply with policies DP26 and DP34 of the Mid Sussex District Plan, the Mid Sussex Design Guidance SPD, policy BOLD1 of the Bolney Neighbourhood Plan and sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision: Permission

Case Officer: Hamish Evans

