

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1376	Case Officer:	Stuart Malcolm
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 17 of planning application DM/24/0901 - to make minor alterations to the elevations whilst not increasing the overall footprint or area of the 2 new dwellings.		
Site:	1 Highfields, Brighton Road, Warninglid, West Sussex, RH17 5SY, , ,		
Validation Date	28 May 2025	Overall Expiry Date:	20 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Jul 2025
Target Date:	23 Jul 2025	Recommending Officer Signature:	<i>Stuart Malcolm</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	8 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1376

**1 Highfields, Brighton Road, Warninglid, West Sussex, RH17 5SY, ,
Variation of condition no 17 of planning application DM/24/0901 - to make minor alterations to the elevations whilst not increasing the overall footprint or area of the 2 new dwellings.**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None made.

PARISH COUNCIL OBSERVATIONS

No objections

INTRODUCTION

This application (DM/25/1376) seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary the approved plans condition (17) of planning application DM/24/0901 to make minor alterations to the elevations whilst not increasing the overall footprint or area of the 2 new dwellings. DM/24/0901 granted consent for the erection of 2 detached dwellings with ancillary detached garages following demolition of 2 residential structures (this essentially being a re-submission of planning consent granted under DM/21/3446) at 1 Highfields.

RELEVANT PLANNING HISTORY

There is extensive planning history across the area of land previously known as Highfields. Of most relevance to this current application are however just the following two consents.

DM/16/3162 - Erection of 2no. detached dwellings with ancillary detached garages following demolition of 2no. subsisting residential structures - Approved February 2017

DM/19/0101 - Erection of 2no. detached dwellings with ancillary detached garages following demolition of 2no. residential structures. (Re-submission of planning consent granted under ref. DM/16/3162) - Approved February 2019

DM/21/3446 - Erection of 2 detached dwellings with ancillary detached garages following demolition of 2 residential structures (re-submission of planning consent granted under ref DM/19/0101) - Approved December 2021

DM/24/0901 - Erection of 2 detached dwellings with ancillary detached garages following demolition of 2 residential structures (re-submission of planning consent granted under DM/21/3446) - Permission, July 2024

SITE AND SURROUNDINGS

- Rural setting
- Amongst small cluster of newly built properties that replaced more historic residential structures on the land.
- A23 to the west

- Fields to east and south
- Older more historic houses further to the north
- High Weald AONB location
- Countryside as defined by District Plan.

APPLICATION DETAILS

The previous application details (DM/24/0901) were described as follows:

- "- The application is effectively a re-submission of the plans approved under application DM/21/3446*
- The block plan is the same as previously approved, showing the two new dwellings facing west, each with a detached garage set slightly further back to the north.*
 - The elevations are the same as those approved under DM/21/3446*
 - There are three dormers in the front facing roofslope and gable features on the rear.*
 - The roofs will have plain clay tiles with facing brickwork on the walls.*
 - The detached garages measure 6 x 6 metres."*

The main changes being sought under this Section 73 application include:

- A raising of the eaves height on the front and rear facing roof slopes.
- Design changes to the fenestration at the rear
- Replace barn hip with gable
- Smaller porch enclosure

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 Site Allocations Development Plan Document (SADPD) and the Ansty and Staplefield 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 in 2018. Relevant policies include:

- DP12 - Protection and Enhancement of Countryside
- DP15 - New Homes in the Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 - Transport
- DP26 - Character and Design
- DP38 - Biodiversity
- DP39 - Sustainable Design

Ansty and Staplefield Neighbourhood Plan

The Neighbourhood Plan is made so forms part of the development plan. Relevant policies include:

- AS1 (development proposals outside built up area boundary)
- AS3 (AONB)

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application:

SA38 - Air Quality

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 the 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.

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 is a material consideration. Paragraphs 8, 11 and Chapter 15 are considered to be most relevant to this application.

ASSESSMENT

This application seeks permission to develop land without compliance with certain conditions attached to planning permission DM/24/0901, 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."

As noted above the local planning authority should be considering only the question of the conditions subject to the planning permission.

Given the minor nature of the proposed changes, namely the design changes highlighted in the earlier section, the main issue to consider here are the visual impact implications.

The previous report for DM/24/0901 set out the assessment for the principle and a number of other issues that do not therefore need to be addressed in detail here although they are referenced in the planning balance and conclusion section. For example the proposed changes do not alter the previous assessments/conclusions on the residential amenity impact both for neighbours and future occupiers, highways and access, the ecological impact and the Ashdown Forest impact.

Whilst the Council's assessment process of housing applications has changed as a result of the publication of the new NPPF in December 2024 and the Council's subsequent, current inability to demonstrate a five year supply of deliverable housing sites, the support for the principle of the proposal remains. The proposal, deemed to be replacement residential structures, complies with the development plan policies (as set out under DM/24/0901) and, in accordance with the NPPF, paragraph 11 provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

In terms of the visual impact of the design changes, these are relatively minor compared to the whole scale of the development and are of a standard equal to the previous proposal. Therefore, and as with the previous scheme, it can be concluded that the proposal accords with neighbourhood, local and national policy in that the character of the AONB will be enhanced due to the poor quality of the structures that the new dwellings are replacing. No neighbours are significantly affected by the changes.

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, as a self-build scheme, deemed to be exempt. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is acceptable in principle, will enhance the character and appearance of the area of outstanding natural beauty and will not cause significant harm to neighbouring or future residential amenity. The proposal is also acceptable in respect of the highways impact, the ecological impact and the effects on the Ashdown Forest.

In terms of compliance with the development plan, the application complies with Policies DP12, DP15, DP16, DP21, DP26, DP38 and DP39 of the District Plan and Policies AS1 and AS3 of the Ansty and Staplefield Neighbourhood Plan. The proposals also accord with the Mid Sussex Design Guide and the provisions of the NPPF.

In weighing up the issues in the planning balance, when taken together, it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.

In these circumstances the NPPF states that permission should be granted. There are no other material considerations that would alter the above planning balance. Planning permission should therefore be approved.

Decision: Permission

Case Officer: Stuart Malcolm