

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0187	Case Officer:	Catherine Cardin
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 3 relating to planning application DM/25/0865 - to allow for the use of slate tiles for the roof instead of existing tiles.		
Site:	6 Chapel Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3QT, , ,		
Validation Date	29 Jan 2026	Overall Expiry Date:	24 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Mar 2026
Target Date:	26 Mar 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	20 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0187

**6 Chapel Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3QT, ,
Variation of condition no 3 relating to planning application DM/25/0865 - to allow for the use of
slate tiles for the roof instead of existing tiles.
Mr Cameron Glenister**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

This application seeks permission to amend condition 3 relating to planning application DM/25/0865- to allow for amendments to the design of the approved extensions at 6 Chapel Lane, Ashurst Wood, East Grinstead.

RELEVANT PLANNING HISTORY

DM/25/0865- Proposed extension and refurbishment of existing dwelling house with removal and replacement of 1 no outbuildings. Permission.

SITE AND SURROUNDINGS

6 Chapel Lane is a detached two-storey dwelling. It is constructed of red brick and has white uPVC and brown timber windows, and a pantile roof. The property has white painted render on the front ground floor elevation. The property benefits from a large driveway to the front and side of the property, and a garden to the side and rear of the property. The dwelling has an elevated position and is partially screened by a mature hedge boundary. The property has two existing outbuildings which are used currently as garages.

The application site lies within the built-up area boundary of Ashurst Wood and within the High Weald AONB. Neighbouring properties are located to the north, east and south. The highway is located to the west.

APPLICATION DETAILS

Planning permission was granted under application DM/25/0865 for a proposed extension and refurbishment of existing dwelling, with removal and replacement of 1 no. outbuildings.

The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks permission to vary condition 3 of planning application DM/25/0865.

Condition 3 of DM/25/0865 reads:

'No external materials shall be used other than those specified on the approved plans and application form.'

Reason: To ensure that the development is compatible with the design of the building and to accord with policy DP26 of the District Plan and the Mid Sussex Design Guide.

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. 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 application has been supported with a statement. This outlines that it is proposed to use grey slate tiles that would match the tiles for the outbuilding approved under application DM/25/0865.

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 Ashurst Wood 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:

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Design and Character

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

Ashurst Wood Neighbourhood Plan made in 2016.

Relevant policies:

ASW14- Design and Character

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) 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.

Relevant policies:

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)

ASSESSMENT

Whilst the result of this application would be to issue a new planning permission, as this is a section 73 application where the principle of the development is established, it is not considered necessary to go through all of the original planning issues in this report. The specific changes to the plans that are now proposed are considered below with regards to the design. It is necessary to consider the application against the relevant policies of the development plan and any other material planning considerations.

Design

District Plan Policy DP26 is relevant in the determination of this application. Policy DP26 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 DP29);*
- * 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.'*

Policy ASW 14 of the Ashurst Wood Neighbourhood Plan relates to design and states:

'All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:

(a) Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and

(b) Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and

(c) Using materials which are compatible with the materials of the host or surrounding buildings; and
 (d) Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and
 (e) Ensuring safe access for pedestrians, cyclists and other road users; and
 (f) Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and
 (g) Adopting the principles of sustainable drainage where appropriate; and
 (h) Providing private garden amenity space proportionate to the size of the dwelling; and
 (i) Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and AWP March 2016 Page 33
 (j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and
 (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas'

The principle of the development at 6 Chapel Lane was found acceptable under DM/25/0865.

The proposed design amendments that are the subject of the current application represent minor alterations to those approved under the original consent. The changes accord with the Design Guide principles and are not out of keeping with the design or appearance of the original building. Given that grey slate roof tiles can be found within the street scene, the proposed roof tiles are considered to be in keeping with the character of the area and would not be harmful. Consequently, the alterations that have been made are considered to accord with the aims of District Plan Policy DP26, policy ASW13 of the Ashurst Wood Neighbourhood Plan and the principles of the Design Guide.

Impact on the High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to '*take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB*'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs*'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

The application relates to an existing building within the built-up area of Ashurst Wood. As such the proposal would not form an isolated development within the wider landscape. Due to the development being an extension of an existing building, it is not considered to have an adverse impact on the overall landscape quality of the AONB.

As such the proposal would comply with the requirements of Policy DP16 of the District Plan, The High Weald AONB Management Plan and paragraph 189 of the NPPF.

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 amended proposal is considered to be appropriate in terms of design and appearance and would not negatively impact on the character and appearance of the dwelling or its setting. The proposal would accord with Policy DP26 of the District Plan, policy ASW13 of the Ashurst Wood Neighbourhood Plan and the Design Guide principles. Consequently, this application is recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin