

## Delegated Decision

### Sign off Sheet

|                                              |                                                                      |                                        |                         |
|----------------------------------------------|----------------------------------------------------------------------|----------------------------------------|-------------------------|
| <b>Ref. No:</b>                              | DM/25/1500                                                           | <b>Case Officer:</b>                   | Catherine Cardin        |
| <b>Application Type:</b>                     | Removal/Variation of Condition                                       |                                        |                         |
| <b>Proposal:</b>                             | Variation of Condition 2 relating to planning revelation DM/25/0146. |                                        |                         |
| <b>Site:</b>                                 | 45 Newlands, Balcombe, Haywards Heath, West Sussex, RH17 6JA, , ,    |                                        |                         |
| <b>Validation Date</b>                       | 10 Jun 2025                                                          | <b>Overall Expiry Date:</b>            | 7 Jul 2025              |
| <b>Pre-Commencement Conditions Required:</b> |                                                                      | <b>Pre-Com Conditions Date Agreed:</b> |                         |
| <b>Recommendation:</b>                       | Permission                                                           | <b>Recommendation Date:</b>            | 16 Jul 2025             |
| <b>Target Date:</b>                          | 5 Aug 2025                                                           | <b>Recommending Officer Signature:</b> | <i>Catherine Cardin</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |             |
|------------------------------|------------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 16 Jul 2025 |
| <b>Comments:</b>             |                        |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/1500**

**45 Newlands, Balcombe, Haywards Heath, West Sussex, RH17 6JA, ,  
Variation of Condition 2 relating to planning revelation DM/25/0146.  
Mr Douglas Butcher**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

None received.

### **PARISH COUNCIL OBSERVATIONS**

Balcombe Parish Council have no objections to the proposed changes in the planning application.

### **INTRODUCTION**

This application seeks permission to amend condition 2 relating of planning application DM/25/0146 to allow for amendments to the design of the approved extension at a semi-detached house at 45 Newlands in Balcombe. Works have yet to commence on site.

### **RELEVANT PLANNING HISTORY**

BA/001/94- Erection of a conservatory on side of property. Permission.

DM/25/0146- Demolition of existing conservatory. Erection of a single-storey side extension with pitched roof and gable end. Permission.

### **SITE AND SURROUNDINGS**

45 Newlands is a two storey, semi-detached property. It is constructed of red brick, with grey UPVC windows and a plain tile roof. The dwelling benefits from a conservatory extension to the side of the property.

The application site lies within the built-up area of Balcombe, within the High Weald Area of Outstanding Natural Beauty and is located on an elevated corner plot. Neighbouring properties are located to the north and east. The dwelling is set back from the highway by a front garden, with highway located to the west.

### **APPLICATION DETAILS**

Planning permission was granted under application DM/25/1406 for a side extension.

The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks permission to vary Condition 2 of planning application DM/25/0146.

Condition 2 of DM/25/0146 reads as follows:

*'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'.*

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 accompanied by a planning statement, dated 9th June 2025, which states:

*'Post a CCTV and measured drainage survey, we established a shared drain running under our proposed extension. It is our intention to avoid interfering with this drain and have therefore revised our proposal making the extension smaller and altering the design from gable end to 'lean to' in style due to the reduction in footprint.*

*All proposed materials are as per the original application and the design, although now smaller, follows the same design language & style.'*

The application has been supported with amended floor and elevation plans. A detailed inspection of the approved plans against the now proposed plans confirms that a side extension with pitched roof is now proposed in place of a side extension with a gable end with a reduction in footprint due to a truncated rear (eastern) elevation.

## **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 Balcombe 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

DP37 - Trees, Woodland and Hedgerows

### **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**

Balcombe Neighbourhood Plan was made in 2016.

Relevant policies:  
Policy 3- Design

### **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  
DPS6 - Health and Wellbeing  
DPB1 - Character and Design  
DPN4 - Trees, Woodland and Hedgerows  
DPC4 - High Weald Area of Outstanding Natural Beauty

#### *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**

The result of this application would be to issue a new planning permission, so 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.'*

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in house alterations and extensions. The Council has adopted this Design Guide as a Supplementary Planning Document (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.

The principle of the extension of 45 Newlands was found acceptable under planning application DM/25/0146.

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. Consequently, the alterations that have been made are considered to accord with the aims of District Plan Policy DP26 and the principles of the Design Guide.

### **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, and the Design Guide principles. Consequently, this application is recommended for approval.

Decision:       Permission

Case Officer: Catherine Cardin