

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1464	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 3 relating to planning application DM/21/3035 - to allow minor amendments to the approved drawings.		
Site:	Lime Tree Cottage, 11 Western Road, Haywards Heath, West Sussex, RH16 3LR, , ,		
Validation Date	12 Jun 2026	Overall Expiry Date:	7 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jul 2026
Target Date:	7 Aug 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	31 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1464

**Lime Tree Cottage, 11 Western Road, Haywards Heath, West Sussex, RH16 3LR, ,
Variation of condition no 3 relating to planning application DM/21/3035 - to allow minor
amendments to the approved drawings.
Mr And Mrs Vines**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEE COMMENTS

None received

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Permission is sought to vary of condition 3 of DM/21/3035 to allow for alterations to the approved plans.

RELEVANT PLANNING HISTORY

DM/21/3035 - Demolition of existing garage and erection of single storey rear/side extension and loft conversion with rear dormers and 2no. roof lights to the front elevations. (amended plans received 28/09) (approved)

DM/23/0126 - Erection of an L-shaped flat roof rear dormer and insertion of 2no. roof lights to front elevation. (approved)

DM/26/1344 - Non Material Amendment to planning application DM/21/3035 - to remove the wording '(amended plans received 28/09)' from the description of the approved development. (approved)

SITE AND SURROUNDINGS

Lime Tree Cottage is a two-storey semi-detached pitched roofed dwelling. The walls are characterised by face brickwork and a mix of timber and upvc doors and windows. The dwelling is characterised by a set back detached side garage and an existing rear lean-to.

To the north-west of the site is the rear garden with woodland to Franklynn Court beyond, to the south-east of the site is the driveway leading to the highway, to the south-west of the site is the adjoining No.9 Western Road and to the north-east of the site is close boarded fencing to the adjacent No.13 Western Road.

The site is within built up area of Haywards Heath

APPLICATION DETAILS

This application seeks permission to vary condition 3 of DM/21/3035.

Condition 3 stated:

' 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'.

The external alterations include the addition of a ground-floor side-facing door to the approved rear extension and the installation of the flat roof lights on the approved rear extension. Internal alterations are also proposed but these do not require permission as they are not deemed development under Section 55 of the 1990 Town and County Planning Act 1990.

The proposed side door serving the dining room measures some 2.1m in height and 0.95m in width.

The flat rooflights serving the single storey rear extension serving the dining room/kitchen each measure some 1.5m by 1.5m.

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 DPD and the Haywards Heath 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:

DP26 - Character and Design

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policy:

E9 (Design)

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.

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

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

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with the planning permission reference DM/21/3035 for alterations to the approved plans.

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.'

S73 applications allows for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow the addition of a ground-floor side-facing door and the installation of the flat roof lights serving the single storey rear extension.

The principle of the development was originally accepted through the previous permission under reference DM/21/3035.

Even though the result of this application would be the issuing of a new planning permission, in light of the above legislation, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Design and Character

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design. It 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Policy E9 of the Haywards Heath Neighbourhood Plan states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o Will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the site to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

The changes to the approved rear extension are modest alterations to the approved plans. Therefore, given the nature of the changes proposed and the location of the changes to the approved dwelling, they are not considered to cause detriment to the character of the area.

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 granted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

It has previously been considered that the development was acceptable through the determination of the permission reference DM/21/3035.

The proposed amendments to the previously approved plans detailed in condition 3 are considered to be sensitive to the design and character of the dwelling.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell