

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3038	Case Officer:	Steven King
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition 37 relating to planning permission DM/25/2428 in order to allow revised drawings to layout and design.		
Site:	Wealden House, Lewes Road, Ashurst Wood, West Sussex, RH19 3TB, , ,		
Validation Date	3 Dec 2025	Overall Expiry Date:	2 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Jan 2026
Target Date:	4 Mar 2026	Recommending Officer Signature:	<i>Steven King</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	27 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3038

**Wealden House, Lewes Road, Ashurst Wood, West Sussex, RH19 3TB, ,
Variation of condition 37 relating to planning permission DM/25/2428 in order to allow revised
drawings to layout and design.
Antler Homes**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

No consultees.

PARISH COUNCIL OBSERVATIONS

No Objection

INTRODUCTION

This application seeks to vary of condition 37 relating to planning permission DM/25/2428 to allow revised drawings to the layout and design of the previously approved development at the site for 50 dwellings.

RELEVANT PLANNING HISTORY

There have been numerous previous planning applications at this site. Of direct relevance to this application is the planning permission granted under reference DM/22/2832 on 19th November 2024 for the following development:

Demolition of existing buildings and erection of residential redevelopment scheme comprising 2 x three storey buildings containing 15 apartments together with 35 x three and four bedroom houses, 105 car and garage spaces, associated landscaping and open space. 'Additional supporting information (Viability Report) received 26th October 2022.'

Following on from this, a section 73 application was granted on 7th November 2025 under reference DM/25/2428 to vary conditions 3, 4, 5, 6a, 7 and 13 relating to reference DM/22/2832 to amend the wording of the conditions to explicitly exclude demolition from their time triggers.

SITE AND SURROUNDINGS

The site of the application comprises the EDG Energy building and Wealden House. The EDF Energy building is located on the southern side of Lewes Road in Ashurst Wood. The building is set back some 70m from the Lewes Road. It is bounded by car parking to the north, east and south. There is a large telecommunications mast to the rear of the building. Wealden House is located to the northwest of the EDF Energy building. It is a two storey pitched roof building, last in commercial use. There is a car parking area to the front (northeast) of Wealden House and a garden area to the rear (southwest). The garden area is some 50m in depth. This garden falls away to the southwest. Beyond the rear garden area is a sharper fall in levels and a belt of ancient woodland.

The access road to the site also serves the former EDF Energy building to the southeast, a development of flats to the north (Carlton House) and a development of flats to the northwest (Ashbourne House). To the northeast is an area of car parking.

In policy terms the site lies within the countryside as defined in the Mid Sussex District Plan (MSDP) and is allocated for development under policies ASW9 and ASW10 in the Ashurst Wood Neighbourhood Plan (AWNPN). The site also lies within the High Weald area of outstanding natural beauty (AONB), now known as National Landscape.

APPLICATION DETAILS

This application seeks to vary of condition 37 relating to planning permission DM/25/2428 to allow revised drawings to the layout and design. As approved the scheme comprises the demolition of the existing buildings on the site and the erection of 50 dwellings, comprising 2 x three storey buildings containing 15 apartments together with 35 x three and four bedroom houses.

The approved plans show that there would be four semi-detached houses on the northern boundary of the site, adjacent to the Lewes Road. The access road for the development would be to the east of these houses, using the existing access point into the site.

The approved layout of the site comprises a block of flats on the eastern side of the site next to the access road and then a terrace of houses running parallel to the eastern boundary. There would be a row of detached houses running along the southern boundary of the site, which would run from the east to the west side of the site.

The approved plans show a block of flats to the southeast of Carlton House and a row of terraced houses to the southeast of Ashbourne House. There would be an area of open space towards the northern end of the site, to the northeast of the second block of flats.

Block 1 would contain 6 flats and would be 3 storeys in height with a flat roof. External elevations would be brick with some feature cladding. Block 1 would contain 9 flats and would be 3 storeys in height with a flat roof. It would also have brick elevations with some feature cladding.

The approved houses would be of a contemporary design with pitched roofs. The dwellings along the northern boundary would be two storeys in height. The dwellings along the eastern and southern boundaries would be 3 storeys in height, with the upper storey in the roof space. External elevations would feature brick and slate together with feature areas of render.

The approved plans show a total of 105 car parking spaces, comprising 85 allocated and 20 unallocated bays. Parking bays have been allocated on the basis of 1 space per unit for flats and 2 spaces per unit for houses.

The plans show that cycle storage would be provided in car ports and/or gardens with appropriate access to gardens provided where cycles are to be stored in garden stores. A cycle store is provided for a handful of dwellings where access to rear gardens is not achievable. For the proposed flats, it is intended that communal cycle stores will be provided, that will be covered, lit, secure and located close to the entrance of the building they serve.

The approved scheme would provide the following mix of units:

Market housing

8 x 1 bed

9 x 2 bed

15 x 3 bed

18 x 4 bed

The approved scheme does not provide any affordable housing as it was accepted that it would not be viable to provide any affordable housing. There is a clause in the legal agreement for the approved scheme that requires a review mechanism to be engaged to ascertain if the development has generated greater revenues than were projected when the scheme was approved that can go towards the provision of affordable housing.

Proposed Revisions

The application seeks to make amendments to the footprint of plots 47-50, alongside minor material alterations to the elevations of other areas of the development. As approved plot 47-48 measures some 10.8m by 9m and plots 49 to 50 measures some 10.9m by 11.3m. The proposed plans move the front elevation of plots 47 to 50 back slightly to marginally reduce the overall footprint. In addition, the front entrance on plot 47 is relocated to the north elevation

This application proposed various minor changes to the elevations of plots 7 to 15 and 16 to 24 with the reorganisation of window openings to reflect revised internal layouts, together with the removal of roof terraces. The approved massing and overall design and layout of the scheme remains as previously approved.

The proposed revisions also show a minor change to the balconies proposed on plots 1 to 6. The balconies would be reduced in size, thereby allowing an increase in the internal dimensions of the affected flats.

The external materials of the development would remain largely the same, namely brick with slate roofs. There would be more use of brick on the revised scheme compared to the approved scheme, with the aim being a slightly more traditional appearance whilst maintaining the approved proportions and design/layout of the original scheme.

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.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the MSDP, the Site Allocations Development Plan Document (SADPD) and the AWNP.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP12 Protection and Enhancement of Countryside
DP16 High Weald Area of Outstanding Natural Beauty
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.

Relevant policies.

SA38 Air Quality

Ashurst Wood Neighbourhood Plan

The Ashurst Wood Neighbourhood Plan (AWNPN) was made on 30th June 2016 and so forms part of the development plan.

Relevant policies:

Policy ASW 9 - Wealden House redevelopment (EDF site)
Policy ASW 10 - Wealden House redevelopment (Life Improvement site)
Policy ASW 14 - Design and Character

Other Legislation

Countryside and Rights of Way Act (CROW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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:

DPB1: Character and Design

National Planning Policy Framework (NPPF) (December 2024)

Paragraphs 131 and 135 relating to design are particularly relevant to this application.

National Planning Policy Guidance

ASSESSMENT

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.'

Accordingly, it is not necessary to reassess all the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition/s that are proposed to be amended.

As the proposal seeks to amend the list of approved drawings to seek minor layout and design changes, the principal issues to assess in this case relate to design matters.

Policy ASW9 in the AWNP states:

'Proposals for residential development on land at Wealden House, Lewes Road (EDF site) will be supported subject to the following criteria:

- (a) Schemes must reflect and respect the predominant character of the area with particular regard to unit type, scale and massing; and*
- (b) Ensure that all properties are set back from the front boundary to reflect the pattern of development in the immediate area and have a layout which reflects and respects the spacious character of the locality to help integrate the new development into the vicinity; and*
- (c) Use the existing access from Lewes Road with appropriate modifications as required for increased traffic to site; and*
- (d) Retain and strengthen tree screening to the western and southern boundaries of the site; and*
- (e) Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site; and*
- (f) Provide for the removal or suitable relocation of the telecommunications mast; and*
- (g) Provide evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has been satisfactorily undertaken before any development begins; and*
- (h) Provide a mix of dwelling types and sizes, both market and affordable, to include small homes and homes suitable for elderly residents. Appropriate mix to be informed by an up-to-date housing needs survey together with information from MSDC's Common Housing Register; and*
- (i) Show what arrangements will be made for future maintenance of communal areas; and*
- (j) Ensure future access to the existing sewerage infrastructure within the site for maintenance and upsizing; and*
- (k) Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details.'*

Policy ASW10 in the AWNP states:

'Proposals for residential development on land at Wealden House, Lewes Road (Life Improvement Centre) will be supported subject to the following criteria:

- (a) Use the existing access from Lewes Road with appropriate modifications as required for any increase in traffic to the site unless it can be shown that a new access can be achieved without causing danger to highway users; and*
- (b) In respect of any proposed new buildings on the site, demonstrate that development can be achieved without harmful impact on the amenity of the residents of Ashbourne House or Carlton House; and*

- (c) Retain and strengthen tree screening around the site and integrate existing and new trees and hedgerows into the scheme wherever possible in order to reflect the rural character of the area; and
- (d) Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site; and
- (e) Show what arrangements will be made for future maintenance of communal areas; and
- (f) Ensure that new residential development is sensitively incorporated into the historic character buildings on the site; and
- (g) Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details.'

It has been accepted that the previously approved development complied with the above Neighbourhood Plan policies. The issue to assess now is whether the proposed revised design proposed in this application complies with the above policies and policies DP26 of the MSDP and policy ASW14 in the AWWNP, which state respectively:

Policy DP26

'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 ASW14

'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
(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.'

Good design is also supported at the national level in paragraphs 131 and 135 of the NPPF.

It is considered that the proposed revisions to the external elevations of the proposed dwellings are acceptable. The revised plans are still considered to result in well-ordered elevations that will create a high quality street scene within the development. The layout and proportions of the development remain as previously approved. The layout and design were found to be acceptable in November 2024 when the original application was approved and there have been no changes in planning policy or other material planning considerations that would justify a different design being reached on this matter now. The revised scheme is therefore considered to be comply with policies ASW9, ASW10 and ASW14 of the AONP and policy DP26 of the MSDP.

Impact on residential amenity

Policy DP26 in the MSDP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. Policy ASW14 in the AONP refers to:

'Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded.'

Therefore, there is some conflict between these two policies. In accordance with planning law the conflict must be resolved in favour of the more recently adopted policy. As such the test would be whether the proposal causes significant harm, as set out in policy DP26 of the MSDP.

The proposed changes to the designs of plots 7 to 15, 16 to 24, the changes to the balconies on plots 1 to 6 and the minor relocation of plots 47 to 50 will make no material change to the impact of the development that was previously approved under application DM/22/2832. The scheme approved under the subsequent section 73 application DM/25/2428 did not change the layout or design of the development, only the triggers for requiring details on conditions to be submitted.

The impact on the amenities of all the neighbouring properties has been found to be acceptable by virtue of the approval of application DM/22/2832. There have been no material changes on site or to planning policy that would alter this assessment. Therefore, there is no reason to depart from the conclusions arrived at for application DM/22/2832, namely that the impact on the amenities of the neighbouring properties will be acceptable and comply with policy DP26 of the MSDP.

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 and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

Policy DP16 in the MSDP states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
and
- o the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

The changes proposed in this development make no difference to the impact of the proposal on the character of the AONB when compared to the previously approved scheme. It is still considered that the development would conserve the natural beauty of this part of the AONB.

Impact on Heritage Assets

Section 66 (1) of the Planning Listed Building and Conservation Areas Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 in the MSDP relates to listed buildings and other heritage assets. Archaeological assets fall within the definition of heritage assets in this policy. The policy seeks to conserve heritage assets in a manner appropriate to their significance.

Camden Cottage is a grade II listed building that is some 120m to the east of the site, on the northern side of the Lewes Road. When approving the original scheme, it was considered that the impact on the setting of Camden Cottage would be minimal. Given the existing structures on the site, it was not felt that the proposed redevelopment will materially impact the setting of this listed cottage, which is characterised by residential properties of varying ages and styles along the Lewes Road. Whilst there would be new houses on plots 47 to 50, the existing beech hedge along the frontage would be retained

and would soften the visual appearance of the new houses. As such it was considered that the proposed development would preserve the setting of Camden Cottage and thus comply with policy DP34 of the MSDP. Given the minor changes now proposed there is no reason to depart from this assessment now.

Other matters

Transport

The access to the site would remain as previously approved, as would the number of car parking spaces that are provided (105). This was found to be acceptable in November 2024 when application DM/22/2832 was approved and there have been no changes to the development plan or other material planning considerations that would justify a different decision being taken on this matter now.

Ecology

There have been no changes to the site since the original planning permission was granted. The same conditions controlling matters relating to ecology that were imposed on the original planning permission would be applied to this consent. With this in place the same conclusions relating to ecological matters can be drawn on this application compared to the original planning permission.

Drainage

The proposed changes do not materially alter the layout of the site compared to the approved scheme. The same conditions controlling matters relating to drainage that were imposed on the original planning permission would be applied to this consent. With this in place the same conclusions relating to drainage matters can be drawn on this application compared to the original planning permission.

Contaminated land

The proposed changes do not materially alter the layout of the site compared to the approved scheme. The same conditions controlling matters relating to land contamination that were imposed on the original planning permission would be applied to this consent. With this in place the same conclusions relating to land contamination matters can be drawn on this application compared to the original planning permission.

Infrastructure and Affordable Housing

The approval of this application will result in the creation of a new planning permission that sits alongside the original planning permission. It is then up to the developer as to which planning permission they choose to implement. There is a clause within the original section 106 legal agreement that ensures that the provisions of that legal agreement will also apply to any subsequent application granted under 73 of the Town and Country Planning Act. This includes the review mechanism relating to affordable housing.

Ashdown Forest

As the proposed quantum of development would not change because of this permission and the date for implementing the scheme cannot be extended from the date of the original consent, it is not considered to be necessary for a new Habitats Regulation Assessment to be carried out. The required mitigation for the Ashdown Forest will be secured through the original section 106 legal agreement.

PLANNING BALANCE AND CONCLUSION

To summarise, the principle of the redevelopment of the site to provide 50 dwellings has been established by virtue of the planning permission granted under reference DM/22/2832. This application is seeking to make minor design changes to this previous planning permission by amending the planning condition that lists the approved plans. Under such an application it is not necessary to reassess all the issues afresh; it is only necessary to assess the issues that arise from the proposed changes that are to be made to the scheme. In this case, as the proposal is for minor design changes to the external

elevations and for a minor change to the footprint of plots 47 to 50, it is these areas that need to be assessed under this application.

It is considered that the design changes that are proposed to the previously approved scheme are modest. The layout of the scheme would remain as approved. The minor changes to the external elevations are acceptable and the scheme would still be of the same high quality design as sought by development plan policy and national planning guidance.

In light of the above, this application complies with the development plan, and it can be approved.

Decision: Permission

Case Officer: Steven King