

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2580	Case Officer:	Anna Tidey
Application Type:	Removal/Variation of Condition		
Proposal:	Removal of Condition 4 relating to DM/21/0376.		
Site:	Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL, ,		
Validation Date	13 Oct 2025	Overall Expiry Date:	7 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Dec 2025
Target Date:	8 Dec 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	19 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2580

**Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL,
Removal of Condition 4 relating to DM/21/0376.
Kingscote Valley Ltd**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

West Hoathly Parish Council: No objections.

INTRODUCTION

As originally submitted this application sought planning permission to vary the wording of condition 3 and 5 relating to planning approval DM/21/0376 and to remove condition 4 of DM/21/0376 that relate to commenced developments at Moatlands, Vowels Lane, West Hoathly.

On consideration of the planning history the agent has confirmed that the description of the application may be amended to read:

'Removal of Condition 4 relating to DM/21/0376.'

Further details for this change are explained below.

RELEVANT PLANNING HISTORY

DM/21/0376. Variation to condition 1 relating to planning application DM/18/4898 to replace the approved plans to amend the basement level. (Amended description 08/02/2021). Approved.

DM/20/1952. Discharge of conditions 3 and 5 relating to planning application DM/21/0376. (Amended Description 02.06.2021). Approved.

DM/19/2218. Use of existing garages for B1 and B2 Use, restoration of old cars and offices. Approved.

DM/18/4898. Proposed variation of condition 1 of application DM/17/3776 to allow the substitution of the approved drawings with amended drawings. Approved.

DM/17/3776. Demolition of existing house and replacement with new 10 bedroom house with seven garages, a covered porch and basement (Description amended 19th July 2018). Approved.

SITE AND SURROUNDINGS

The site known as Moatlands consists of land and buildings located off Vowels in open countryside to the north of West Hoathly.

There was a former main house on the site, which has been demolished, and was the subject of applications dating from 2017 for a replacement dwelling. Now there remains two cottages, known as 1

and 2 Moatlands Cottages, a large building in use as a garage, former outbuildings, workshops and stables, now converted into a residential unit, and other outbuildings and greenhouses around a walled garden at the site.

A Public footpath (Route no WEH/8WH/1) follows the eastern boundary of the site. The application site is designated as being within the Countryside, in the High Weald National Landscape Area/Area the Area of Outstanding Natural Beauty (AONB) and is within the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

APPLICATION DETAILS

The current application was made under section 73 of the Town and Country Planning Act 1990 to vary and 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 current application (DM/25/2580) was submitted under Section 73 of the Town and Country Planning Act and originally sought permission vary the wording of condition 3 and 5 relating to planning approval DM/21/0376 and to remove condition 4 of DM/21/0376, which read as follows:

'Condition 3. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls, roof, windows and doors of both the proposed replacement dwellings and garages have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.'

'Condition 4. The car parking area within the garage shown on the approved drawings shall not be used for any purpose (including use as living accommodation) other than for the garaging or storage of private motor vehicles and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.'

'Condition 5. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements Policy DP41 of the District Plan (2014 - 2031).'

The planning history for this part of the site is detailed above. The applicant's agent has provided a comprehensive Supporting Statement, which is saved on the planning file, to explain the origin of the conditions to which the current application now refers. In summary this explains the current situation as follows:

Planning permission was granted under application DM/17/3376 for the demolition of Moatlands House and the construction of a replacement dwelling, subject to conditions (including the above worded conditions - 3, 4 and 5) on that approval.

Then in 2018 a s73 application was made (under DM/18/4898) with regard to Condition 1 (Approved Drawings) of DM/17/3376, to permit some design changes to the house, and Conditions 3,4 and 5 were transferred onto that approval.

A further s73 application followed (DM/21/0376), relating to Condition 1 and again the three Conditions were carried forward from the original Decision Notice (DM/17/3376).

The approval of the application under DM/19/2218 for the use of the garages for a B1 and B2 use for the restoration of old cars and offices is given as the reason why Condition 4 is no longer relevant, hence the request for its removal.

Under reference DM/20/1952 details were submitted pursuant to Conditions 3 (materials) and 5 (drainage) on DM/21/0376. These details were approved, and the conditions discharged in June 2021.

The current application, as submitted, requested that Conditions 3 and 5 were re-worded (to reflect that the details have been approved by DM/20/1952).

Following detailed consideration of the planning history your officer determined that this part of the application was unnecessary, given that the development approved under DM/21/0376 has been deemed to have commenced (so these conditions would need to reflect the approved details in any case) and if there was to be a change to the already approved materials or drainage details a further discharge of conditions application could be submitted for alternative details to address the requirements of Conditions 3 (materials) and 5 (drainage) on DM/21/0376. The agent has confirmed her agreement to remove those requested changes from the application.

The request for Condition 4 of DM/21/0376 to be removed remains the only element for determination under the revised application, the reason being that it conflicts with the use of the garages approved under planning approval DM/19/2218 (for the use of the garages for a B1 and B2 use for the restoration of old cars and offices).

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 West Hoathly Neighbourhood Plan and Site Allocation Development Plan Document (DPD).

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.

The following policies are considered relevant when considering this application:

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 AONB
DP26 Character and design
DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

West Hoathly Neighbourhood Plan -made on 16 April 2015

There are no relevant policies.

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.

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.

DPS2 Sustainable Design and Construction
DPS6 Health and Wellbeing
DPB1 Character and Design
DPC1 Protection and Enhancement of the Countryside
DPC4 High Weald AONB

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 respect of DM/21/0376 in this report.

The result of the approval granted under DM/19/2218 was to allow for an alternative use for the garage block (which had been constructed, therefore partly implementing the permission for the house and garages under the original - DM/17/3776) and subsequently amended applications. The permission granted by DM/19/2218 was the subject of restrictive conditions to control the use of the upper floor (for office and storage in connection with the ground floor garage and for no other use falling within the B1 Use Class) - (Condition 3), hours of use - (Condition 4) and noise restrictions - (Condition 5).

Any future change in the use of the former garage building, that was originally approved to be ancillary to the main house, will therefore now require planning permission.

Taking the above complex planning history into account it is therefore agreed that Condition 4 of DM/21/0376 serves no purpose and can be removed.

CONCLUSION

Taking the above complex planning history into account it is therefore agreed that Condition 4 of DM/21/0376 serves no purpose and can be removed.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey