

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0491	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/2613 - to alter the size of rooflights, along with change to install external cladding		
Site:	Sandhill, Sandhill Lane, Crawley Down, Crawley, West Sussex, RH10 4LE, ,		
Validation Date	25 Feb 2026	Overall Expiry Date:	22 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 May 2026
Target Date:	22 Apr 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	14 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0491

**Sandhill, Sandhill Lane, Crawley Down, Crawley, West Sussex, RH10 4LE,
Variation of condition no 2 relating to planning application DM/25/2613 - to alter the size of
rooflights, along with change to install external cladding
Mr Tim Nixon**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *'The details provided are acceptable'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Defer to Officer'*

INTRODUCTION

The application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition 2 of planning permission DM/25/2613. This would include alterations to the size of the rooflights, alter the barn hip to gable ends, alter the fenestration and changes to the proposed external cladding.

RELEVANT PLANNING HISTORY

00/01265/FUL - Helicopter landing platform (Amended application: further information received re: hours and frequency of use). Permission 17.08.2001.

02/00066/FUL - Variation of existing planning condition to permit use of helicopter from dawn until dusk Monday to Sunday. Permission 03.05.2002.

04/02538/FUL - Installation of tennis court surrounded by 2 metre high fence. Permission 17.12.2004.

DM/25/2613 - Conversion of the existing garage into ancillary accommodation, that will include a playroom, pool changing room and storage in the roofspace. Permission 04.12.2025.

SITE AND SURROUNDINGS

The application relates to Sandhill, a two-storey detached dwelling featuring a pitched roof with a catslide to the rear. The existing dwelling has been extended through a relatively modern flat roofed extension to the northeastern corner. This link connects to the former barn which is of a two-storey size and scale with a hipped roof and single storey element to the western side. The barn has since been converted into residential accommodation and forms a courtyard alongside the main original farmhouse. A circular driveway with a central grassed area is contained within the courtyard with a single storey timber-built outbuilding to the southern side. A further more modern brick built single storey outbuilding is positioned further to the south with a barn hipped roof. The dwelling is afforded generous grounds to the east with a swimming pool and a tennis court contained within the garden amenity space.

Moving further afield, the site is largely bounded by open fields, mature vegetation and ponds all of which contribute to an overall verdant character. Large, corrugated sheet farm buildings are positioned to the south of the site, further contributing to the semi-rural character.

In terms of policy constraints, the site is not located within any built-up area boundary. Sandhill Farmhouse and Sandhill Barn are both grade II listed in their own right.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved DM/25/2613.

Condition no. 2 of planning permission DM/25/2613 states that:

'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 proposal would reduce the amount of proposed rooflights to the roof and they would solely be contained to the western roof slope. The proposed rooflight would be in conservation style and flush to the roof slope. Furthermore, the proposed fenestration would be altered from the approved scheme and would include new openings at first floor level as well as bifold opening doors to the eastern elevation. The proposal would alter the external cladding to the outbuilding and would utilise a sawn oak featheredge material and the downpipes and gutters would be of a black aluminum material. Finally, the barn hips to the roof would be altered to gable ends in a pitched roof form and would use clay roof tiles.

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 the Crawley Down 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

DP34: Listed Building 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.

There are no relevant policies.

Neighbourhood Plan

Crawley Down Neighbourhood Plan (Made January 2016)

No relevant policies.

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135, 139, 189, 207, 208, 209, 210, 212-215, 216, 219 & 220.

ASSESSMENT

This application seeks permission to develop land without compliance with condition no. 2 previously attached to planning permission DM/25/2613, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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 principle of the development has been established by virtue of the previous permission. As such it is only necessary to consider the specific changes that are proposed to the previously approved development. The proposed amendments are for the following:

- Impact on Design and Character, Including Heritage Assets

- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Impact on Design and Character, Including Heritage Assets

With regard to the setting of listed buildings, policy DP34 elaborates further by stating:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Significance is defined in Annex 2 of the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

DP26 of the District Plan 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 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'*

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As found within the extant permission under DM/25/2613, the garage to which the application relates is a more modern addition to the site. It was considered by the Conservation Officer in their earlier response as part of the previous application that the building was not particularly sympathetic to its surroundings and of limited overall architectural merit.

It is considered that the most noticeable alteration as part of the current proposal would be the alteration from the barn hip to the gable ends. These are considered to be acceptable alterations and would not appear overly incongruous within the sites context.

Further alterations would be made to the buildings exterior with newly proposed sawn oak featheredge cladding. Further details of this material has been provided by the Applicant and the Council's Conservation Officer is satisfied that this material would be acceptable within its context.

A revised rooflight layout would also be used which would include the use of conservation style units so that the rooflights sit flush with the roof slope. It is considered that this would be acceptable given the outbuildings proximity to the host grade II listed building. Further alterations to the fenestration and doors are considered to be small scale changes and are considered to result in an acceptable appearance.

In light of the above, the proposal would result in a neutral impact on the nearby identified heritage assets. The proposal is considered to preserve the special interest of the nearby listed buildings at Sandhill Farmhouse and Sandhill Barn and curtilage listed buildings. Accordingly, the proposed development is considered to comply with Policies DP26 and DP34 of the District Plan, the relevant paragraphs of the NPPF and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development:

'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 DP29);'

The proposed development would rearrange the fenestration from the previously consented scheme and new windows would be added at first floor level. A new window would be added to the buildings southern elevation which would face out towards the neighbouring site at Sandhill Farm. It is considered that this proposed window would be used to serve light and there would be no internal floor space in this area of the building at first floor level to allow for outlook. Moreover, the adjacent neighbouring site is not considered to be in residential use. As such, it is not considered that the proposal would give rise to a significant overlooking impact.

In light of the above, the proposal is considered to comply with the provisions of DP26 and DP29 of the Mid Sussex District Plan on terms of neighbouring amenities.

Other Matters

A key element which contributes towards the acceptability of an annexe is that there should be a functional relationship with the primary use of the planning unit. However, as established within the *Uttlesford DC v SSE & White* [1992] JLP 171, even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.

The proposed development would not alter the existing floorplan approved under the extant permission and it is considered that the outbuilding would still have sufficient reliance on the host dwelling on site with the site's proposed layout not owing to the subdivision of the plot. In any circumstance, an appropriately worded condition ensuring that the outbuilding remains ancillary to the host dwelling is considered relevant and necessary in the instance that planning permission is granted.

Therefore, as established the proposal would not constitute a separate unit on site and would be used as ancillary to the host dwelling.

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

The proposed variation to planning permission DM/25/2613, in respect of the proposed alterations to the outbuilding, are considered to be acceptable. As such, the application is considered to comply with Policies DP26 and DP34 of the Mid Sussex District Plan, the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide, the National Planning Policy Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act and the National Planning Policy Framework.

Decision: Permission

Case Officer: Stefan Galyas