

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0427	Case Officer:	Stefan Galyas
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 3 relating to planning application DM/19/2218 - to amend the wording to-The first floor shall only be used for office purposes (Class E[g][i]) with ancillary storage and for no other use falling within Use Class E.		
Site:	Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL, ,		
Validation Date	18 Feb 2026	Overall Expiry Date:	17 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Apr 2026
Target Date:	15 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:	10 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0427

**Moatlands, Vowels Lane, West Hoathly, East Grinstead, West Sussex, RH19 4LL,
Variation of condition no 3 relating to planning application DM/19/2218 - to amend the wording to-
The first floor shall only be used for office purposes (Class E[g][i]) with ancillary storage and for
no other use falling within Use Class E.
Kingscote Valley Ltd.**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

The Parish Council has no objections

INTRODUCTION

The application seeks permission, under Section 73 of the Town and Country Planning Act 1990, to vary condition 3 of DM/19/2218 to amend the wording to *'the first floor shall only be used for office purposes (Class E[g][i]) with ancillary storage and for no other use falling within Use Class E.'*

RELEVANT PLANNING HISTORY

06/00692/FUL: New detached garage. Permission 07.09.2006.

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). Permission 29.07.2020.

DM/18/4898: Proposed variation of condition 1 of application DM/17/3776 to allow the substitution of the approved drawings with amended drawings. Permission 30.01.2019.

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). Permission 25.03.2021.

DM/25/2580 - Removal of Condition 4 relating to DM/21/0376. Permission 19.12.2025.

SITE AND SURROUNDINGS

The existing detached garage block is a larger replacement of the existing garage on site, these are currently under construction and were to be used in relation to the dwellinghouse Moatlands.

Moatlands consist of 67 Hectares and was once part of the Gravetye estate, with the access to Gravetye being located to the north east of the site. A footpath runs along the eastern (side) of the application site. In policy terms, the site is located within a Countryside and within an Area of Outstanding Natural Beauty.

APPLICATION DETAILS

The application seeks permission under section 73 of The Town and Country Planning Act 1990, to vary condition No.3 of DM/19/2218.

Planning permission was granted under reference of DM/19/2218 for the use of the existing garages for B1 and B2 use for the restoration of old cars and as offices.

A number of planning conditions were imposed under the permission, including condition No.3 which states:

'The first floor shall only be used as an office and storage in connection with the ground floor garage and for no other use falling within the B1 Use Class.'

Reason: to protect the amenity of local residents and to comply with Policy DP26 of the Mid Sussex District Plan.'

The current application seeks to amend the wording of this condition so that the first floor shall only be used for office purposes (Class E[g][i]) with ancillary storage and for no other use falling within Use Class E.

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,*
- b) And 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 District Plan, Site Allocations Development Plan Document (DPD) and West Hoathly 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:

DP1: Sustainable Economic Development

DP12: Protection and Enhancement of Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP26: Character and 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.

Neighbourhood Plan

West Hoathly Neighbourhood Plan (Made April 2015)

None relevant.

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 hearings were concluded on the 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

DPN6 - Pollution

DPN7 - Noise Impacts

DPN9 - Air Quality

DPB1 - Character and Design

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 88, 131, 135, 139 & 189.

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 of the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition that is proposed to be amended.

As this application solely seeks to change the use of the buildings first floor for office purposes. The main issue deemed relevant to the consideration of this application is the principle and impact on neighbouring residential amenities.

Principle

MSDP Policy DP1 concerns the achievement of sustainable economic growth. Relevant parts state:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- o Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- o Supporting existing businesses, and allowing them room to expand;*
- o Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries;*
- o Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*

Effective use of employment land and premises will be made by:

- o Protecting allocated and existing employment land and premises (including tourism)*
unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;
- o Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan; '*

The application site is designated as being within the countryside within the countryside. Policy DP12 of the District Plan refers to the protection of the countryside and states (in part):

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:
- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

Policy DP1 of the District Plan relates to sustainable economic development and seeks 'to promote a place which is attractive to a full range of businesses, and where local enterprise thrives, and to provide opportunities for people to live and work within their communities, reducing the need for commuting.' It also encourages 'high quality development of land and premises to meet the needs of 21st century businesses'.

Policy DP14 of the District Plan states that provided the proposed development does not conflict with DP12, new small scale economic development outside of built up area boundaries shall be permitted provided that:

- o it supports sustainable growth and the vitality of the rural economy; and
- o where possible, utilises previously developed sites.

Policy DP16 in part states:

'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.'

Policy 88 of the NPPF states that:

'Planning policies and decisions should enable:

the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;

the development and diversification of agricultural and other land-based rural businesses;

sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

The above policies taken together clearly provide in principle support for small scale rural businesses. Moreover, the proposal would not constitute isolated development within the countryside and would be set within an existing building.

Impact on Residential Amenity

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'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'*.

Policy DP29 relates to noise and light pollution stating in part that *'the environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures; Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or

o an assessment of the effect of noise by an existing noise source upon a proposed development;'

The previous reason provided to justify condition 3 within DM/19/2218 was to protect neighbouring amenities. The proposal would change the use of the first floor, however, this would be comparable to the existing office use, albeit for proposed operational or administrative functions without any connection with the ground floor. Accordingly, it is considered that the proposed amendment to the condition would fall within the original description of development which makes reference to office use.

It is considered that the nearest neighbouring properties would be positioned at a substantial distance away from the application site. It is therefore considered that given the nature of the change of use coupled with this separation distance, that the proposal would not give rise to a significant adverse impact on neighbouring amenities.

In light of the above, the proposal is considered to result in an acceptable impact on neighbouring amenities and would comply with the provisions of DP26 and DP29 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed development is deemed acceptable in principle and in that it would not cause significant harm to neighbouring amenities. The proposal therefore accords with policies DP1, DP12, DP16, DP26 and DP29 of the Mid Sussex District Plan.

Decision: Permission

Case Officer: Stefan Galyas