

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1849	Case Officer:	Peter Davies
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of conditions 2 and 3 of planning application DM/25/0788 - change of materials in relation to garage.		
Site:	72 Barnmead, Haywards Heath, West Sussex, RH16 1UZ, , , ,		
Validation Date	30 Jul 2025	Overall Expiry Date:	21 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Sep 2025
Target Date:	24 Sep 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	18 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1849

**72 Barnmead, Haywards Heath, West Sussex, RH16 1UZ, , ,
Variation of conditions 2 and 3 of planning application DM/25/0788 - change of materials in
relation to garage.
Mr And Mrs Smith**

REPRESENTATION RECEIVED

None received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks variation of conditions 2 and 3 relating to planning application DM/25/0788 to allow for changes in materials to the proposal.

RELEVANT PLANNING HISTORY

07/00600/FUL - Proposed single and two storey side extension and internal alterations. Part demolition of garage. Permission
DM/25/0788 - Single storey front porch conversion, change of materials tile hung to cladding. Garage conversion to home office. Permission

SITE AND SURROUNDINGS

The application property is a semi-detached two-storey dwelling located on the west side of Barnmead, within the built-up area boundary of Haywards Heath.

The application property has a pitched roof and is constructed from brick with white uPVC cladding, concrete roof tiles and white uPVC fenestration. The dwelling has a porch with a lean-to roof and brown uPVC fenestration. The dwelling is set back from the highway with off street parking and soft landscaping to the front, and a detached garage set back to the side behind the dwelling. The locality is characterised by semi-detached dwellings scale and design with a mixture of white uPVC cladding or tile hung cladding.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to substitute plans to allow for the materials of the garage conversion to be changed from dark grey vertical cladding to brick to match the existing.
The development has not yet started.

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) 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 District Plan, Site Allocation DPD and 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

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.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant policies:

E9 - Design

H9 - Building Extensions

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 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

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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/s that are proposed to be amended.

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 Character

Policy DP26 of the Mid Sussex 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:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *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;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *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;*
- *optimises the potential of the site to accommodate development.'*

Policies E9 and H9 in the Neighbourhood Plan have similar aims with regards to securing good design.

The proposal will not result in changes in the design, only a change in external material. The proposed alterations would be of a design, form and scale which would be proportionate and acceptable to the existing dwelling and the character of the area. The garage would be visible from the street set back behind the dwelling.

The works would not have a harmful impact on the character of the area, therefore the proposal is considered to comply with policy DP26 of the District Plan and policies E9 and H9 of the Haywards Heath Neighbourhood Plan.

PLANNING BALANCE AND CONCLUSION

It has previously been considered that the development of the site for a garage conversion is acceptable through the determination of the permission reference DM/25/0788. The proposed amendments to the

previously approved plans detailed in conditions 2 and 3 are considered to be acceptable 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 and H9 of the Haywards Heath Neighbourhood Plan and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Peter Davies