

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0233	Case Officer:	Katherine Williams
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition No: 2 of planning permission DM/23/2544 to enable the substitution of plans to allow for design changes that bring about improvements to the living accommodation.		
Site:	Crawley Down Village Hall, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HE, ,		
Validation Date	29 Jan 2025	Overall Expiry Date:	27 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Mar 2025
Target Date:	26 Mar 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	26 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0233

Crawley Down Village Hall, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HE, Variation of condition No: 2 of planning permission DM/23/2544 to enable the substitution of plans to allow for design changes that bring about improvements to the living accommodation. Mr Mike Oberholzer

SUMMARY OF REPRESENTATIONS

A letter of representation has been received from No. 7 Russell Place which raise the following concerns:

- Proposal does not include parking, could result in parking in Russell Place a private road during works and by the development (*Officer Comments: Parking provision and highway safety was addressed under application DM/23/2544*)
- Proposed bin store along side fence and in close proximity to dwellings and gardens (*Officer Comments: The proposed bin stores located along the southern side boundary of the site is as approved under application DM/23/2544*)

SUMMARY OF CONSULTEES

None received

PARISH COUNCIL OBSERVATIONS

Defer to Officer noting that the new positioning of the windows does not have implications for the privacy of neighbours.

INTRODUCTION

Variation of condition 2 of planning application DM/23/2544 - to enable the substitution of plans to allow for design changes that bring about improvements to the living accommodation.

RELEVANT PLANNING HISTORY

DM/24/3083 - Non material amendment to application DM/23/2544 Conversion and extension of the existing village hall into 6 no new residential dwellings with associated landscaping and bin and bike stores. Refused

DM/24/2968 - Discharge of planning condition no.s 11 and 12 in relation to DM/23/2544. Granted

DM/24/2807 - Discharge of Condition 10 relating to Planning reference DM/23/2544. Granted

DM/24/1237 - Discharge of planning condition numbers 4, 7, 10 and 11 relating to planning application DM/23/2544. Split Decision

DM/23/2544 - Conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores. Granted

DM/22/2936 - Conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping, bin and bike stores. Refused (Dismissed at Appeal)

DM/22/2151 - Outline application with all matters reserved for the proposed demolition of existing village hall and erection of three bungalows. Under Consideration

DM/22/1130 - (Amended plans received 01/06/2022) Conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores. Refused (Dismissed at Appeal)

DM/19/4414 - Outline application for the demolition of existing buildings and erection of 1 x 3 bedroom dwelling. All matters reserved. Revised location plan received 15.11.19. Granted

SITE AND SURROUNDINGS

Crawley Down Village Hall is located on the eastern side of Turner Hill Road, within the built up area boundary of Crawley Down.

The locality is characterised largely by residential properties located on both sides of the highway, with commercial properties within the larger area, which includes a dentist (Hazelwood Close), funeral directors, takeaway and restaurant (Sandy Lane). The dwellings are of varying designs and forms which are set back from the highway with front off street parking. The western side of the highway has a more verdant frontage onto the highway, with modern cul-de-sacs located off this side of the highway.

The application property has a narrow rectangular plot with a single storey building which has a shape and form which reflects the dimensions of the plot. The building dates back to the 1900s with a unique and ornate design with pitched gables and portions of white render and timber framing with the rest of the building constructed in brick. The front elevation of the building has a lean-to front projection with a central entrance door and projecting bay window above. The building has an open tarmac frontage with existing access ramp. The building is positioned close to the northern side boundary of the property, which is visible from the highway, with a narrow pedestrian access to the southern side which leads to an existing single storey rear projection which extends to the rear boundary of the site with an open canopy that extends parallel along the rear boundary.

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 enable the substitution of plans to allow for design changes that bring about improvements to the living accommodation. These changes include:

- Internal alterations include rearrangement of the ground floor of Unit 1, first floor voids are removed, studies are added to Units 3 and 4, and separation of living and kitchen/dining in Unit 6.
- Extension to Unit 4 to infill staggered southern side elevation, with a crown roof with an eaves height and overall height to match the previously approval. This facilitates the removal of unnecessary reduced ceiling heights and ceilings within the entrance hall.
- Reduced depth to front single storey extension
- Unit 6 porch is moved along the elevation to increase the size of the kitchen/dining area. The approved french doors to the kitchen to be replaced with a window.
- Rooflight locations on the 2 storey portion of the building have been adjusted to suit the revised internal arrangements and align with the existing roof structure.
- Alternative configuration proposed for triple-pane window on rear elevation to suit changes to internal arrangements
- Render to replace white painted brickwork to single storey elements facing into internal 'courtyard'

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 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
DP27 - Dwelling Space Standards

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.

Crawley Down Neighbourhood Plan (made January 2016)

Relevant policies:

CDNP05 - Control of New Development
CDNP04.1 - Building Extensions

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:

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 2025)

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.'

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Design and Character
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development

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.'*

Policy CDNP05 of the Crawley Down Neighbourhood Plan states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area¹¹.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) The development is arranged such that it integrates with the village.*
- j) Housing need is justified.*
- k) The development does not impact unacceptably on the local highway network.*
- l) Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*

- n) Includes affordable homes as required by District policy.*
- o) Proposals for new housing developments must meet the standards set out in Appendix 1*
- p) Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:*

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

Affordable Housing At least 80% 2-3 bedroom houses and up to 20% other sizes'

Policy CDNP04.1 also state:

'Building extensions will be permitted provided they are in accordance with the Neighbourhood Plan and meet the following criteria:

- a) The scale, height, and form of the extension should be subservient to the existing building, and should be in character with the street scene. Where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) The traditional boundary treatment of an area is retained and where feasible reinforced.*
- c) Suitable access and on- site parking is provided without detriment to neighbouring properties.*
- d) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- e) Gaps which provide views out of the village to surrounding countryside are maintained.*
- f) Materials are compatible with materials of existing/surrounding buildings.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- The elevational treatment and overall façade design;*
- The placement, proportions and design of windows, doors and balconies;*
- A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- The appropriate incorporation of dormer windows and chimneys;*
- An appropriate palette of good quality materials that are preferably locally sourced.'*

Principle DG40 of the Design Guide states: *'Development should be designed to ensure that streets and public spaces have good levels of natural surveillance and are overlooked by ground floor habitable rooms and upper floor windows. Buildings should therefore be designed with open, active frontages that engage with and provide a public face onto the street and spaces. They should normally be organised with:*

Windows that directly overlook the public realm;
Corner buildings that address both their street facades;
Main entrances that face the street; and
Boundary treatment that allows for street surveillance.

Conversely blank facades and unsightly gaps in street frontages should be avoided.'

The proposed alterations and extensions would be of forms and designs which would reflect the existing appearance and proportions of the building and the existing permission. A number of the changes would be visible from the streetscene, however would be seen against the existing building and would be in keeping with the character of the area. It is therefore considered that the proposed changes would be in keeping with the character of the locality and surrounding properties and would comply with policy DP26.

Impact on the amenities of neighbouring properties

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 Policy DP29);'

Policies CDP04.1 and CDNP05 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

To the eastern side is the rear garden of Selamat, which faces onto Sandy Lane, along the southern boundary to the rear of the site is No. 3 Hazelwood Close, which partly backs onto the south-eastern corner of the site. On the southern side is Applecote, which is divided into ground floor and first floor flats with the access along the northern side of the building. To the northern side of the property is a new development of 8 No. dwellings (Russell Place) which is recently completion.

The proposed alterations and extensions would be largely positioned to the southern side of the building and would be seen against the existing built form of the building and is not considered to have a greater impact on the amenities of neighbouring properties than the previously approved plans.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposed amended plans would alter the internal floorspace and room arrangement of the proposed residential units. The proposed alterations would however not result in a change to the number of bedrooms provided. From Officer calculations it is considered that the floorspace provided would still meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

CONCLUSION

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area, would not cause significant harm to the amenities of neighbour properties or the future occupiers of the dwelling, Therefore, the proposal complies with Mid Sussex District Plan policies DP26, and DP27, policies CDNP05 and CDNP04.1 of the Crawley Down Neighbouring Plan, and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Katherine Williams