

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0830	Case Officer:	Andrew Horrell
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no. 2 of planning application DM/22/0345 - to amend approved drawings to allow for design changes.		
Site:	The Stables, Honeybourne Farm, Truslers Hill Lane, Albourne, Hassocks, West Sussex, BN6 9DU,		
Validation Date	27 Mar 2025	Overall Expiry Date:	6 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Jul 2025
Target Date:	22 May 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	9 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0830

The Stables, Honeybourne Farm, Truslers Hill Lane, Albourne, Hassocks, West Sussex, BN6 9DU
Variation of condition no. 2 of planning application DM/22/0345 - to amend approved drawings to allow for design changes.

Mr Darren Giles

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

MSDC Conservation Officer: The proposal is for amendments to the approved scheme for an extension at the above property resulting from issues with the level of the water table. The proposal is to omit the approved two storey aspect of the scheme, including the projecting rear gable, in favour of a single storey addition to the southern end of the building. Whilst this is not considered contentious in principle, the plans before us do not appear to illustrate how this will impact on the approved landscaping scheme to the rear of the house, which was the subject of fairly lengthy discussion during previous applications. I would therefore suggest that an amended landscaping plan is provided as part of the current submission, including relevant sections.

Following the receipt of further plans, including landscaping details.

We now have a revised landscaping plan before us which reflects the proposed changes to the development. This plan is acceptable, and therefore I have no objections to the application in built heritage terms.

PARISH COUNCIL OBSERVATIONS

Albourne Parish Council has no objections to this application.

INTRODUCTION

Permission is sought to vary of condition 2 of planning application DM/22/0345 to amend the approved drawings to allow for design alterations.

PLANNING HISTORY

05/00934/FUL - Conversion of 4 no. redundant traditional farm buildings to residential use. (Amended plans received showing revised access). (approved)

DM/22/0345 - Proposed single storey extension with room in the roof (amended plans received 19/10 with amended proposed elevations received 24/10 and 30/11 and new description 24/10) (approved)

DM/24/2376 - Variation of condition no 2 of planning application DM/22/0345 - Amendment to the approved elevations to allow for the extension lower ground floor level to be raised above the water table (unforeseen). (approved)

DM/25/1704 - Non Material Amendment to application DM/22/0345 - to remove the bracketed wording from the description. (approved)

SITE AND SURROUNDINGS

The stables, Honeybourne Farm is a detached single storey plain tiled hipped roofed rural bungalow on an access track serving Oatfield Cottage, The Granary and Wick Farm House. The walls are characterised by face brickwork and timber cladding, timber doors and windows.

To the east of the site is steps up to rear garden with fields beyond, to the west of the site is the access track with Wick Farmhouse beyond, to the north of the site is the adjacent The Granary with hedging to access track beyond and to the south of the site is rural farm buildings within Oatfield Cottage beyond.

The site is within the countryside.

APPLICATION DETAILS

This application seeks permission to vary condition number 2 in relation to planning application DM/22/0345.

Condition 2 is in relation to approved plans and stated the following:

Approved Plans

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.

Alterations to the approved plans include the removal of the approved the 2 storey element of the extension and the rear projection and the erection of a a single storey side extension.

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 Site Allocations DPD and the Albourne 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 Buildings and Other Heritage Assets

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:

DPB1 - Character and Design
DPB2 - Listed Building and Other Heritage Assets.

Albourne Neighbourhood Plan

The Albourne Neighbourhood Plan was made on 22 September 2016. Relevant policies:

ALC1 - Conserving and Enhancing Character

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 associated with the planning permission reference DM/22/0345 for alterations to the approved plans.

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.'

S73 applications allows for developers to amend conditions attached to planning permissions. Such an application only allows the conditions to which have been granted as part of the original planning permission and cannot amend the operative part of the planning permission i.e. the description of the development. This was recently clarified in case law of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 where the Court of Appeal held that S73 applications cannot be used to obtain a varied planning permission when the change sought would require a variation to the terms of the "operative" part of the permission.

In this instance, the application is for the amendment to the approved plans to allow changes to remove of the approved the 2 storey element of the extension and the rear projection and the erection of a a single storey side extension.

The principle of the development was originally accepted through the previous permission under reference DM/22/0345 Even though the result of this application would be the issuing of a new planning permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

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 Setting of Listed Building

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design. It 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'

Principle DG50 of the Mid Sussex Design Guide SPD relates specifically to rear extensions states the following:

'Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.'

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view'.

The changes to the approved side extension and landscaping and the removal of the previous approved rear extension are modest alterations to the approved plans. Therefore, given the nature of the changes proposed to the approved dwelling, they are not considered to cause detriment to the character of the area.

The proposal is thereby considered to comply with Policy DP26 of the Mid Sussex District Plan, the design principles set out in the Design Guide, and the requirements of the NPPF.

Impact on Setting of Listed Building

Neighbouring Wick Farmhouse is listed. Therefore, the property affects the setting of this listed building.

Policy DP34 of the Mid Sussex District Plan is most relevant and states:

'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.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance'.

The conservation officer has confirmed that in their view the proposal is acceptable in-built heritage terms. Therefore, the proposal is deemed to comply with DP34 of the Mid Sussex District Plan.

CONCLUSION

It has previously been considered that the development of the site for householder extensions is acceptable through the determination of the permission reference DM/22/0345.

The proposed amendments to the previously approved plans detailed in condition 2 is considered to be sensitive to the design and character of the dwelling previously approved and would not detract from the character of the area and the setting of the listed neighbouring property Wick Farmhouse.

The proposal is thereby considered to comply with Policies DP26 and DP34 of the Mid Sussex District Plan, ALC1 of the Albourne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell