

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1024	Case Officer:	Anna Tidey
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition nos 2 and 3 relating to planning application DM/21/1680 (Barn 1) - to allow amendments to the plans and drainage details.		
Site:	Providence Farm, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE, ,		
Validation Date	16 Apr 2025	Overall Expiry Date:	17 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jul 2025
Target Date:	11 Jun 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	31 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1024

**Providence Farm, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE,
Variation of condition nos 2 and 3 relating to planning application DM/21/1680 (Barn 1) - to allow
amendments to the plans and drainage details.**

Mr John Perver

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Flood Risk & Drainage: The Flood Risk and Drainage team have reviewed the information submitted and have the following comments regarding Condition 3:

We can confirm that, based on the information provided the condition can be discharged. This is due to all newly introduced hardstanding areas will be permeable in nature.

PARISH COUNCIL OBSERVATIONS

Bolney Parish Council: No objection.

INTRODUCTION

This application seeks to vary conditions 2 and 3 of planning application DM/21/1680 to allow amendments to the plans and drainage details for the conversion of Barn 1 at Providence Farm, Colwood Lane, Warninglid.

RELEVANT PLANNING HISTORY

DM/25/1025 - Retrospective consent for retention of 1 residential unit as built, originally consented under permission DM/20/4235 (Barn 2). Yet to be determined.

DM/21/2443 - Discharge of Condition 3 (Drainage) relating to planning reference DM/17/0493. Approved July 2021.

DM/21/1680 - Variation to condition 2 relating to planning application DM/17/0493 to revise the drawings for adjusting the smaller barn conversion, to include additional first floor level, with roof lights, windows and private gardens to each barn. Approved June 2021.

DM/20/4235 - Variation of condition 2 of planning permission DM/17/0493 to replace approved plans to amend the larger barn design (Barn 2). Approved February 2021.

DM/20/3095 - An extension/link between the two barns that have permission under DM/17/0493. Approved September 2020.

DM/17/0493 - Proposed change of use and alteration of two ancillary buildings to form two dwellings (Amended description 26 July 2018 and amended plans received 4 May 2018 and 14 November 2018). Approved January 2019.

SITE AND SURROUNDINGS

The application site is located at Providence Farm, which is located on the eastern side of Colwood Lane, an unclassified road to the southeast of Warninglid.. A detached chalet bungalow is located off a

private gated access drive, which also serves associated outbuildings and Barns 1 and 2, which are in the process of being converted into separate new residential units.

The two former barns have permission under DM/17/0493 for separate residential conversion.

To the east of the barns is a mown field under the same ownership, and a further field is located to the south west through which the access track to the site passes.

The site is in an isolated, well screened rural setting, set well back from the highway behind a further mown field and pond. The nearest neighbouring dwelling at Holly House is located some 100 metres away from Barn 1, the southern of the two barns.

The application site is located within the countryside and High Weald Area of Outstanding Natural Beauty. The locality is rural in character, featuring sporadic residential development amongst small fields and pockets of woodland.

APPLICATION DETAILS

Planning permission was granted under application DM/21/1680 for the Variation of condition 2 relating to planning application DM/17/0493 to revise the drawings for the barn conversion works at Barn 1, to change it from the approved 2 bedroom dwelling to a 3 bedroom unit with 2 of the bedrooms at first floor. Other alterations included changes to the approved fenestration. A further amendment was to create separate curtilages to Barns 1 and 2 enclosed with perimeter fencing.

The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks permission to vary Conditions 2 and 3 of planning application DM/21/1680.

Condition 2 of DM/21/1680 relates to the Approved Plans reads as follows:

' 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.'

Condition 3 of DM/21/1680 relates to Drainage details and reads as follows:

'The development hereby permitted shall not commence unless and until details of proposed foul and surface water drainage and means of disposal for the new building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to comply with Policy DP41 of the Mid Sussex District Plan.'

Whilst Discharge of condition application DM/21/2443 approved the discharge of Condition 3 of DM/17/0495, the current application seeks to amend those drainage details. In the supporting statement the applicant's agent confirms: *'This condition now needs to be varied so that it effectively refers to the details that were approved under DM/21/2443 (which approved details on the original planning permission), but updated to reflect the amended plans.'*

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.'

The current application has been supported with amended floor and elevation plans, which reflect the conversion works that are underway on site. The plans show a minor addition to the footprint of the building to include a 1.4m wide by 2.4m deep side addition. This has been constructed on the southern side elevation of the barn, in matching materials, to accommodate a separate plant room with an external access door. Minor changes have been made to the fenestration on the front and rear elevations and to the roof light numbers on the front (east) elevation, adding one extra window to those approved under DM/21/1680.

As a result of the amended plans the proposed internal ground floor layout of the converted barn has been adjusted to create a larger open plan kitchen/dining and living space, with the kitchen relocated to the front of the building rather than in the rear corner.

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 Bolney Neighbourhood Plan and Site Allocation Development Plan Document (DPD).

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.

The following policies are considered relevant when considering this application:

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP16 - High Weald AONB
DP26 - Character and Design
DP41 - Flood Risk and Drainage

NEIGHBOURHOOD PLAN - Bolney Neighbourhood Plan - made September 2016.

Relevant policies.

BOLD1: Design of New Development and Conservation

Site Allocations Development Plan Document

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.

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.

DPC4 High Weald AONB
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.

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

The legal framework for National Landscapes/AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

High Weald National Landscape - Technical Advice Note: Dark Skies Planning Advice Note - July 2024

National Policy and Legislation

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary conditions 2 and 3 related to planning permission reference DM/21/1680 for the conversion of Barn 1 to form a new dwelling unit.

The principle of the development was originally accepted through the planning permission granted in January 2019 under DM/17/0493. Even though the result of this application would result in 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 now proposed and how they differ from the previous approval.

As such the main issue for consideration is the impact on the proposed design alterations to the character of the building and to the rural area, as a result of the changes to the external appearance of Barn 1.

The result of this application would be to issue a new planning permission, so it is not considered necessary to go through all of the original planning issues in this report.

It is necessary to consider the application against the relevant policies of the development plan and any other material planning considerations.

Design and impact upon the character of the area

The site is located within the High Weald AONB, where policy DP of the District Plan sets out that development will only be permitted where it preserves or enhances natural beauty.

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the

primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

District Plan Policy DP26 is relevant in the determination of this application. Policy DP26 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 DP29);*
- * 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.'*

A similar ethos is contained with policy BOLD 1 of the neighbourhood plan.

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in new development. The Council has adopted this Design Guide as a Supplementary Planning Document (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.

Design Guide Principle DG53 is relevant in determining this application. The relevant supporting text for this principle is as set out below:

DG 53: Principles for conversions of traditional buildings with heritage value.

'The primary objective of all conversions of traditional buildings must be to retain the character and appearance of the original building, and its defining architectural characteristics.

Conversion to residential use may seek compromises in terms of the layout and the provision of natural light into all habitable rooms, that could detract from the original architecture. The introduction of conspicuous domestic features such as chimneys, satellite dishes, aerials, porches and additional window or door openings are often out of character with the original building and, wherever possible, such features may need to be avoided. Crisp contemporary alterations, if well detailed and sensitively integrated, can nevertheless work well while allowing the original structure to be clearly defined.

Where additional floors are introduced, they should avoid cutting across tall windows in such a way as to be visible from outside the building or significantly affect the spatial qualities.

The Landscaping and boundary treatments should not detract from the character or layout of the original building.

The structural integrity of a building will be a factor in determining whether it is capable of conversion without substantial rebuilding or extension; this may need to be demonstrated in a structural report.'

The overall original form, bulk and height of Barn 1 will remain unchanged to that approved under DM/17/0493, other than the small addition of the plant room.

The proposed amendments are modest and of an acceptable design.

There would be no additional impact on the qualities of the High Weald AONB which planning policy at both local and national level seeks to protect. The proposed development is therefore in accordance with policy criterion and will seek to conserve the High Weald National Landscape/AONB.

The proposal is considered to comply with Policies DP16 and DP26 of the District Plan, Policy BOLD1 of the Bolney Neighbourhood Plan, and DG53 of the Design Guide as well as the relevant AONB guidance and NPPF paragraphs.

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage and seeks to ensure that development does not increase the risk flooding and that the scheme can be appropriately drained.

The submitted drainage details that have been submitted to accompany the plan amendments have been reviewed by the Councils Drainage Team and have been found acceptable. There are no design implications and the details are considered acceptable, to accord with the aims of District Plan Policy DP41.

HRA Assessment

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

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.

CONCLUSION

In conclusion, the amended proposal to the previously approved plans detailed in condition 2 attached to DM/21/1680 and the submitted drainage details, as referred to under Condition 3 of DM/21/1680, are considered to be appropriate in terms of design and would not cause detriment impact upon the rural character of the area. The application therefore complies with Policies DP16, DP26 and DP41 of the District Plan, Policies BOLD1 of the Neighbourhood Plan, and the provisions of the NPPF.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey

