

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1025	Case Officer:	Anna Tidey
Application Type:	Removal/Variation of Condition		
Proposal:	Retrospective consent for retention of 1 residential unit as built, originally consented under permission DM/20/4235.		
Site:	Providence Farm, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE, ,		
Validation Date	23 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:	18 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:	1 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1025

**Providence Farm, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE,
Retrospective consent for retention of 1 residential unit as built, originally consented under
permission DM/20/4235.**

Mr John Perver

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Flood Risk & Drainage: We acknowledge the surface and foul water drainage design was approved under the previous discharge of conditions application.

The information submitted is sufficient to address this request. The flood risk and drainage team have no objection to the proposed development subject to the drainage being as per the submitted plans and designs.

We do not require a drainage condition to be placed on this application.

TOWN/PARISH COUNCIL OBSERVATIONS

Bolney Parish Council: No objection.

INTRODUCTION

Upon receipt this application has been described as 'Retrospective consent for the retention of the residential unit as built, originally consented under DM/20/4235'.

The application has been made under s73A application of the Town and Country Planning Act 1990, for planning permission for development already carried out.

The submitted planning statement explains that the changes relate to Conditions 2 (approved plans) and 3 (drainage) of planning application DM/20/4235. The effect of the application is to allow amendments to the plans and drainage details for the conversion of Barn 2, at Providence Farm, Colwood Lane, Warninglid.

RELEVANT PLANNING HISTORY

DM/25/1024. 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. 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/20/423. 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. Barn 2 is sited to the north of Barn 1 and the external conversion works appear to be complete although the barn is not yet occupied.

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

The application has been submitted as an application under s73A, for planning permission for development already carried out at Barn 2, by the conversion of the former agricultural building. The supporting statement refers to the application as a s73A application with reference to planning conditions 2 and 3 of DM/20/4235.

Planning permission was originally granted for the conversion of two ancillary buildings at the site to form two separate residential units under DM/17/0493.

Approval was then granted under application DM/20/4235 in February 2021 for the variation of condition 2 of planning permission DM/17/0493 to replace the approved plans to amend the larger barn design (Barn 2).

Planning permission was subsequently granted under application DM/21/1680 for the variation of condition 2 relating to planning application DM/17/0493 to allow revised drawings for the barn conversion works at Barn 1 and to create separate curtilages to Barns 1 and 2 enclosed with perimeter fencing.

In the supporting statement accompanying the current application the applicant's agent makes reference to the planning history and has confirmed that two separate developers have been involved in the works undertaken at Barn 1 and 2. It is confirmed that Barn 2 is not yet occupied.

This application is made under section 73A of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states:

' On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

Subsection (1) applies to development carried out—

(a) without planning permission;

(b) in accordance with planning permission granted for a limited period; or

(c) without complying with some condition subject to which planning permission was granted.

Planning permission for such development may be granted so as to have effect from—

(a) the date on which the development was carried out; or

(b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.'

The current application has been supported with amended floor and elevation plans, which reflect the external works that have been completed on Barn 2. The plans show a minor addition to the footprint of the building to include a 1.4m deep by 2.9m wide rear addition, and an altered window position on the rear, western facing, elevation of the building. This has been constructed in matching materials, to accommodate a separate plant room with an external access door. Minor changes have also been made to the front doorway on the eastern facing elevation, to remove a proposed front roof canopy above the door and to alter the front door itself from a solid timber panelled door to a fully glazed door.

The internal ground floor layout of the converted barn has been handed from the approved plans, but at ground floor maintains an open plan kitchen/dining and living space, a study off the open plan hallway and a separate bathroom and ground floor bedroom. The first floor remains as approved with two bedrooms, each with ensuite shower rooms.

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:

DP12: Protection and Enhancement of Countryside

DP15: New Homes in the Countryside

DP16: High Weald AONB

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP26: Character and Design

DP41: Flood Risk and Drainage

NEIGHBOURHOOD PLAN - Bolney Neighbourhood Plan - made September 2016.

Relevant policies.

BOLE2: Protect and Enhance the Countryside

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
DPS2 Sustainable Design and Construction
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 73A of the Town and Country Planning Act 1990 for planning permission for development already carried out for the conversion of Barn 2 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. Subsequently further amendments were made under DM/20/4235 to amend the design for the conversion of Barn 2.

While the erection of a dwelling in the countryside would normally be contrary to policies DP12 and DP15 of the District Plan and policy BOLE2 of the neighbourhood plan, the planning history on the site is material planning consideration that can be given significant weight in this instance, as planning permission has been granted for the conversion of building for residential purposes. As such, the principle of development is considered acceptable.

While the result of this application will result in the issuing of a new planning permission, it is not considered necessary to go through all the original planning issues again, as it is not considered that there has been any material changes in circumstances that warrant these to be re-visited, other than the changes to the consented scheme now requested under this application.

As such the main issue for consideration is the impact on the design alterations to the character of the building and to the rural area, as a result of the minor changes to the external appearance of Barn 2.

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 and AONB

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.'*

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 2 will remain unchanged to that approved under DM/20/4235, other than the small addition of the rear 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.

The revised 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 development that has been carried out in variance to the previously approved plans detailed in condition 2 attached to DM/20/4235 and the submitted drainage details, as referred to under Condition 3 of DM/20/4235, are considered to be appropriate in terms of design and would not cause detriment impact upon the rural character of the area.

As the Council are unable to demonstrate a five year of deliverable housing sites, policies relevant to the supply of housing are considered out-of-date and the application falls to be considered in respect of para 11d(ii) of the NPPF. As set out above, the principle of development on the site is well established and in all other respects, the application is considered to comply with the Development Plan. This should be given significant weight. No adverse impacts have been determined and as such it follows that the application should be permitted.

Decision: Permission

Case Officer: Anna Tidey