

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1557	Case Officer:	Peter Davies
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Conditions 2 and 3, in regards to DM/25/0539: Amended Drawings and ability to use aluminium and polycarbonate roof panels.		
Site:	15 Stuart Way, East Grinstead, West Sussex, RH19 4RR, , , ,		
Validation Date	16 Jun 2025	Overall Expiry Date:	9 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jul 2025
Target Date:	11 Aug 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:	31 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1557

**15 Stuart Way, East Grinstead, West Sussex, RH19 4RR, , ,
Variation of Conditions 2 and 3, in regards to DM/25/0539: Amended Drawings and ability to use
aluminium and polycarbonate roof panels.
Mr Stephen Peacock**

REPRESENTATION RECEIVED

None received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks variation of conditions 2 and 3 relating to planning application DM/25/0539 to allow for changes in materials to the proposal.

RELEVANT PLANNING HISTORY

DM/20/0518 - New boundary wall to front of the property. Permission
DM/25/0539 - Car port to the front of property. Permission

SITE AND SURROUNDINGS

The application property is a detached two storey dwelling located on the south side of Stuart Way, within the built-up area boundary of East Grinstead. The application site is also located within the High Weald Area of Outstanding Natural Beauty.

The application property has a pitched roof and is constructed from brick with timber cladding at first floor level with interlocking tiles and white uPVC fenestration. The dwelling is set back from the highway with an integrated double garage and off-street parking. The side boundary faces onto the highway and is marked by a brick wall approved in DM/20/0518.

The locality is characterised by two storey detached dwellings of a similar design with many with existing extensions of varying forms.

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 car port to be changed from a timber frame and felt roof to brown aluminium frame and polycarbonate roof panels.

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 East Grinstead 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:

DP16 - High Weald Area of Outstanding Natural Beauty

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.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG1 - Protection of the High Weald AONB

EG3 - Promoting Good Design

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPC4 - High Weald Area of Outstanding Natural Beauty
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
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Biodiversity Net Gain

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.'*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

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 relates to front and side extensions and states that:

'Front extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order. Where front extensions are considered acceptable, they should normally be limited to a modest single storey or porch-type extension that reflect the character of the existing property.'

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 proposal will not result in changes in the design, only a change in 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 car port would be marginally visible from the street scene above the existing boundary wall and gates to the off-street parking area.

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 policy EG3 of the East Grinstead Neighbourhood Plan.

Impact on AONB

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.

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
 - *the traditional interaction of people with nature, and appropriate land management;*
 - *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular.'

Also relevant in the determination of the application is Policy EG1 of the East Grinstead Neighbourhood Plan, which states:

'Within the High Weald Area of Outstanding Natural Beauty planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF.

Planning permission for other forms of development will be granted where the proposals are for the:

- (i) Conversion of redundant buildings;*
- (ii) Replacement, on a like for like basis, of existing buildings; or*
- (iii) Extension of an existing dwelling house, relate to agricultural development or some other minor recreational use;*

Provided that for each of the above (i, ii and iii) all of the following criteria are met:

- o The highest standards of Design are achieved;*
- o The natural and scenic beauty of the landscape is conserved or enhanced;*
- o The proposals do not result in an obtrusive feature in the landscape.*

The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.'

Whilst relatively large, the carport is of a subordinate scale to the existing dwellinghouse and will be marginally visible above the wall from the street scene. The proposal is for a change in materials to the already approved car port. It is not considered that the proposal would appear obtrusive within the locality as to detract from the wider landscape of the AONB, which would be conserved by the proposal.

The proposal is deemed to comply with Policy DP16 of the District Plan, policy EG1 of the East Grinstead Neighbourhood Plan, The High Weald Management Plan and Para 189 of the NPPF.

Impact on neighbouring properties

DP26 of the Mid Sussex District Plan 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);'

The proposed changes to the materials of the car port would not result in changes to the form of the approved car port nor its position. As a result, it is considered that the proposed changes in materials would not result in significant harm to the amenities of the neighbouring properties.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposed alterations are considered to be acceptable in terms of design, size and scale to the dwellinghouse and conserve the wider landscape of the High Weald AONB and would not cause significant harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP16 and DP26, policies EG1 and EG3 of the East Grinstead Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies