

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2793	Case Officer:	Jessica Szollosi
Application Type:	Full Application		
Proposal:	Retrospective application for garden outbuilding to be used as a gym studio for limited personal and appointment only commercial use		
Site:	15 Edward Road, Haywards Heath, West Sussex, RH16 4QJ, , , ,		
Validation Date	25 Nov 2025	Overall Expiry Date:	17 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Jan 2026
Target Date:	20 Jan 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Steven King</i>	Date:	19 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2793

**15 Edward Road, Haywards Heath, West Sussex, RH16 4QJ, , ,
Retrospective application for garden outbuilding to be used as a gym studio for limited personal
and appointment only commercial use
Mrs Lucy Stagg**

SUMMARY OF REPRESENTATIONS

Three third-party letters of representation were received.

One third-party letter of representation in support of the application on the following grounds:

- No issues relating to noise;
- Studio fits within the surrounding areas; and
- No parking issues.

Two third-party letters of representation raised the following concerns:

- Potential noise disturbance;
- Use of the garden for commercial purposes; and
- Request for conditions to be imposed relating to noise levels and hours of trade.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

No objection, subject to conditions.

TOWN/PARISH COUNCIL OBSERVATIONS

Haywards Heath Town Council had no comments in respect of the application.

INTRODUCTION

The application seeks retrospective planning permission for a garden outbuilding to be used as a gym studio for limited personal and appointment-only commercial use at 15 Edward Road, Haywards Heath, RH16 4QJ.

RELEVANT PLANNING HISTORY

12/03757/FUL - Proposed single storey rear extension. Permission 10/12/2012.

SITE AND SURROUNDINGS

The site is located to the southern end of Edward Road within the built-up area boundary of Haywards Heath. It is surrounded by residential properties to the north, south, east and west.

The main dwelling is a south-west facing two-storey semi-detached property which is characterised by brown brickwork and a tile-hung section on the principle elevation, black roof tiles and white uPVC fenestration. The dwelling is set back from the highway with soft landscaping and one off street parking space to the front of the property.

The existing outbuilding is located to the northeast of the main dwelling at the end of the existing rear garden. It is constructed with brown varnished timber and a timber and felt-covered roof with fibreglass waterproofing. White uPVC framed French doors are located on the southwest facing principle elevation and two small white uPVC windows are located on the east and west elevations above eye-level.

The locality is characterised by semi-detached dwellings of a similar design along Edward Road. There are no on-street parking restrictions on Edward Road in the vicinity of the application property.

APPLICATION DETAILS

The proposal seeks retrospective planning permission for a garden outbuilding to be used as a gym studio for limited personal and appointment-only commercial use.

The proposed hours of operation are Monday to Friday (excluding Wednesdays) 07:00am to 15:00pm and Wednesdays 07:00am to 19:00pm. No hours of trade are proposed for the weekends. The submitted documents confirm that there are no proposed external alterations to the existing outbuilding.

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, Site Allocation Development Plan Document (DPD) and the Haywards Heath 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:

DP1 - Sustainable Economic Development

DP21: Transport

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.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (Adopted December 2016)

Policy E9 - Design

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 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

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPE1: Sustainable Economic Development

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135 and 139.

ASSESSMENT

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

- Sustainable Economic Development
- Parking Provision
- Character and Design
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Sustainable Economic Development

Policy DP1 of the District Plan seeks to support sustainable economic development in appropriate locations with one of the main objectives being *'to provide opportunities for people to live and work within their communities, reducing the need for commuting.'*

The retrospective application represents commercial development operating from a garden outbuilding within the curtilage of an existing dwelling. The surrounding area is wholly residential and although commercial uses within residential areas may not always be appropriate, each case should be considered on its own merits.

The site is located within the defined built-up area boundary of Haywards Heath. This is considered to be a sustainable location, with access to the local services in the town centre and to public transport. Limited hours of operation are suggested by the Mid Sussex District Council Environmental Protection team, and the business seeks solely to provide employment for the occupier of the main dwellinghouse; these matters can be secured through the imposition of suitably worded conditions. The retrospective application does not seek to increase the existing footprint of the studio which has been in situ since 2020 or propose any external alterations and due to the limited floorspace the level of use could not easily be intensified. The retrospective application is therefore considered to comply with DP1 of the Mid Sussex District Plan.

Parking Provision

Policy DP21 of the Mid Sussex District Plan in part states:

'The scheme provides adequate car parking for the proposed development, taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

The retrospective application seeks to introduce a small-scale commercial operation at the site. There is one off-street parking space to the front of the property as well as the availability of on-street parking, without any restrictions on Edward Road in the vicinity of the application site.

Furthermore, the application site is located within the built-up area of Haywards Heath within walking distance to public transport connections, including bus stops. The applicant's planning statement confirms that many of the gym's clients are located locally and within walking distance of the application site.

Given the small scale of the commercial operation and the availability of on-street parking and public transport links, the parking arrangement would be considered acceptable as it would not give rise to a significant increase in movements to or from the site.

Taking into account the above, the application is considered to comply with policy DP21 of the Mid Sussex District Plan.

Design and Character

The Mid Sussex Design Guide seeks high quality design from all proposed development.

Policy DP26 of the Mid Sussex District Plan in part 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; and*

- *Optimises the potential of the site to accommodate development.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

Policy E9 of the Haywards Heath Neighbourhood Plan in part states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *Height, scale, spacing, layout, orientation, design and materials of buildings;*
- *The scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset;*
- *Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site;*
- *Creates safe, accessible and well-connected environments that meet the needs of users;*
- *Will not result in unacceptable levels of light, noise, air or water pollution;*
- *Makes best use of the site to accommodate development; and*
- *Car parking is designed and located so that it fits in with the character of the proposed development'*

The application site is situated within an existing housing development and the houses are all built to a similar design and remain relatively unaltered. With regards to the outbuilding, many of the neighbouring properties surrounding the application site have outbuildings, however at 30 square meters, the retrospective development is the largest. It is, however, built at the end of the rear garden and fits into the surrounding garden scape.

In terms of design, the structure is brown varnished timber with a flat roof and blends in with the neighbouring landscape and would not be considered significantly harmful to the amenity and character of the site and surrounding properties. The white uPVC French doors and two uPVC windows on the east and west elevation are similar to the materials used by the host dwelling, thereby in keeping with the design and character of the main dwelling and surrounding area.

The outbuilding does not have a harmful impact on the character and design of the surrounding area and therefore the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Impact on Neighbouring Properties

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals 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'.*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The single-storey studio is located at the end of the rear garden and therefore a loss of light would not arise from the proposal.

The development would not be considered to cause any significant overlooking and privacy concerns given that the two windows on the east and west elevation of the structure are located above eye level and the separation of distance from outbuilding at the end of the rear garden to the neighbouring

properties surrounding the site. The outbuilding is accessed via a private side gate leading to the rear garden.

The outbuilding's varnished timber cladding is congruent with the surrounding garden scape and would not be considered to cause significant harm to the outlook of the area or surrounding amenity.

Letters of representation received raised concerns regarding potential noise levels resulting from the use of the studio as a gym, with one letter of representation requesting that noise levels and hours of trade be conditioned in the decision.

This is a retrospective application for a garden outbuilding to be used as a gym studio. No noise complaints have been received by the Mid Sussex District Council's Environmental Protection Team. The Council's Environmental Protection Team have raised no objection to the proposal but have recommended a condition relating to the operating hours of use and an informative relating to noise are applied to any permission granted for the use of the outbuilding as a gym studio for limited personal and appointment-only commercial use.

Given the above, a condition related to the hours of trade and an informative related to noise levels will be applied to any permission granted for this application.

The proposed use is considered to be relatively modest in its nature and due to the limited floor space, the proposed level of use could not easily be intensified. When constructed, the outbuilding was fitted with internal lights and a small external light above the French doors. These lights would not be considered to cause significant harm to the surrounding amenity of the area.

Taking the above into account, it is considered that the proposal would not cause significant harm to the amenities of nearby residents, taking account of the impact on overlooking and loss of privacy, reduction in sunlight and daylight, a loss of outlook and noise. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 and the Mid Sussex Design Guide SPD.

Other Matters

A third party letter of representation has been received which makes reference to the use of the garden for commercial purposes, however, this does not form part of the application. The applicant's planning statement sets out that no external music or outdoor training is proposed. This is therefore not a matter which can be taken into account in the determination of this application.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 for proposed applications. This is a retrospective application for the use of a garden outbuilding as a gym studio for limited personal and appointment only commercial use which has been in situ since 2020 and therefore the applicant would not be required to provide Biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the retrospective application would represent a form of sustainable economic development and would not be considered to cause significant harm to the host dwelling or the neighbouring residents' amenities. Furthermore, the use of the garden outbuilding as a gym studio would not be considered to cause significant harm in relation to parking and transport.

In light of the above, the proposal will comply with Policies DP1, DP21 and DP26 of the District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF and would therefore be considered acceptable.

Decision: Permission

Case Officer: Jessica Szollosi