

Mid Sussex District Council  
c/o Hamish Evans  
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**Re: Application DM/25/2830 for Proposed change of use from dwellinghouse (C3) to Children's Care Home (C2) for 3 children.**

The evidence presented by the applicant is similar in its lack of detail and rigour to that presented in a recent application for a children's home Lawful Development Certificate (DM/25/1968) at 1 Lucas Way Haywards Heath. MSDC refused the Lucas Way application because the evidence presented failed to demonstrate that there would be no material change resulting from the proposed change of use. For the reasons set out below, this application should also fail.

**Baseline Use**

The applicant addresses the existing baseline use of the property in a similar way to the 1 Lucas Way application. In that case, applicant invented elaborate evidence of the property's historical use, centred around the property's theoretical capacity of eight people, exaggerating the actual historical use of the property as a single-family home of up to five people over the decades prior to the application. In the same way, the applicant in this case has invented elaborate evidence of the historical use of the property, centred on a theoretical capacity of nine people, exaggerating the actual use of the property as a single-family home for up to four people over a period of decades. The applicant could have confirmed this easily with their proposed landlord who has been the property owner for more than 40 years.

The exaggeration of the existing baseline occupancy level extends to the applicant's claim about the capacity of the property to accommodate off-street parking. The applicant claims that the driveway can accommodate six cars, with the garage taking a further car. To reinforce this claim, the applicant has included a plan view of the driveway in the document titled Latest Plan. This clearly shows six cars parked on the driveway, each car shown with ample room to leave the property independently. However, the photograph in the Planning Statement titled 'Aerial view of the site' shows a driveway that is materially smaller and with a different shape to that claimed by the applicant. As the drive clearly cannot accommodate six cars in the way described by the applicant, the applicant's claim is misleading. The applicant should have provided an accurate description of the driveway and its capacity in its baseline assessment.

The applicant also claims that "Visitors, such as friends or extended family typically park on the street, which is unrestricted and readily available". In fact, there is no scope or prior history of on-street parking on any part of Balcombe Road. There are parking restrictions including double yellow lines between 65 Balcombe Road and the junction with Penland

Road, and any parked vehicle would cause obstruction and hazard to other road users. The applicant should have explained in detail where they believe there is on-street parking available.

### Proposed Use

In a similar way to the 1 Lucas Way application, the applicant does not provide a comprehensive account of the likely activity generated by the proposed use, instead presenting a case based on the de minimum levels of activity needed to comply with regulations. Children requiring the attendance of overnight waking care workers on a 1:1 ratio fall in the highest category of vulnerability with risk factors such as emotional disturbance, self-harm, and risk of runaway. Those factors are the reason that the waking care is needed in the first place, yet none of them are mentioned in the application nor are the likely associated impacts in terms of additional comings and goings from the provider's staff, clinicians and emergency services. The applicant flags the potential for anti-social behaviour but says this will not happen because its prevention is one of the roles of the carers. No detail is given of why anti-social behaviour might occur, whether children will be allowed out of the home by themselves, whether they will have curfews or what will happen if curfews are broken. Nor is it explained how carers will in practice control anti-social behaviour and whether this might include physical restraint, or call for back-up staff, or calls for Police attendance – these are all factors that, in themselves, contribute to a material difference from any historical use of the property as a family home.

A way for the applicant to achieve their claimed levels of activity would be to employ a risk assessment process that ruled out the proposed home taking children with a history or risk of the above factors. However, no such screening process is offered so the applicant seems to be saying that the proposed home will accept children with highly complex needs (requiring waking care and staff to control anti-social behaviour) at the same time as saying that there would be no required additional visits over and above the statutory de minimis levels set out in their assessment. This de minimis outcome is highly unlikely, and it is much more likely that there would be a requirement – enshrined in each child's care plan – for frequent social worker and clinician visits. The applicant should have presented evidence of likely visits consistent with the proposed use of the property.

The waking care arrangement also highlights a material change from the previous use of the property in that three adults will be paid to stay awake overnight to be on call to check on them every 10 minutes, and to provide any necessary care to the children. This is completely at odds with the applicant's picture of the proposed home as a normal family home.

The applicant claims that no modifications will be needed to the property. However, for the proposed children's home at 1 Lucas Way, which included (lower risk) sleepover care provision, the applicant stated that there would need to be significant modifications, including new security windows and doors, and a building fire alarm system. None of these features are present in the current property despite them being needed to comply with

Ofsted requirements. The applicant should have provided details of all modifications required to equip the property for its proposed use.

The staffing plan lacks detail. Provision of 24/7 cover requires a total of five people to cover every role, so there will be an overall team of around 15 carers for the proposed children's home. The applicant has not shown the working pattern of the team members, just that they will work shifts of 12 hours plus the 15-minute handover period. As it is there is nothing to show that the shift pattern is achievable. Neither has the applicant stated whether the proposed team members will be staff members or agency staff. If it is agency staff, then this adds to the material change of the proposal due to the inevitable constant change in the people visiting the property, compared to its actual history as a single-family home.

The staff commuting arrangements lack sufficient detail. Given the actual size and shape of the driveway, it is difficult to see how more than three cars could be accommodated in a way that lets each one leave the drive without another one having to be moved first. That places a restriction on the total number of vehicles that can be used by the carers, given that a fourth car arriving on the drive would prevent most if not all of the three cars already there from leaving independently, and there being no scope for leaving children alone while car parking is sorted out. The garage space provides no useful additional capacity because a car parked in the garage would be blocked in for the above reasons. Of course, on-street parking could be considered, but there is none in the vicinity of the property, so the applicant should be asked where it has identified on-street parking provision, and if this is located on another street, for example Penland Road, the impact of that parking should have been considered as part of the public consultation. The applicant should have provided a detailed travel plan, including detailed vehicle movements on the property, based on the workers it intends to deploy to the home from the pool that it claims already exists.

Finally, there is no existing Ofsted registration of any business called Novo Healthcare (and no record of them being a children's home provider). However, there is a Novo Healthcare registered with the Care Quality Commission which provides services exclusively for Croydon Council. Given the business has no children's home experience and is based more than an hour's drive from Haywards Heath, the above issues with respect to staffing and staff commuting are particularly important.

MSDC is encouraged to reject this application on the grounds of lack of appropriate detail and definition, and to suggest the applicant develops a full Planning Application should they wish to proceed.

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