

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0360	Case Officer:	Caroline Grist
Application Type:	Change of Use Application		
Proposal:	Change of use from single dwelling (C3) to boarding house (C2) with staff flat to serve Burgess Hill School for Girls		
Site:	12 Silverdale Road, Burgess Hill, West Sussex, RH15 0EF, , , ,		
Validation Date	14 Feb 2025	Overall Expiry Date:	21 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Apr 2025
Target Date:	11 Apr 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	10 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0360

**12 Silverdale Road, Burgess Hill, West Sussex, RH15 0EF, , ,
Change of use from single dwelling (C3) to boarding house (C2) with staff flat to serve Burgess Hill School for Girls
Burgess Hill School For Girls**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Environmental Health Officer

Rooms sizes

To prevent future enforcement action under Environmental Health legislation the developer must ensure that all bedrooms in the proposed development meet the following minimum room sizes:

1. Single bedroom: minimum size 6.5 square metres
2. Double bedroom minimum size 10 square metres

Please note specific requirements in the Technical Housing Standards - Nationally described space standard used by Planning Departments.

Means of escape

1. Means of escape in case of fire. Provision of 30 Minute fire doors to kitchen and living areas.
2. Interlinked early fire alarm system to whole building with a 30 minute warning system.
3. Suitable and sufficient fire protection and means of escape must be provided including fire doors and interlinked fire alarm systems where appropriate. Escape routes should avoid travel through high risk rooms, namely, bedrooms accessing out of the accommodation past open plan kitchens.

Heating

4. The system shall be capable of maintaining the following internal temperatures when the external temperature is -1degrees C.
5. Living room and dining room 21degrees C.
6. Bathroom 22degrees C.
7. Elsewhere 18degrees C.
8. All storage heaters shall have automatic charge control and thermostatically controlled damper outlet. Living rooms to be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.
9. Gas Central heating systems should satisfy the design and installation requirements of British Standard 5449: 1990 in accordance with Part L of the current Building Regulations (as amended).

Ventilation

10. All kitchen/living areas must be provided with open-able windows of a suitable size to ensure sufficient ventilation without causing excessive draughts.
11. All habitable rooms must have a window to provide natural ventilation. Allow for natural ventilation 1/20th of the floor area of each habitable room.

Lighting

12. Provision of adequate natural lighting via windows to kitchen, bedroom and living rooms to provide adequate natural lighting. BS8206 Code of practice Parts 1 & 2. Also BRE guidance on Natural Lighting.

13. There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain.

TOWN COUNCIL OBSERVATIONS

Recommend Approval.

INTRODUCTION

This application seeks planning permission to change the use of the building from single dwelling (C3) to boarding house (C2) with staff flat to serve Burgess Hill School for Girls.

RELEVANT PLANNING HISTORY

08/01432/FUL - Proposed first floor extension to front of property and demolition of existing garage - to be replaced. Permission.

DM/22/0034 - Change of use from single dwelling (C3) to boarding house (C2) with staff flat to serve Burgess Hill School for Girls. Permission.

SITE AND SURROUNDINGS

12 Silverdale Road is a two-storey hipped slate roofed detached dwelling. The walls are characterised by painted render and timber doors and windows.

To the north of the site is the driveway to the highway, to the south of the site is the rear garden with playing fields of Burgess Hill School for Girls beyond, to the east of the site is hedging to adjacent No.10 and to the west of the site is the hedging to set forward No.14 beyond.

The site is within the built-up area of Burgess Hill and the Silverdale Road / Birchwood Grove Road Conservation Area.

APPLICATION DETAILS

The proposal is solely internal works to change of use from a single dwelling (C3) to boarding house (C2) with staff flat to serve Burgess Hill School for Girls. This would comprise 5 bedrooms providing accommodation for additional students, 1 bedroom staff apartment, a kitchen, living and dining area (Common Room), games room for students and WCs & bathrooms.

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 Allocations Development Plan Document (DPD) and Burgess Hill 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

DP6 - Settlement Hierarchy

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

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

DP35 - Conservation Areas

Mid Sussex Site Allocations Document (DPD)

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in January 2016.

Relevant policies:

H1 - Protecting and Enhancing Heritage Assets and Conservation

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 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.

Relevant policies:

DPS2 - Sustainable Design and Construction
DPS6 - Health and Wellbeing
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPB3 - Conservation Areas
DPT1 - Placemaking and Connectivity
DPE1 - Sustainable Economic Development
DPH3 - Sustainable Development - Inside the Built-up Area
DPI6 - Community and Cultural Facilities and Local Services

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

ASSESSMENT

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

- The principle of development
- Design and impact on the Conservation Area
- Impact on amenity
- Impact on highways
- Impact on Ashdown Forest SAC and SPA
- Biodiversity Net Gain

The Principle of development

The proposed development involves the change of use of a single (C3) dwellinghouse to a (C2) boarding house to be used in association with Burgess Hill School for Girls.

As such, the proposal would effectively result in the loss of a single dwellinghouse.

Policy DP4 of the District Plan sets out the Council's housing target for the Plan period, stating that there is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031. Policy DP6 of the District Plan sets out the settlement hierarchy for Mid Sussex, with housing and employment development encouraged within defined settlement boundaries, with Burgess Hill classed as a Category 1 settlement.

Whilst there are no development plan policies in place which explicitly seek to retain C3 residential uses, the loss of the dwellinghouse at a time when there is a general need for Local Authorities to boost significantly the supply of housing is considered to conflict with the Government's objective and the National Planning Policy Framework.

A Planning Statement has been provided with the application which states that the proposal will assist in the expansion of the school by increasing the number of boarders, whilst providing a staff flat that can accommodate a teacher with a small family. The school has approximately 450 pupils and employs 120 persons, including 62 teachers, and is a significant employer of the town.

Policy DP1 of the District Plan relates to sustainable economic development and supports the expansion of existing businesses whilst policy DP25 relates to community facilities, stating in part that *'the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported'*.

The proposed boarding house would be located in a sustainable location, not far from Burgess Hill School for Girls, allowing pupils and staff members boarding there to travel to school on foot or bicycle, reducing the need for private car journeys. The proposal is therefore considered to enable a sustainable expansion of the school, thereby according with policies DP1 and DP25 of the District Plan.

In addition, the Planning Statement points out that the existing residential use would not be wholly lost, with a self-contained flat proposed at ground floor level to be used by a member of staff in association with the boarding house use.

With the above in mind, considering the social and economic benefits that would arise from the proposal, the principle of development is deemed acceptable.

Character and Design and Impact on Conservation Area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area'*.

Policy DP35 of the Mid Sussex District Plan relates to development within Conservation Areas and states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss*

of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;

- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area'.*

Policy H1 of the Burgess Hill Neighbourhood Plan states *'Proposals within the Burgess Hill Conservation Areas will be required to preserve and enhance their special character or appearance'.*

In terms of design, 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

Given there are no external alterations proposed, the proposal is therefore considered to preserve the appearance and character of the conservation area, thereby according with policies DP26 and DP35 of the District Plan and policy H1 of the Neighbourhood Plan as well as the Council's Design Guide.

Impact on amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development 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 (see Policy DP29);'.*

Given the works are solely internal, the proposal is not deemed to cause harm to neighbouring amenities.

Highways Impact

Policy DP21 of the District requires that development proposals should, amongst other criteria:

- o Provide 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;*
- o Avoid severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o Protects the safety of road users and pedestrians;*

The property benefits from off road parking on the driveway for several cars. In addition the site is within walking distance of alternative forms of transportation (buses and trains). The proposal is not considered to result in a significant increase in traffic using the site and consequently the proposal is deemed acceptable in that it should not be detrimental to highway safety, thereby according with policy DP21 of the District Plan.

Impact on Ashdown Forest SPA and SAC

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.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. 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 types of development identified which includes this 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.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

Weighing in favour of the scheme are the economic and social benefits that the proposal would have in terms of allowing the existing school, which is a significant employer within the town, to expand in a sustainable manner.

The proposed development as amended is considered to have a neutral impact in respect of a number of issues. The proposal is considered to conserve the appearance and character of the conservation area and should not be harmful to neighbouring amenities or adjoining trees. Nor should the proposal be detrimental to highway safety. There would be no likely significant impact on the Ashdown Forest SPA or SAC.

Weighing against the scheme are the concerns that the proposal would result in the loss of a C3 dwellinghouse in a sustainable location at a time when there is a general need for Local Authorities to boost significantly the supply of housing. However, the residential use would not be wholly lost with a self-contained 2 bed flat provided at ground floor level, to be used as staff accommodation.

When considering the above, it is considered that the planning balance falls in favour of supporting the proposal.

For the above reasons, the proposal is considered to accord with policies DP1, DP17, DP21, DP25, DP26 and DP35 of the Mid Sussex District Plan and policy H1 of the Burgess Hill Neighbourhood Plan as well as the Mid Sussex Design Guide.

Decision: Permission

Case Officer: Caroline Grist