

Mid Sussex District Council
c/o Mr Stefan Galyas
By email to stefan.galyas@midsussex.gov.uk

Re: Application DM/25/1968 for Use of a (C3) dwelling, namely 1 Lucas Way, Haywards Heath, RH16 1JR, as a children's home for a maximum of 3 children with up to three carers, two sleeping overnight working on a rota basis.

You have invited representations from members of the public with respect to this application (referred to here as the "Application/Applicant") and we understand that the deadline for representation was extended to 4th September 2025 due to the timing of public notices.

The representations below are made by [REDACTED] (referred to here as "we/our"), who have lived at 27 Lucastes Road, Haywards Heath, RH16 1JN, since 2008.

We do not believe that MSDC should grant the Application for the following reasons (taken individually or in combination):

1. Potential Absence of Ownership Certificate

The Application states that the Applicant is a Lessee but does not state whether the owner has been informed, answering the relevant question in the Application Form with the word 'Redacted'.

It is our understanding that a Lawful Development Certificate application must be accompanied by an Ownership Certificate and that to submit a false Ownership Certificate is a criminal offence.

If an Ownership Certificate has not been submitted, then we believe MSDC should reject the Application. If an Ownership Certificate has been submitted, MSDC should confirm with the owner that it is genuine and was properly served.

We understand that there are four types of Ownership Certificate:

- Certificate A where the Application is made by the Owner – the Applicant is a Lessee, so it cannot be this one
- Certificate B where the Application is made by somebody other than the Owner but the Owner is known and has been served with the Certificate B at least 21 days before the submission of the Application
- Certificate C and D, where some or all owners are not known, requiring the relevant Certificate to be advertised publicly at least 21 days before the submission of the Application – there has been no such advertisement

Our deduction therefore is that, if there is a genuine certificate that was properly served, it must be a Certificate B. This means that the owner of 1 Lucas Way would

have had knowledge about the Application from at least 21 days before the Application was submitted.

2. The development is contrary to MSDC Planning Policy DP35.

1 Lucas Way lies within the Lucastes Conservation Area ("LCA") and is therefore subject to MSDC Planning Policy, DP35. At the heart of this policy is the requirement of developments to demonstrate how they 'preserve or enhance' the character of the LCA.

The consequence of this requirement is that developments that change the character of the LCA in any discernible way are contrary to the Policy. This is different to the 'material change' test that was applied in the cases presented by the Applicant as precedents for the Application, as none of those cases were from properties located in Conservation Areas.

With respect to the test of whether the Application would result in any discernible change, it is obvious from the Application and the claimed precedent cases that there will be character change. Furthermore, the Applicant appears to accept that there will be discernible change through the statement in the Application: "It is argued that there is little material difference between the current and proposed use...". Had the Applicant claimed that there was no discernible change to claim compliance with Policy DP35, he might have said something like: "It is argued that there is no discernible difference between the current and proposed use..." However, he did not make such a claim, nor did the cases he presented as precedent make such claim.

3. There is insufficient evidence provided with respect to the existing use to support the claim that there will not be material change resulting from the proposed change of use.

The evidence of existing character of 1 Lucas Way presented in the Application is limited to it being a "...large house in residential use." However, it has been established as precedent through Appeals (for example APP/B5480/X/23/3335573 – 19 Hall Terrace, Colchester Road, Havering, Romford RM3 OXR), that such limited evidence as presented by the Applicant is insufficient to support an assessment of the type and degree of change resulting from materially similar applications.

In the absence of any detailed characterisation in the Application, we would like to submit the following evidence of existing character for 1 Lucas Way and its neighbourhood, to assist MSDC in considering the Application:

- 1 Lucas Way is situated in a cul de sac, with no vehicle or pedestrian thoroughfare, no footways, and parking restrictions that deter routine on street parking. Street lights turn off from 01.00 to 06.00.
- There are six detached houses arranged around a small turning area, and accessed by a narrow road running for approximately 60 metres between the properties of 27

and 29 Lucastes Road and then for a further 15 metres to the centre of the turning area.

- Since late 2011 to 20 August 2025, 1 Lucas Way was occupied on a rental basis by five different families, all of whom stayed for more than 12 months. Hamptons has been the letting agent throughout that time.
- Life in Lucas Way and the surrounding neighbourhood is centred around incidental family life, with low levels of vehicle and pedestrian activity, all in keeping with a quiet close within the Lucastes Conservation Area.
- The families that have rented 1 Lucas Way since 2011 have fitted in well, their presence being indiscernible from the other families in the neighbourhood.
- There are very low levels of background noise during the day and especially at night, with a sound levels on still nights recorded at or around 30dBA. There is no history of significant noise disturbance during the day or at night.
- Because West Sussex County Council has not been invited to comment on this Application, we are submitting the following information that we believe might be material to the Application. We now know that building work at 1 Lucas Way (believed to be prior to 2011) severed and interrupted a statutory highway drain owned by West Sussex County Council (WSSC) that originally ran across the front of the property. The interruption was not discovered until 2023, when water began to back up from the drain into the rainwater system of our house during periods of significant rainfall, spilling out of rainwater gulleys and running down our drive. In September 2024, WSSC undertook preliminary investigations and located a blockage in the drain within the curtilage of 1 Lucas Way and made several concerted attempts to remove the blockage with its jetting equipment, ultimately failing to clear the blockage. WSSC returned in May 2025 and undertook a two-day survey programme, which confirmed the blockage was caused by the building works mentioned above. WSSC has now commissioned a project to reroute the drain down Lucas Way. The September 2024 jetting work has significantly reduced the occasions that the drain backs up, and it only happens now in periods of intense rainfall. However, it is a problem that still persists, and we thank WSSC Councillor Pete Bradbury for his continuing support in seeking resolution.

4. There is insufficient evidence provided with respect to the proposed use to support the claim that there will not be material change resulting from the proposed change of use.

The Application includes limited evidence to characterise the proposed future use of 1 Lucas Way. However, it has been established as precedent through Appeals (for example APP/M3420/X/22/3301638 – 144 Deyes Lane, Maghull L31 6DW), that such limited evidence as presented by the Applicant is insufficient to support an assessment of the type and degree of change resulting from materially similar applications.

Irrespective of the precedent through Appeals, we would ask MSDC to demand a much higher standard of evidence than provided in the Application to support an assessment

of change. While changes of use from dwellinghouses to children's homes, and their consequences, might be uncommon in Mid Sussex, they are very common in other parts of the UK. For example, the experiences of City of Doncaster Council have been amalgamated into the document "Guidance for Children's Homes – Planning Note", which concludes:

"Many care-related uses run smoothly with no complaint in residential areas, and generally, residential areas are the most suitable place for such uses.

Others by contrast may well bring long-term harm and significant amenity concerns for adjoining residents. It must also be fully recognised that whilst planning processes can be used to regularise existing situations, it can only complement other statutory functions and if proposals are on their own merits acceptable, any planning controls through the use of conditions, will be limited. Equally, such assessments require careful balancing of the need to assess the amenity expectations of residents in their communities against the need to ensure that vulnerable children are also appropriately accommodated."

The full document can be found at:

<https://www.doncaster.gov.uk/Documents/DocumentView/Stream/Media/Default/Planning/Documents/DM%20Planning/C3%20to%20C2%20planning%20guidance%20note%20for%20Children's%20Homes.pdf>

We would invite MSDC to give greater weight to the findings in Appeal precedents and the potential for outcomes described by City of Doncaster Council than it does to the evidence of the Applicant (which is based a considerable distance away from the proposed children's home Lucas Way, has limited experience of managing Children's Homes (Ofsted registered in June 2024), and has only one recorded Ofsted inspection on a children's home under its management from June 2025, rated 'requires improvement to be good').

We would like to thank MSDC for giving us the opportunity to make these representations.



3rd September 2025

Also copied to:

Ann Biggs, Assistant Director Planning & Sustainable Economy, MSDC

MSDC Councillor Abdul Bashar

MSDC Councillor Paul Lucraft

WSCC Councillor Pete Bradbury