

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3256	Case Officer:	Stefan Galyas
Application Type:	Change of Use Application		
Proposal:	Change of use from B1 (Office) to C3 (Dwelling House), associated internal and external alterations and removal of external staircase		
Site:	Storm Creative Partnership Ltd, The Old Surgery, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BN,		
Validation Date	12 Jan 2026	Overall Expiry Date:	13 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Mar 2026
Target Date:	9 Mar 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	3 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3256

Storm Creative Partnership Ltd, The Old Surgery, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BN

Change of use from B1 (Office) to C3 (Dwelling House), associated internal and external alterations and removal of external staircase

Matt Saunders

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *'In my opinion, the proposal is not contentious in terms of the impact on the character and appearance of the Conservation Area. The building was originally constructed as a residential bungalow, and is being returned to its intended use. The proposed external alterations are generally minor, and are confined to the rear. The removal of the existing, non-original staircase will be an enhancement of the site's appearance.'*

In terms of associated works within the setting of the bungalow, the return of part of the rear of the site to a garden use is welcomed, but I would encourage the applicant to also reintroduce some softening planting, such as planting beds, lawn area and/or front or side boundary native species hedges, to the front garden area which currently has a stark appearance and detracts from the street scene. This will be in keeping with the return of the site to residential use.

Subject to the above, the proposal is considered to preserve the character and appearance of the Conservation Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.'

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks planning permission for the change of use of the existing office building into a dwelling. The proposal would also include some external alterations, including the removal of the external staircase.

RELEVANT PLANNING HISTORY

SV/005/89 - Change of use from residential to medical surgery. Permission 17.05.1989.

07/00801/COU - Change of use of the old Dumbledore surgery to B1 office use. Permission 25.05.2007.

DM/17/2248 - Retrospective planning application for a timber storage building. Permission 24.07.2017.

SITE AND SURROUNDINGS

The application relates to The Old Surgery, a detached 1 and a half storey building which is set to the eastern side of the highway. The building is set back from the highway edge by a gravelled front driveway as well as a low brick built front boundary wall. There is further parking set to the rear of the building with access to this area provided to the southern side of the site. The area to the rear (east) of

the building also features mature tree planting as well as a pond area. The existing building is composed of brickwork and tile hanging to the walls, a tiled roof and uPVC windows and doors.

The High Street which the site is located along is characterised by a mix of terraced and semi-detached dwellings with some bungalows also featuring throughout. These properties appear to be from varying time periods throughout the development of the settlement. There are also a range of services and vendors located within the sites locality.

With regard to policy constraints, the site is located within the built-up area boundary for Handcross. The site is also positioned inside the Handcross Conservation Area and is set within the High Weald Area of Outstanding Natural Beauty (National Landscapes).

APPLICATION DETAILS

The development proposal would change the existing office (B1) use to a dwellinghouse (C3). As part of these works, the proposal would remove the existing rear (east elevation) external staircase with a new rooflight added to the rear roof slope. Furthermore, the existing pantry door would be blocked up and a new patio area added to the rear of the building.

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 the Slaugham 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:

DP4: Housing
DP5: Planning to Meet Future Housing Need
DP6: Settlement Hierarchy
DP16: High Weald Area of Outstanding Natural Beauty
DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP26: Character and Design
DP27: Dwelling Space Standards
DP28: Accessibility
DP29: Noise, Air and Light Pollution
DP35: Conservation Areas
DP39: Sustainable Design and Construction

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Neighbourhood Plan

Slaugham Neighbourhood Plan (Made September 2019)
Policy 1: Protecting the Area of Outstanding Natural Beauty
Policy 4: Conservation Areas
Policy 11: Local Employment

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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPN6 - Pollution
DPN7- Noise Impacts
DPB1 - Character and Design
DPB3 - Conservation Areas
DPC4 - High Weald Area of Outstanding Natural Beauty
DPH1 - Housing
DPH3 - Sustainable Development Inside the Built-Up Area
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

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, 9, 11, 12, 39, 48, 131, 134, 135, 139, 207, 208, 209, 212-215, 219 & 220.

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.

Technical Housing Standards - Nationally Described Space Standards (March 2015)

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

ASSESSMENT

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

- Principle
- Impact on Heritage Assets, Character and Design
- High Weald AONB
- Impact on Neighbouring Amenities
- Impact on the Future Occupants of the Development
- Sustainability
- Ashdown Forst
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, Site Allocation DPD, and the Slaugham Neighbourhood Plan.

As the proposed development is within the built up area of Handcross, a Category 3 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

Policy 11 of the Neighbourhood Plan states that:

'The loss of any land currently in business or other employment use in the Parish will be resisted unless it can be demonstrated that business use is no longer viable.'

The principle of creating a new dwelling through a change of use within a defined settlement boundary is considered to be acceptable, owing to the site's sustainable location. Whilst the proposal would result in the loss of an existing office employment use, the sustainable location of the application site weighs heavily in favour of the proposed residential use.

It is however also necessary to consider other planning issues in order to determine the overall planning balance.

Impact on Heritage Assets, Character and Design

In terms of the impact on the Handcross Conservation Area, policy DP35 of the District Plan 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.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Moreover, Policy 4 of the Neighbourhood Plan states that:

'Development proposals within Handcross, Slaugham or Warninglid Conservation Areas will be supported where they conserve or enhance the character or appearance of the Conservation Area concerned, and comply with the requirements in Policy DP35 (Conservation Areas) of the MSDP. Development proposals which respect the following features:

- 1. St. Mary's Church, Slaugham;*
- 2. The Street (Park Road), Slaugham*
- 3. Slaugham Place;*
- 4. The Street, Warninglid; and*
- 5. High Street, Handcross.*

will be supported where such proposals would conserve or enhance the specific part of the Conservation Area and its immediate setting.'

Significance is defined in Annex 2 of the NPPF as "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

DP26 of the 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 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'*

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character and appearance of that area in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal is considered to result in minimal changes to the buildings exterior, with the primary external alteration coming to the rear through the removal of the existing external staircase. It was noted by the Conservation Officer in response to the application that the removal of the external staircase would be an enhancement to the site's appearance. Furthermore, it was noted in their response that the building was originally built as a dwelling and would be returned to its intended use.

Accordingly, the proposal is considered to result in a neutral impact on the Handcross Conservation Area. The proposal would comply with the provisions of Policies DP26 and DP35 of the District Plan, Policy 4 of the Neighbourhood Plan and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

High Weald 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.

Policy 1 of the Neighbourhood Plan notes that:

'Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

- 1. The identified landscape features or components of landscape beauty and to their setting;*
- 2. The traditional interaction of people with nature and appropriate landscape management;*
- 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- 4. The conservation of wildlife and cultural heritage.'*

Paragraph 189 of the NPPF is also relevant. This states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'

The proposal would make minor external alterations to an existing building and would be viewed within the context of the existing building. As such it would not have any adverse impact on the wider landscape quality of the AONB and the complies with the requirements of policy DP16 of the District Plan, Policy 1 of the Slaughtam Neighbourhood Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

Impact on Neighbouring Amenities

DP26 states that the development will be permitted provided it;

'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 proposal would not enlarge the existing buildings footprint and the proposed patio is not shown to be elevated significantly above the ground floor level on the proposed elevations. Accordingly, this would not give rise to a significant level of outlook towards the neighbouring occupiers.

In light of the above, the proposal is not considered to give rise to a significant overbearing, overlooking or loss of privacy impact towards the adjacent neighbouring properties.

Impact on the Future Occupiers of the Development

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 97m² with 3.0 of built in storage is recommended for a two storey, four bedroom dwelling with the lowest criterion being 5 bed spaces. The dwelling would have a cumulative floor space of circa 146m² and would therefore comply with this minimum requirement.

The proposal would therefore meet the requirements of the Technical Housing Standards and comply with DP27 of the District Plan.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The accompanying Sustainability Statement notes a number of measures to help improve the schemes sustainability credentials. The proposal would reuse materials for the internal refurbishment and would reuse an existing building rather than developing from scratch.

Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a windfall scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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 Slaugham 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 is that the development will provide 1 additional unrestricted residential unit within the settlement boundary of a Category 3 settlement as defined in the District Plan. The proposal is also considered to provide benefits through the standard of accommodation, which is in exceedance for a two storey, four bedroom dwelling.

The Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. Given this shortcoming in meeting the five year housing supply target, the addition of a new dwelling is considered to help contribute an additional site, albeit making a marginal contribution. This contribution nonetheless is considered to weigh in favour of the development proposal.

The proposals loss of land currently in employment use, impact on character and appearance (including heritage assets), impact on the High Weald AONB, neighbouring amenities, sustainability and impact upon the Ashdown Forest SAC are considered to be of a neutral impact.

For the reasons as set out within the assessment section, it is considered that the application complies with Policies DP4, DP5, DP6, DP16, DP17, DP26, DP27, DP28, DP29, DP35 and DP39 of the Mid Sussex District Plan, Policies 1 and 4 of the Slaugham Neighbourhood Plan, the National Planning Policy Framework and the Technical Housing Standards.

Decision: Permission

Case Officer: Stefan Galyas