

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1546	Case Officer:	Peter Davies
Application Type:	Full Application		
Proposal:	New windows and doors to be added to existing warehouse.		
Site:	13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , , ,		
Validation Date	16 Jun 2025	Overall Expiry Date:	10 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Oct 2025
Target Date:	11 Aug 2025	Recommending Officer Signature:	<i>Peter Davies</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	9
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Signed and Agreed By:	<i>Steven King</i>	Date:	13 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1546

**13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , ,
New windows and doors to be added to existing warehouse.
Mr A Sideek**

SUMMARY OF REPRESENTATIONS

12 letters of representation were received in objection to the proposal for the following reasons:

- Increased noise
- Increased traffic
- Impact on the Conservation Area
- Impact on wildlife
- Overlooking neighbour amenity areas
- Overbearing
- Subdivision of the warehouse
- Hours of use

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Comments received 23/07/2025

The application site is an unlisted warehouse building located in a backland position to the west of London Road, within the Fairfield Conservation Area. The building dates from the later 20th century and is not considered to be of any historical or architectural merit. It is of a bland and utilitarian appearance, has a blank and dead frontage onto the car parking area from which it is accessed, and detracts from the character and appearance of the Area. Planning permission was previously granted (2023) for demolition of the building and construction of 2 new detached dwellings.

The current proposal is for alterations to the existing building comprising the removal of the existing shutter and access doors to the front (east facing) elevation and the installation of three pedestrian doors with canopies over each, and flanking casement windows. New pedestrian doors and windows are also proposed to the rear (west facing) side of the building, and new windows to the north and south sides. In addition rooflights are proposed to front roof slope.

Although no change of use or internal subdivision of the building is proposed, these works have a domesticating impact which is at odds with the otherwise utilitarian, industrial appearance of the warehouse. Whilst is not an attractive building as existing, the introduction of these incongruous domestic elements further detract from its appearance, and exacerbate the harm caused to the character and appearance of the Fairfield Conservation Area.

For these reasons the proposal is considered contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, the proposal results in less than substantial harm to the character and appearance of the Conservation Area, at the lower end of that scale, such that the balancing exercise set out in paragraph 215 will apply.

Comments received 21/08/2025

The application has been revised in terms of the elevational treatment of the building, however these amendments do not in my opinion successfully address the concerns previously raised. The proposed

combination of industrial and domestic features as shown, in particular the part glazed French windows to the front elevation with roller shutters over, is jarring and unattractive, and will further detract from the character and appearance of the Conservation Area. This fails to meet the requirements of District Plan Policy DP35. In terms of the NPPF it will result in less than substantial harm, at the lower end of that scale, such that the balancing exercise set out paragraph 215 will apply.

MSDC Environmental Protection

Comments received 08/09/2025

Although Environmental Health was not originally consulted, concerns have been raised by nearby residents regarding potential noise impacts. Having reviewed the proposal, I have the following comments:

- o The application proposes eight new windows, four roof lights, and two new doors, with the removal of one existing door and one shutter door.
- o The building is of brick and tile construction, which generally provides good acoustic insulation. However, the introduction of multiple new openings may alter the building's noise breakout.
- o The roof lights appear small on the site plan, but no technical details have been provided regarding their specification or whether they are openable. This is relevant given that residential flats overlook the site, and upward noise transmission could affect amenity.
- o The removal of a shutter door may reduce noise if it was previously used for vehicle access or frequent operation, but this depends on what replaces it and how the site is used.

At this stage, Environmental Health can only assess the impact of the proposed physical changes in relation to the current or proposed use of the site. We cannot comment on internal layout or tenancy arrangements unless they result in a material change of use requiring planning permission.

To properly assess the potential for noise impact, we recommend that the following information be provided:

- o Specification of the proposed windows, doors, and roof lights, including whether they are openable and their acoustic performance.
- o Clarification of the site's current and intended activities on site once the new openings are installed, as well as the hours these take place, as this will impact the acoustic performance needed.

This information is necessary to determine whether the proposed changes could result in a significant impact on residential amenity, particularly in relation to noise. If it is still unclear, after additional information, it may be that further information is needed in the form of an acoustic report.

Comments received 19/09/2025

Following confirmation from the applicant that all new glazing will be Pilkington Optiphon, with a Weighted Sound Reduction Index (Rw) of at least 42 dB, the proposed changes to the building envelope have been reassessed from an environmental health perspective.

The development involves the removal of one existing door and a large roller shutter, and the addition of eight new windows, four roof lights, and two new doors. Based on estimated acoustic values for the existing building fabric and the roller shutter, the changes are expected to result in either a slight net gain or slight net loss in overall sound insulation. However, neither outcome is considered acoustically significant in terms of actual change of noise breakout.

Roller shutters are understood to be a weak point acoustically, and its removal, even taking into account an increase in glazed area, is likely to maintain or slightly improve the building's overall acoustic performance, given the proposed use of high-performance glazing, particularly where windows and roof lights are unopenable.

While acoustic modelling could provide more definitive data, it is not considered necessary or proportionate in this case given that the sound reduction change offered by the building is highly unlikely

to be significant, provided the glazing the applicant has suggested is installed. A condition securing the acoustic specification of the new elements is therefore recommended.

Recommendation: Approve with the following condition:

All new windows and roof lights shall be unopenable and shall achieve a minimum Weighted Sound Reduction Index (Rw) of 42 dB. All new doors shall also achieve a minimum Rw of 42 dB.

TOWN COUNCIL OBSERVATIONS

The Committee of 26th August would Recommend REFUSAL.

The Committee noted comments made by the Mid Sussex District Council Conservation Officer and had the same concerns as when considered on 14th July. The Committee felt the application still contravened:

Mid Sussex District Plan:

DP29 - Noise, Air and Light Pollution, particularly in relation to noise to local residents.

DP39 - Sustainable Design and Construction.

In addition, the committee of 26th August felt the application contravened:

DP26 - Character and Design as the introduction of windows and door would create an uncharacteristic domestic appearance to the building.

DP35 - as the design of the building is harmful to the Conservation Area.

The Committee repeated the request to know what the long term plans are for the site and request further information from the applicant.

INTRODUCTION

The application seeks planning permission for new windows and doors to be added to the storage warehouse.

RELEVANT PLANNING HISTORY

BH/098/99 - Proposed erection of storage building and 4 no. parking spaces. Appeal Allowed

DM/15/4766 - Demolition of existing warehouse and construction of two number three bedroom chalet bungalows. Permission

SITE AND SURROUNDINGS

The application site comprises of a single storey hipped roof storage warehouse currently not in use. The site has close board fencing around the boundary with an area of hardstanding to the front of the building which joins on to car parking serving the flats of Stockwell Court to the east. The site is accessed off London Road which leads behind the buildings that front onto London Road.

Surrounding the site is a mixture of residential development comprising of flats and also terraced two-storey dwellings. To the east of the site on London Road, there is a building comprising of a commercial units at ground floor and flats above. Both this building and that of Royal George Court to the north-east of the site are large 3-storey buildings.

The application site is situated within the built-up area of Burgess Hill and within the Fairfield Conservation Area.

APPLICATION DETAILS

The application seeks planning permission for the removal of the existing large shutter door and access door, with this to be replaced with 3 sets of glazed aluminium doors with a window on the front, east facing elevation with roller shutter doors. Three no. rooflights will be installed on the east facing roof.

A ground floor window and rooflight are to be installed on both the north and south ends of the building.

On the rear elevation 3 sets of double windows are to be installed which will have a white metal frame. Internally the building will be divided up to create 3 rooms internally.

Amended plans were received to reduce the domestic appearance of the proposal, and to provide additional information on the windows and doors.

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) And 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:

- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP35 - Conservation Areas

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.

Burgess Hill Neighbourhood Plan (made January 2016)

Relevant policies:

Policy H1- Protecting and Enhancing Heritage Assets and Conservation Areas.

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.

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

DPB1 - Character and Design

DPB3 - Conservation Areas

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;

- Design and Character
- Impact on Conservation Area
- Impact on neighbouring properties
- Other Matters
- Biodiversity Net Gain

Design and Character

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:

- *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;*
- *optimises the potential of the site to accommodate development.'*

The Town Council objected to the proposal raising concerns that it would create an uncharacteristic domestic appearance. Letters of representation objected to the proposal raising concerns that it would be overbearing.

These comments are noted, however the amended plans were received to reduce the domestic appearance of the building so that it retains a commercial appearance to match the use of the building. The existing building is an unattractive warehouse. The materials used are suitable for the proposed

development and will use 3 shutter doors to retain the commercial appearance of the building. It is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

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.'

Paras 210, 212-215 of the NPPF state:

'210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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.'

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:

- 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;*
- 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;*

- *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;*
- *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;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *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.'

Policy H1 of the Burgess Hill Neighbourhood Plan notes that: *'Proposals within the Burgess Hill Conservation Areas will be required to preserve and enhance their special character or appearance. Support will be given to undertaking/updating appraisals and management plans for each Conservation Area.'*

The MSDC Conservation officer has commented on the application following the amended plans received, advising that in her view, the proposals will detract from the character and appearance of the Conservation Area. The Conservation Officer has concluded that the amended plans still result in a domestic appearance, with the roller shutter doors creating a jarring and unattractive appearance. In her view, this results in a less than substantial harm at the lower end of that scale and therefore the balancing act set out in para 215 of the NPPF will apply.

The Conservation Officers comments are noted, however the existing building is currently an unattractive vacant commercial building with the alterations considered to be minor external alterations whilst still maintaining a commercial appearance. The application building is only visible from the adjoining neighbouring properties and the car park to the front and flats to the east. Therefore, it is considered that the proposed works would have a neutral impact on the Fairfield Conservation Area.

As such it is considered that the proposed works would not have a harmful impact on the Fairfield Conservation Area and accords with policy DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan and the NPPF.

Impact on neighbouring properties

Policy DP26 in part seeks to ensure that development:

'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 test of 'significant harm', is a high bar.

Policy DP29 states in part:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or

o an assessment of the effect of noise by an existing noise source upon a proposed development;'

The letters of representation object to the proposal on noise, privacy and overlooking grounds.

MSDC Environmental Protection have commented on the proposal regarding noise and raise no objection, subject to a condition to ensure windows are unopenable and to meet a minimum standard to reduce potential noise impacts.

The windows to the front will overlook onto the car park that serves the flats of Stockwell Court, with the flats being approximately 35 metres away from the application building. The proposed windows on the side and rear are at ground floor level with a close board fencing along the site boundary within close proximity. Therefore the windows will face onto the close board fencing and will not have direct views into the surrounding neighbours amenity areas. The building is single storey and therefore the rooflights will not create views from the building into neighbour amenity areas. The proposal therefore accords with policies DP26 and DP29 of the District Plan.

Other Matters

The comments raised by the letters of objection and the Town council regarding increased noise and traffic are noted. However, the current building is a commercial storage warehouse, and will remain in that use. The proposal does not increase the floor area of the building and therefore it is not considered that the changes could result in such an intensification of the existing lawful permitted use to result in significant harm to the amenities of the neighbouring properties.

Additionally, the comments raise objection to the building being subdivided. The planning application is for the external change to the building. Internal works are not classified as development under section 55 of the Town and Country Planning Act. The building will still be in use as one commercial storage warehouse consisting of three rooms.

It should also be noted that the conditions imposed by the Planning Inspector on the planning permission for the existing building (BH/098/99) would remain in place. These conditions restrict external storage at the site, prevent the use of power tools or machinery, other than portable hand tools and there is a restriction that no deliveries shall be taken or despatched from the site outside the hours of 07.30 and 20.00 Mondays to Fridays and 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Objections were also received regarding concerns about harm to wildlife surrounding the site, including a tree located close to the boundary. The site already consists of a commercial storage warehouse with only minor external alterations to the building and therefore this proposal is not considered to cause harm to wildlife.

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

In conclusion, the proposal would not have an adverse impact on the character of the building or the character and appearance of the Fairfield Conservation Area, which would be preserved by the proposal. It would not cause significant harm on the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP26, DP29 and DP35, and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Peter Davies