

Mid Sussex District Council
FAO Hamish Evans
By email to hamish.evans@midsussex.gov.uk

27th November 2025

Re: Application No DM/25/2830 for Proposed change of use from dwelling house (C3) to Children's Care Home (C2) for 3 children, located at 65 Balcombe Road, Haywards Heath, RH16 1PE

We wish to object to the above application for a Lawful Development Certificate (LDC) for a proposed change of use from a C3(a) dwellinghouse to a C2 children's residential care home.

Whilst we recognise the need for high-quality children's care, this proposal cannot lawfully be approved as it would result in a material change of use. It does not meet the legal test for a Certificate of Lawfulness under section 192 of the Town and Country Planning Act 1990.

The application should be refused for the reasons set out below.

1. A C2 children's care home is materially different from C3 residential use

The Council can only issue an LDC if the applicant demonstrates that no material change of use would occur. The case put forward by the applicant clearly highlights a material difference versus the dwellinghouse's current use, with the proposal outlining a professionally managed operation.

As outlined in the application, the proposed use would involve:

- Rotating, non-resident staff on day and night shifts awake at all times (365 days a year)
- Two daily shift changeovers
- A registered manager attending Monday - Friday
- Regular visits from:
 - Social workers
 - Regulation 44 inspector
 - Ofsted inspector
 - Responsible individual
- Vehicular and pedestrian movements associated with this activity

2. Precedents confirm such proposals do constitute a material change of use

Appeal decisions give strong support for refusing LDCs in circumstances similar to that proposed in this application, where a material change of use is clear.

(a) Bootle - APP/V4305/X/24/3353196 (22 Diana Road)

LDC refused and appeal dismissed

Inspector concluded that the “intended level and type of operation”, including carers working shifts, professional visitors and routine managerial oversight, “would result in a material change of use.”

Source: <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=61994546>

(b) Essex - APP/C1570/X/24/3352800 (32 Tyler Avenue)

LDC refused and appeal dismissed

The appellant “failed to show that, on the balance of probabilities, the use of the appeal property [...] would not constitute a material change of use”.

Source: <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=62922922>

(c) Burnley - APP/Z2315/X/24/3351706 (1 Albion Terrace)

LDC refused and appeal dismissed

Inspector held that the use as a children’s home was materially different from C3. The pattern of activity, including shift handovers, was found to “represent a material change to the way that the property would be used as a dwellinghouse”.

Source: <https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=62566607>

The proposal for 65 Balcombe Road should be treated as a material change, therefore requiring full planning permission, as the above cases clearly demonstrate precedents for. The Council cannot lawfully issue an LDC where the change of use is material.

3. Comings and goings exceed those of a typical dwellinghouse, are institutional in scale, and will result in a material increase in noise and disturbance

Whilst the application makes claim that the dwellinghouse *could* provide accommodation for “up to 9 people”, our understanding is that it has never housed more than four within a single family. Visits to the property have been incidental to the family habitation and proportionate to the number of people residing in the property. The activity proposed in the application outlines activity that is significantly different in character and intensity from that of the property’s current use as a family dwelling and the existing household composition must be taken into account to determine that the comings and goings outlined in the application would constitute a material change.

According to the applicant, the property will generate:

- Two daily staff shift changeovers with early-morning and late-evening arrivals
- Six separate staff attendances per day
- Managerial visits Monday - Friday
- Regular formal visits from Ofsted, social workers and safeguarding professionals
- Scheduled family contact
- Transportation to and from school

This amounts to institutional-level activity and would result in a significant increase in comings and goings to the dwellinghouse far in excess of today's levels of activity.

Noise generated by the proposed use and associated comings and goings would be significantly different in character and intensity from that of its current use as a family dwelling, with a higher propensity for noise and disturbance owing to:

- Car doors and engines
- Professional visitors
- Safeguarding interventions, including visits from emergency services

Residential care homes can lead to higher rates of police and other emergency service attendance than typical family homes. This is recognised in various Ofsted reports. Emergency service presence during safeguarding incidents would cause a significant disturbance to neighbours and would exacerbate the inadequate parking arrangements at the property (see point below).

4. Parking provision is incorrectly stated and wholly inadequate

The Planning Statement asserts that the site has six off-street spaces plus additional garage capacity for a further vehicle. This is factually incorrect.

In reality, the property has:

- A small driveway for 2–3 cars maximum - note that this is misrepresented in the application with a misleading drawing of the driveway overstating the available space (TRD-202702-A2/02 Proposed floor plans, elevations, roof and location plan)
- No space for vehicles to safely turn around on the drive when more than two cars are parked, requiring vehicles to reverse onto the Balcombe Road with restricted visibility
- No capacity for six vehicles - any attempt to accommodate more vehicles would constitute an external alteration to the property which this application categorically states will remain unchanged
- No access to suitable, safe on-street parking on Balcombe Road that would not impede other road users and cause significant disruption - completely at odds with the applicant's claim that on-street parking is "unrestricted and readily available"
- No capacity to park emergency service vehicles - any attending service would need to park on the Balcombe Road which would cause significant disruption and potential road closures

Staff vehicles, other professional visits, family contact visits and emergency service attendance would inevitably spill out onto Balcombe Road, undermining highway safety. Any attempts to move vehicles around to fit on the drive during shift handovers would surely risk the safety of the children as carers would be outside the property, thus compromising the one to one ratio of carers to children that the applicant states is required, as well as elongating the stated shift handover time of 15 minutes.

It cannot be demonstrated that there is an adequate level of parking provision at the property to serve the use as outlined in the application.

5. The property is situated within an Area of Townscape Character (ATC)

The property sits within an Area of Townscape Character as identified in section 6.29 and Figure 4 of the Haywards Heath Town Council Neighbourhood Plan. Source: <https://www.midsussex.gov.uk/media/2801/haywards-heath-neighbourhood-plan.pdf>

The same document states that “Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question”. This application fails to do so.

The comings and goings and non-domestic nature of the activities proposed in the application would not enhance the protected townscape character.

Conclusion

Because the proposal will result in a material change of use, we respectfully request that the Council refuse the application for a Lawful Development Certificate.

The proposal would:

- Result in a material change of use as identified in multiple recent appeal decisions, therefore requiring a full planning application
- Generate excessive comings and goings which would cause unacceptable levels of noise and disturbance
- Increase the likelihood of police and emergency attendance
- Compromise the safety of residents and road users due to inadequate parking provision
- Not support the Area of Townscape Character

Kind regards,

35 Aster Way, Haywards Heath, RH17 5NL