

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2844	Case Officer:	Tracie Axford
Application Type:	Full Application		
Proposal:	Retrospective Application for the creation of a new 3 x 3 store extension to their existing single storey garden building along a new fence and gate.		
Site:	The Star, 1 The Broadway, Haywards Heath, West Sussex, RH16 3AQ, , ,		
Validation Date	13 Nov 2025	Overall Expiry Date:	9 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 Jan 2026
Target Date:	8 Jan 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2844

**The Star, 1 The Broadway, Haywards Heath, West Sussex, RH16 3AQ, ,
Retrospective Application for the creation of a new 3 x 3 store extension to their existing single
storey garden building along a new fence and gate.
Ms Laura Walker**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Environmental Protection had no objection to the application but would recommend that a condition be applied to ensure that the building is not used for any activity likely to have an adverse impact on amenity of neighbours

TOWN/PARISH COUNCIL OBSERVATIONS

Haywards Heath Town Council made no comment on this application.

INTRODUCTION

The application seeks retrospective planning permission for a new 3 metre x 3 metre store extension to the existing single storey garden building.

RELEVANT PLANNING HISTORY

DM/21/0071 - Retrospective application for the erection of a timber outdoor drinking shelter to existing beer garden. Permission 01/03/2021

SITE AND SURROUNDINGS

The application site comprises a large two-storey detached building used as a public house and associated outdoor seating area and service yard. The building is characterised by a grey painted render design with corner brick detail and with a gable end slate roof. There are single-storey elements to the side (south) elevation and rear elevation. The site is bound by highways to the south and east, with commercial units to the north and a hand car wash to the west beyond a substantial area of informal planting.

The site is located within the built up area boundary of Haywards Heath as defined in the Mid Sussex District Plan. The site is identified as a secondary shopping frontage in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan. The site is also nearby to the east of Muster Green Conservation Area and as such is considered to be in the setting of this Conservation Area.

APPLICATION DETAILS

The application seeks retrospective planning permission for a new 3 metre x 3 metre extension to be used for storage to the existing single storey garden building. The extension has external facing brickwork to match the existing and there are no doors or windows proposed.

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 the 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

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.

Haywards Heath Neighbourhood Plan

Policy E9 (Character and Design)

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

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.

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 neighbouring properties
- 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."*

Principle DG49 of the Mid Sussex Design Guide states: *'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'*

Principle DG50 deals with front and side extensions and states: *'Front and side extensions are typically visible from the public realm and will be resisted where they have an adverse impact on the street scene or the appearance of a dwelling.'*

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- height, scale, spacing, layout, orientation, design and materials of buildings,*
 - the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
 - respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
 - creates safe, accessible and well-connected environments that meet the needs of users,*
 - Will not result in unacceptable levels of light, noise, air or water pollution,*
 - Makes best use of the site to accommodate development,*
 - Car parking is designed and located so that it fits in with the character of the proposed development.*
- Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.*

Although not within the boundary of, the application site is within the setting of the Muster Green Conservation Area. The modest extension has extended the existing outbuilding by 3 metres in length and has been built using brick that matches the existing outbuilding with a flat roof. No windows or doors have been used in the extension. Views of the extension can be seen from Muster Green South, however the extension is set well back from the boundary of the site and is not visually prominent within the streetscene, therefore it is not considered that it would not harm views into or out of the nearby conservation area.

Given the design, form and scale of the proposal in relation to the surroundings, and that it would be constructed in materials similar to those of the existing outbuilding, the proposal is considered to comply with policies DP26 and DP35 of the District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the relevant principles of the Mid Sussex Design Guide SPD.

Impact on Neighbouring Amenities

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);'*

Due to its location, the proposal will not create any additional overlooking nor will it have an impact on the privacy, outlook or daylight of the neighbours in the vicinity. Due to the nature of its designated use, it is not considered that there will be any significant harm or impact in terms of noise, air or light pollution. Therefore, in terms of neighbouring amenities, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan.

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 is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is appropriate in terms of design and will not negatively impact on the host building nor its immediate setting and will not harm neighbouring amenities. Therefore, the proposal complies with policies DP26 and DP35 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan, principles DG49 and 50 of the Mid Sussex Design Guide and the relevant paragraphs of the NPPF and is considered acceptable.

Decision: Permission

Case Officer: Tracie Axford