

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0759	Case Officer:	Peter Davies
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/25/1546 - to allow for design changes (amended Plans recieved 26.05.2026)		
Site:	13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , , ,		
Validation Date	24 Mar 2026	Overall Expiry Date:	17 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Jun 2026
Target Date:	19 May 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	22 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0759

**13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , ,
Variation of condition no 2 relating to planning application DM/25/1546 - to allow for design changes (amended Plans recieved 26.05.2026)
Mr A Sideek**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Environmental Protection

Comments received 20.05.26

Given the conditions already in place that you have outlined below, I would not raise an objection to the application, even without the previously proposed condition for doors being shut other than access or egress, which I understand now is not enforceable.

Based on the conditions you have outlined below and noting that the door will be insulated as previously required, any future issues could be investigated under the Environmental Protection Act 1990 as a potential statutory nuisance, and specific abatement required if needed. As the exact manner of operation is currently unknown, it is also unclear whether the previously proposed condition would meet the test for necessity in planning terms, as it may be the door can remain open for some operations.

The applicant should be made aware that the Environmental Protection would be duty bound to investigate any future complaints. Should a statutory nuisance be identified, an abatement notice may be served. Future occupiers should therefore ensure that the premises are operated appropriately to minimise the risk of complaints.

Latest comments received 27.05.26

The updated plans received on the 26th May do not affect my previous comments.

TOWN COUNCIL OBSERVATIONS

The Committee of 20th April would Recommend Refusal on the following grounds:

Mid Sussex District Plan:

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

DP26 - Character and Design

DP39 - Sustainable Design and Construction

DP35 - Causing harm to the Conservation Area.

INTRODUCTION

This application seeks consent for a variation of condition no 2 relating to planning application DM/25/1546 to allow for design changes.

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

DM/25/1546 - New windows and doors to be added to existing warehouse. Permission

DM/25/2880 - Retention of existing warehouse and creation within it of 3 new dwellings. Prior Approval is Granted

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 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

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

This application seeks planning permission to change the existing 3 no. double windows on the rear elevation to be a square window a floor to ceiling tall window. With 2 additional windows to be added. These windows are to be non-opening with 42db noise reduction double glazing.

Amended plans were received to remove fences shown to the rear as well as an inconsistency between the floor plans and elevations. Further amended plans were received to change the originally proposed doors on the rear elevation to floor to ceiling windows.

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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 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

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that '*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

Accordingly, it is not necessary to reassess all of the issues from the original planning application; it is only necessary to assess the issues that are relevant in relation to the condition/s that are proposed to be amended.

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

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 for harm to the character and design.

These comments are noted, however the proposed alterations are minor to what has already been approved as well as being to the rear of the building and are not visible from the public realm. The building is an unattractive warehouse and the materials used are suitable for the proposed development. 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 Town Council objected to the proposal for causing harm to the Conservation Area.

The proposed changes are to the rear of the building and will not be visible from the public realm. The previous changes were considered to have a neutral impact on the Conservation Area with these

changes to be a minor alteration to the rear. As such it is considered that the proposed works would not have a harmful impact on the Fairfield Conservation Area, which would be preserved and the proposal therefore 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 Town Council objected to the proposal on the grounds of noise, Air and Light Pollution.

The proposed windows would face the back towards the boundary marked by close board fencing. They would be at ground floor level of which windows have previously been approved and will therefore not result in significant harm to neighbour amenities in terms of outlook.

Environmental Protection have commented on the application. Given the condition already in place requiring windows on the rear elevation to be non-opening and meeting a minimum Weighted Sound Reduction Index of 42 dB, Environmental Protection have raised no objection to the proposal. The condition would remain requiring all windows and doors to maintain this requirement.

The proposal would therefore not result in significant harm to neighbour amenities. The proposal therefore accords with policies DP26 and DP29 of the District Plan.

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