

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1699	Case Officer:	Susan Dubberley
Application Type:	Full Application		
Proposal:	Retrospective change of use from small HMO for up to 6 occupants (Use Class C4) to a large HMO for up to 8 occupants in 7 bedrooms (Sui Generis Use), and associated enlargement of driveway and dropped kerb..		
Site:	27 Franklynn Road, Haywards Heath, West Sussex, RH16 4DQ, , , ,		
Validation Date	2 Jul 2025	Overall Expiry Date:	29 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Aug 2025
Target Date:	27 Aug 2025	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	22 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1699

**27 Franklynn Road, Haywards Heath, West Sussex, RH16 4DQ, , ,
Retrospective change of use from small HMO for up to 6 occupants (Use Class C4) to a large HMO for up to 8 occupants in 7 bedrooms (Sui Generis Use), and associated enlargement of driveway and dropped kerb..
Ms Harjinder Heer**

SUMMARY OF REPRESENTATIONS

One letter of objection:

- o Intensification to 7 bedrooms and 8+ adult occupants will significantly increase vehicle movements, on-street parking, and pedestrian traffic in a road that is already hazardous. Will increase the risk of a serious traffic accident.
- o This property was originally built as a modest 2-bedroom home, yet now accommodates 7 bedrooms and a high volume of unrelated occupants. We have experienced a marked increase in noise and disturbance, particularly from visitors and overnight guests. The constant footfall and activity has made our garden feel unusable and eroded our enjoyment of our home.
- o Groundworks and driveway expansion have already begun. A digger has been operating on site, and the front boundary hedge has been removed — a hedge that we understand was known to contain nesting birds, protected under the Wildlife and Countryside Act 1981.
- o This proposal represents a clear case of overdevelopment, creating an unsustainable level of occupation in a quiet residential street. The resulting pressure on parking, privacy, safety, and residential character is unacceptable

SUMMARY OF CONSULTEES

MSDC Environmental Health Housing Standards

and would just make the following comments.

- If granted the owner will need to revise their existing HMO licence; and
- The standards for HMO's can be found at Standards for houses in multiple occupation. In particular, page 8 indicates the additional kitchen facilities associated with a larger HMO, which this will become.

Most other things such as fire alarms, fire doors will be included within the variation to the HMO licence.

WSCC Highways

No objection.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Full planning permission is sought for a retrospective change of use from small HMO for up to 6 occupants (Use Class C4) to a large HMO for up to 8 occupants in 7 bedrooms (Sui Generis Use), and associated enlargement of driveway and dropped kerb.

RELEVANT PLANNING HISTORY

DM/19/0341. Proposed loft conversion incorporating rear dormer and roof light to the front facade. LDC Approved.

HH/088/85 Garage, dropping of kerb and new access to Franklynn Road. Approved.

SITE AND SURROUNDINGS

The application site is a semi-detached property located on the north side of Franklynn Road in Haywards Heath and is sited opposite the junction with Petlands Gardens. To the west of the site, the property adjoins No. 25 Franklynn Road, while to the east lies another semi-detached dwelling of similar design. On the opposite side of the road there are further residential properties along with a petrol station with has an attached convenience store. To the north, the rear boundary of the site adjoins the side garden boundary of a residential property in Western Road.

The site is located within the built-up area of Haywards Heath.

APPLICATION DETAILS

Full planning permission is sought for a retrospective change of use from small HMO for up to 6 occupants (Use Class C4) to a large HMO for up to 8 occupants in 7 bedrooms (Sui Generis Use), and associated enlargement of driveway and dropped kerb.

Between 2006 and 2019, the property was in use as a small four-bedroom HMO and following extension to the property a HMO licence was granted in September 2019 for property to be the occupied as a small HMO for up to 6 occupants (Use Class C4).

In August 2024 a seventh bedroom was created to enable occupation of the premises by up to eight individuals. Subsequently, a large HMO licence was granted in 2024, permitting this level of occupation. The current licence remains valid until 18th September 2029.

The seventh bedroom was achieved by converting a former storeroom on the ground floor used by the landlord. No external changes were necessary to create the additional bedroom.

The proposal includes the enlargement of the existing driveway and widening of the existing dropped kerb. On inspection of the site the works to the driveway had taken place with the boundary hedge having been removed and the front garden now consisting of shingle to create an additional parking space with space for two vehicles.

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.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP21: Transport
Policy DP26: Character and Design
Policy DP30: Housing Mix
Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E9: Local Character

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 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH7: Housing Mix

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG24: Plan for cyclists

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 64, 65 and 66 (affordable housing), 109 (promoting sustainable transport), 131 and 135 (design), 187 (conserving and

enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Principle

Policy DP30 of the Mid Sussex District Plan states (in part):

'To support sustainable communities, housing development will:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;'

The proposal would therefore comply with this policy in principle.

Design and Character

Policy DP26 of the District Plan in part 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;*
- 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 proposed extension of the driveway is considered acceptable in this location where there are a number of properties in the street, including the adjacent property, where the front boundary has been removed and the front garden area surfaced with pebbles and shingles to create two parking spaces. The proposal is therefore in keeping with the general character of the area.

In view of the above it is considered that that the proposal would comply with policy DP26 in regard to design.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate 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)'*

Although the Haywards Heath Neighbourhood Plan requires development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents, the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The objection from a neighbour regarding the overdevelopment of the property is noted, which states that the property was originally built as a modest 2-bedroom home, yet now accommodates 7 bedrooms and that they now experienced a marked increase in noise and disturbance, particularly from visitors and overnight guests. However, the property currently operates legally as a small HMO for six people and the application can only consider the change from small HMO to large HMO. It is not considered that an additional occupant (or 2 at most) would result in significant harm to the amenities of neighbouring properties.

For the future occupants and existing occupants of the HMO, the loss of the storeroom is not considered to be significantly harmful to their amenity. All the existing communal facilities will remain for the occupants of this property.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The proposal includes the enlargement of the existing driveway and widening of the existing dropped kerb. One representation has been submitted objecting to the proposals on the grounds that the intensification of the use will significantly increase vehicle movements, on-street parking, and pedestrian traffic and will increase the risk of a serious traffic accident. The Highway Authority have been consulted on the application and have raised no objection to the application commenting:

'The site is located on Franklynn Road, a B-classified road subject to a speed limit of 30mph.

The LHA would not anticipate that the proposal to increase the HMO to 8 occupants would result in a material intensification of use of the site. The proposal would result in a second parking space to the site frontage. Whilst the LHA would not raise any highway safety concerns to the widening of the vehicular crossover, these works would be subject to a licence from the WSCC Area Engineer and must be constructed to a specification agreed with them.'

In view of the above it is considered that the proposal would comply with Policy DP21 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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation

importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

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 as a **windfall development** 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across 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.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other matters

National Space Standards do not apply to this application but space standards as well as other housing standards are controlled under the HMO licensing regime regulated by Environmental Health.

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 Haywards Heath Neighbourhood Plan.

Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

In this case the proposal would provide an additional unit of accommodation within an existing HMO, in a highly sustainable location.

While the proposal results in the loss of a storeroom it is not considered that this would be significantly harmful to the amenities of the occupants, particularly as the room was used by the landlord and not the tenants.

The proposed extension of the driveway is considered acceptable in this location where there are a number of properties in the street with similar arrangements.

There will be a neutral impact in respect of neighbouring amenity, parking and biodiversity.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal. The application is therefore considered to be acceptable and in compliance Mid Sussex District Plan Policies DP21, DP26, DP30 and DP38 and Neighbourhood Plan Policy E9.

Decision: Permission

Case Officer: Susan Dubberley