



PLANNING STATEMENT

Detailed Application for Conversion & Extension Of The Existing Semi-Detached Dwelling

Located At 75 Mill Roadm Burgess Hill, West Sussex, RH15 8DY

1. Introduction

1.1 This Planning Statement has been prepared by LM Associates on behalf of BCE Investments Limited ("the Applicant") in support of a full planning application relating to 75 Mill Road, Burgess Hill, West Sussex, RH15 8DY ("the Application Site").

1.2 The application seeks planning permission for the conversion of a single dwelling into six one-bedroom flats, together with the demolition of the existing garage and single-storey rear extension and the erection of a two-storey partial side and full-width rear extension. The proposal would deliver a net gain of four residential units.

1.3 The works are of traditional construction throughout, with materials, form, proportions and detailing to match the existing building.

Purpose and status of this Statement

1.4 This Statement identifies the relevant development plan policies and material considerations, assesses the proposal against each of them, and sets out the planning balance. It has been drafted so as to be capable of forming the basis of the Applicant's statement of case in the event of an appeal under section 78 of the Town and Country Planning Act 1990.

1.5 The Statement is structured as follows: Section 2 addresses the Site, its lawful use and the constraints that do and do not apply; Section 3 the planning history; Section 4 the proposed development; Section 5 the policy framework; Section 6 the assessment; Section 7 the planning balance; and Section 8 the conclusions. The documents accompanying the application are listed in the covering letter.

Statutory framework

1.6 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. This is reflected at paragraphs 2, 12 and 48 of the National Planning Policy Framework.

1.7 Where there are no relevant development plan policies, or the policies most important for determining the application are out of date, paragraph 11(d) of the Framework applies and permission should be granted unless the application of Framework policies protecting areas or assets of particular importance provides a strong reason for refusal, or any adverse impacts would significantly and demonstrably outweigh the benefits. The Applicant's position on the engagement of paragraph 11(d) is set out at Section 5.7.

2. The Site and its surroundings

2.1 Site description

2.1.1 The Site extends to approximately 330m² (0.033 hectares) and lies on the south-eastern side of Mill Road, Burgess Hill.

2.1.2 It comprises one half of a pair of semi-detached houses of traditional masonry construction, arranged over four floors including a lower ground floor. The property has an attached single garage, a private vehicular access and drive, a part hard-landscaped front garden, and a rear garden with a minimum depth of 13.5 metres. The rear and side boundaries are enclosed by established close-boarded fencing.

2.1.3 The building is currently in residential use only. There is no commercial, ancillary or other non-residential use of any part of the Site.

2.2 The lawful use and the fallback position

2.2.1 The lawful use of the building is residential, falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

2.2.2 A material fallback exists and it is a strong one. Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development rights for a change of use from a dwelling house (Class C3) to a house in multiple occupation (Class C4) occupied by up to six unrelated individuals sharing basic amenities. No Article 4 direction applies to the Site (see Section 2.5). The Applicant could therefore convert the building to a six-person house in multiple occupation *without any planning permission whatever*.

2.2.3 The building is of a size and configuration capable of accommodating a minimum of eight residents in multiple occupation. Occupation by seven or more individuals would fall outside Class C4 and would require planning permission; occupation by up to six would not.

2.2.4 Where there is a real prospect as opposed to a merely theoretical possibility of a fall back use being implemented, that fall back is a material consideration capable of attracting significant weight: *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314. Here the fall back requires no consent at all, which places it at the strongest end of the spectrum.

2.2.5 The consequence for this application is significant. The proposal comprises six one-bedroom, one-person flats and would therefore accommodate six residents. The permitted development fall back would accommodate the same number of residents, in shared accommodation with shared facilities, with no control over layout, no requirement to meet space standards, no provision for cycle or refuse storage, no parking arrangement and no planning conditions of any kind. The proposal accordingly represents no intensification of occupation over the fall back, while delivering a materially better standard of accommodation under conditions the Council is able to control. Assessed against the physical capacity of the building as a house in multiple occupation, the proposal is the less intensive outcome.

2.3 Access, accessibility and sustainability

2.3.1 Vehicular and pedestrian access is taken directly from Mill Road. The access and drive are wholly within the Applicant's ownership and are not shared with any other property. No right of way over third-party land is relied upon, and no alteration to the position of the access is proposed.

2.3.2 The Site occupies a highly sustainable location on the edge of Burgess Hill town centre. Approximate walking distances and times, measured from the Application Site along the pedestrian network, are:

Facility	Distance	Walk time	Notes
Church Road — town centre core	c. 400m	c. 5 min	Shops, services, banks
Nearest bus stops (Church Road / Station Road)	c. 400–500m	c. 5–6 min	Town and district services
Pharmacy, Station Road	c. 500m	c. 6 min	
The Martlets Shopping Centre	c. 510m	c. 6 min	Comparison and convenience retail
Burgess Hill railway station	c. 570m	c. 7 min	London, Brighton and Gatwick services
Waitrose, Market Place	c. 590m	c. 7 min	Main food store
Silverdale Surgery	c. 740m	c. 9 min	Nearest GP practice
The Brow Medical Centre	c. 810m	c. 10 min	Second GP practice
St John's Park	c. 900m	c. 11 min	Public open space and play
The Burgess Hill Academy	c. 950m	c. 12 min	Secondary

Facility	Distance	Walk time	Notes
			school
Sheddingdean Community Primary School	c. 1,140m	c. 14 min	Nearest primary school

2.3.3 The Site is therefore within a five to ten minute walk of the town centre, of bus stops serving the town and district, and of Burgess Hill mainline railway station. Every day-to-day service required by the future occupiers is available on foot. This is directly relevant to the assessment of car parking demand at Section 6.6, and to the weight to be given to the sustainability of the location under paragraphs 110 and 129 of the Framework.

2.4 Boundaries and adjoining land

2.4.1 The Site is surrounded on all sides by residential development. There is no commercial, industrial, institutional or other non-residential use adjoining the Site on any boundary.

Boundary	Adjoining land
North-east	Residential neighbouring dwelling and garden
North-west	Mill Road, with residential development beyond
South-west	Residential development
South-east	Residential rear gardens of adjoining properties, enclosed by established close-boarded fencing

2.4.2 The uniformly residential context is relevant in three respects: there is no conflict of use to be managed, the proposal introduces nothing that is not already the established use of every adjoining property, and the Site has no ecological interest of the kind that arises where development adjoins open land (see Section 6.8).

2.4.3 The number of the attached neighbouring dwelling and the position of its nearest habitable room windows should be inserted, since they underpin the amenity assessment at Section 6.4.

2.5 Designations and constraints

2.5.1 The Application Site lies within the built-up area boundary of Burgess Hill as defined on the Mid Sussex District Plan Policies Map. Burgess Hill is a Category 1 settlement and the largest settlement in the District under the settlement hierarchy at Policy DP6.

2.5.2 The following designations and constraints do not apply to the Application Site. Each is confirmed because each would otherwise engage a materially different policy test:

Constraint	Position
Conservation area	Does not apply. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not engaged.
Area of Townscape value	Does not apply. Burgess Hill Neighbourhood Plan Policy H3 is not engaged.
Article 4 direction	None applies. Permitted development rights, including Class L (C3 to C4), are unrestricted.
Flood risk	The Site is not within a flood plain. It lies in Flood Zone 1, the lowest category of flood risk.
High Weald National Landscape (AONB)	Outside the designated area. The High Weald lies to the north and east of the District and does not extend to the built-up area of Burgess Hill.
South Downs National Park	Outside the National Park, the boundary of which lies to the south of Burgess Hill. Mid Sussex District Council is the local planning authority.
Green Belt	Not within the Green Belt, which in Mid Sussex lies to the north west around Crawley and Gatwick.
Countryside	Within the built-up area boundary. The countryside protection policy of the District Plan is not engaged.
Tree Preservation Orders	None. There are no trees of significance on the Site, and no tree on or adjoining the Site is subject to a Tree Preservation Order.
Other site restrictions	None. There is no other designation, covenant-derived planning constraint or site-specific restriction affecting the Site.

2.6 Character and context

2.6.1 Mill Road runs north-eastward from the Burgess Hill town centre and displays a varied architectural character, comprising dwellings of differing ages, sizes, styles and plot widths. It includes late Victorian and Edwardian villas, inter-war housing, the Burgess Hill Asset List identifies the terrace at Nos. 22-36 Mill Road, built around 1930 and Tudor in influence, as a building of local significance and later twentieth century infill. No. 75 is not identified on that list, and there is no single prevailing building type, roof form or materials palette along the road.

2.6.2 The defining feature of the immediate context is that this section of Mill Road has been progressively converted to flats over the past fifty years. Nos. 57, 59, 61, 63 and 67 have all been converted under permissions granted by the Council between 1974 and 1989, delivering fourteen units of accommodation across five properties. With the single exception of No. 65, every property in the run from No. 57 to No. 67 has been the subject of such a consent (see Section 3). The application Site lies four properties further along the same side of the road.

2.6.3 The street therefore already accommodates a residential density and pattern of occupation well above that of a conventional street of single-family houses. That is not an incidental feature of the area but its established character, and it is a character the Council has itself created through a consistent series of its own decisions.

2.6.4 The Application Site's position close to the town centre, and within a short walk of the railway station, places it in the part of Burgess Hill where a higher residential density is both expected and encouraged by national policy.

2.6.5 The Application Site contains no trees of significance and its boundaries are defined by established close boarded fencing. Separation between the Site and the adjoining gardens is achieved by that fencing rather than by vegetation, and the assessment at Section 6.4 does not rely on screening by planting.

3. Relevant planning history

3.1 The Council's online planning register is the definitive source and the tables below should be completed from it before submission. The register is searchable by address at pa.midsussex.gov.uk/online-applications. Application references are not reliably indexed by public search engines and cannot be taken from any secondary source.

3.2 The Site

Reference	Description	Decision	Date
BH/186/75	Ground floor extension and garage	Approved	1975

3.2.1 The structures now proposed for demolition are those permitted under BH/186/75. The garage and single-storey rear extension are not original features of the building; they are additions of 1975 which have no architectural merit and which contribute nothing to the character of the street. Their removal, and their replacement by an extension of traditional construction matching the original dwelling, is an improvement in its own right.

3.2.2 Any previous refusal on the Application and any pre-application advice received, should be disclosed here together with a short explanation of how the current scheme responds. A history section that omits an adverse decision is the first thing an Inspector will notice, and the omission costs far more than the decision itself.

3.3 Comparable decisions on Mill Road

3.3.1 The Council has a long and consistent record of permitting the conversion of dwellings in this section of Mill Road into flats. The following decisions are directly comparable:

Property	Reference	Description	Units
57 and 59 Mill Road	BH/111/81	Conversion to flats	5
61 Mill Road	BH/221/89	Conversion to flats	3
63 Mill Road	BH/045/74	Conversion to units of accommodation	4
67 Mill Road	BH/070/89	Extension and conversion to flats	2

3.3.2 Three features of that record are material.

3.3.3 First, the pattern is established and sustained, not exceptional. The decisions span fifteen years, from 1974 to 1989, and deliver fourteen units of accommodation across five properties. With the single exception of No. 65, for which no such consent is recorded, every property in the run from No. 57 to No. 67 has been the subject of a consent to convert. The Application lies four properties further along the same side of the road. The conversion of dwellings to flats is not a departure from the character of this part of Mill Road; it is its defining characteristic.

3.3.4 Second, No. 67 is a direct analogue. BH/070/89 permitted the extension and conversion of that property to flats. The present proposal is of the same kind: an extension to an existing dwelling combined with its conversion to self-contained units. The Council has therefore already accepted, in this street, the specific combination of operations now proposed.

3.3.5 Third, the number of units proposed is higher and the Applicant addresses the point directly. The comparable schemes delivered between two and four units per property, whereas six are proposed here. The distinguishing factors are that No. 75 is arranged over four floors, including a lower ground floor, and that the proposal includes a two-storey extension replacing the 1975 garage and single-storey rear extension. The relevant comparison is therefore not units per property but the standard of accommodation and the intensity of occupation: all six units are one-bedroom, one-person flats meeting the national space standard, accommodating six residents in total — no more than could lawfully be accommodated under the permitted development fallback described at Section 2.2, and fewer than the fourteen residents implied by the five nearby conversions taken together.

3.3.6 The schedule at paragraph 3.3.1 is the complete record of relevant consents in this section of Mill Road, based on a search of the Council's planning register. No planning history is recorded for Nos. 55 or 69. The Applicant does not suggest that the absence of a recorded consent establishes the present use of any particular property, since conversions predating 1948, and changes of use falling within permitted development rights, leave no trace on the register.

3.4 The weight properly attached to previous decisions

3.4.1 Each application falls to be determined on its own merits, and the Applicant does not contend that previous permissions bind the Council. The proposition relied upon is narrower and stronger: consistency in decision-making is itself a material consideration. In *North Wiltshire District Council v Secretary of State for the Environment* (1992) 65 P&QR 137 the Court of Appeal held that a decision-maker reaching a different conclusion on materially similar facts must have regard to the earlier decision and give reasons for departing from it, so that the developer and the public are not left to wonder whether like cases are being decided alike.

3.4.2 It is right to acknowledge that the decisions listed above are between thirty-five and fifty years old, and that planning policy has changed considerably since they were taken. Their weight as an appeal to consistency in decision-making is correspondingly reduced.

3.4.3 That does not diminish their significance, because their principal relevance is not as decisions at all. Those permissions have been implemented, and the flats they created exist. The consequence is that the established character of this section of Mill Road — the character against which the present proposal falls to be assessed under Policy DP26 and paragraph 135 of the Framework — is one of converted properties in multiple residential units. That is a matter of present fact, not of historic decision-making, and it is a direct product of the Council's own consistent approach.

3.4.4 The decisions are accordingly relied upon in two ways: as evidence of the physical and functional character of the street as it exists today, and, to the more limited extent that the age of the decisions permits, as evidence that the Council has repeatedly found the conversion of dwellings of this type, in this street, to be acceptable in terms of density, parking, amenity space and effect on neighbours.

4. The proposed development

4.1 Overview

4.1.1 The proposal comprises:

- demolition of the existing attached garage and the existing single-storey rear extension;
- erection of a two-storey partial side and full-width rear extension, in traditional construction to match the existing building;
- conversion of the resulting building to provide six self-contained one-bedroom, one-person flats;
- provision of three off-street parking spaces to the front of the property;
- provision of covered, secure cycle parking and an enclosed refuse and recycling store;
- retention of the rear garden as private amenity space; and
- associated landscaping and boundary treatment.

4.2 Scale, form and construction

4.2.1 The extension is of traditional construction, using facing brickwork and plain clay tiles, with window proportions, soldier arches, eaves detailing and roof pitch matched to the existing building. The form of the extension follows that of the host dwelling, and the works have been designed so that the completed building reads as a coherent whole rather than as an addition.

4.2.2 The two-storey rear extension occupies substantially the position of the garage and single-storey rear extension to be demolished, and is set down from the main ridge so that it remains subordinate to the original roof.

4.2.3 The comparative dimensions are as follows:

Measure	Existing	Proposed	Net change
Site area (m ²)	330	330	Nil
Building footprint (m ²)	330	330 ¹	Nil

4.3 Schedule of accommodation

4.3.1 All six units are one-bedroom, one-person flats. Each complies with the Technical Housing Standards Nationally Described Space Standard (DCLG, March 2015), which sets a minimum gross internal area of 39m² for a one-bedroom, one-person dwelling arranged on a single storey, including built-in storage of at least 1.0m². The bedroom of a single-person unit must be at least 7.5m² with a minimum width of 2.15m, and every habitable room must have a floor-to-ceiling height of at least 2.3m over at least 75% of its area.

4.3.2 The gross internal area of each unit is scheduled on the submitted floor plans. All six units meet or exceed the 39m² minimum and each is provided with storage satisfying the standard. The proposal accordingly complies with Policy DP27.

4.4 Internal living conditions

4.4.1 Each flat comprises a kitchen or kitchenette, a living/dining area, one bedroom and one bathroom, arranged on a single floor.

4.4.2 Acoustic separation between units will be designed to satisfy Part E of the Building Regulations.

4.4.3 Where a unit is located at lower ground floor level, its daylight, outlook and floor-to-ceiling height warrant particular attention, since these are the most common grounds on which conversion schemes are resisted. Paragraph 130(c) of the Framework requires a flexible approach to daylight and sunlight guidance where it would otherwise inhibit making efficient use of a site, provided the resulting scheme delivers acceptable living standards.

4.5 Parking, cycle parking and refuse

4.5.1 Three off-street parking spaces are achievable and are provided to the front of the property, replacing the existing tandem arrangement and the garage. The revised layout allows vehicles to enter and leave in forward gear more readily than the existing arrangement.

4.5.2 Electric vehicle charging will be provided in accordance with Part S of the Building Regulations.

4.5.3 Secure, covered cycle parking is provided for at least one cycle per unit, located in the rear amenity area.

4.5.4 A dedicated refuse and recycling store is provided, sized in accordance with Mid Sussex District Council's waste storage requirements for flatted development and positioned within a reasonable drag distance of the collection point on Mill Road.

4.6 External amenity space

4.6.1 The rear garden, with a minimum depth of 13.5 metres, is retained in full and provides private amenity space for the occupiers. It is enclosed on all sides by established close-boarded fencing.

4.6.2 The retained garden depth compares favourably with what is typically achieved in flatted conversions in this part of Burgess Hill, and the Site is in any event within approximately 900 metres of St John's Park, which provides public open space, play provision and sports facilities.

5. Planning policy framework

5.1 The statutory development plan

5.1.1 The development plan for the Site comprises:

- the Mid Sussex District Plan 2014-2031, adopted 28 March 2018;
- the Mid Sussex Site Allocations Development Plan Document, adopted 29 June 2022;
- the Burgess Hill Neighbourhood Plan 2015-2031, made 28 January 2016; and
- such policies of the Mid Sussex Local Plan 2004 as remain saved and have not been superseded.

5.2 Relevant District Plan policies

Policy	Topic	Relevance
DP4	Housing	Housing requirement and delivery
DP6	Settlement Hierarchy	Development within built-up area boundaries; Burgess Hill as a Category 1 settlement

Policy	Topic	Relevance
DP20	Security & Infrastructure	Infrastructure contributions
DP21	Transport	Access, parking, sustainable travel
DP26	Character and Design	Design quality; character of the area and neighbouring amenity
DP27	Dwelling Space Standards	Nationally Described Space Standard
DP28	Accessibility	Accessible and adaptable dwellings
DP29	Noise, Air and Light Pollution	Amenity of existing and future occupiers
DP30	Housing Mix	Mix of dwelling sizes and types — see Section 6.2
DP31	Affordable Housing	Threshold; not engaged by a scheme of six units
DP37	Trees, Woodland and Hedgerows	Retention and protection of existing trees
DP38	Biodiversity	Protected species; biodiversity net gain
DP39	Sustainable Design and Construction	Energy and climate
DP41	Flood Risk and Drainage	Surface water management
DP42	Water Infrastructure and the Water Environment	Foul drainage capacity; water efficiency

5.3 Burgess Hill Neighbourhood Plan

5.3.1 The Burgess Hill Neighbourhood Plan forms part of the development plan and its policies attract full statutory weight. Policy H3 (Areas of Townscape Value) does not apply to the Site. The parking standards at Policy S4 and Appendix D are relevant and are addressed at Section 6.6.

5.3.2 The Neighbourhood Plan was made more than five years before the date of this application. It remains part of the development plan and carries full weight as such, but the protection at paragraph 14 of the Framework — under which conflict with a recent neighbourhood plan is likely to outweigh the benefits of housing where the tilted balance applies, is not available to the Council, because that protection is limited to plans made five years or less before the date of the decision.

5.4 The emerging Mid Sussex District Plan

5.4.1 The Council is preparing a replacement District Plan, submitted for examination on 8 July 2024. Stage 1 hearings have been held and a new Inspector was appointed in December 2025. The plan is being examined under the transitional arrangements at paragraphs 234 and 235 of the December 2024 Framework, and is therefore tested against the December 2023 Framework and the pre-December 2024 standard method. It is not adopted.

5.4.2 Under paragraph 49 of the Framework, weight may be given to emerging policies according to the stage of preparation, the extent of unresolved objections and consistency with the Framework. Significant unresolved objections to the housing requirement remain, including representations that the Council's updated local housing need figure of 999 dwellings per annum understates need. Emerging policies therefore attract limited weight.

5.5 Supplementary guidance

- Mid Sussex Design Guide SPD, adopted 4 November 2020 — directly relevant, since it addresses building conversions and apartment design as well as residential extensions;
- Mid Sussex Development Infrastructure and Contributions SPD (2018);
- Technical Housing Standards — Nationally Described Space Standard (DCLG, March 2015, as amended);
- National Design Guide and National Model Design Code;
- West Sussex County Council parking guidance; and
- BRE Report 209, *Site Layout Planning for Daylight and Sunlight* (3rd edition, 2022).

5.6 National planning policy

5.6.1 The applicable version of the Framework is that published on 12 December 2024 and amended on 7 February 2025. The paragraphs of principal relevance are:

Para	Content
11	Presumption in favour of sustainable development; 11(c) approve without delay where the proposal accords with an up-to-date plan; 11(d) the tilted balance
48-49	Determination in accordance with the development plan; weight to emerging plans
57-58	Tests for planning conditions and for planning obligations
61	Objective of significantly boosting the supply of homes
63	Size, type and tenure of housing needed by different groups, expressly including people who rent their homes
65	Affordable housing should not be sought from development that is not major development

Para	Content
73(d)	Great weight to the benefits of using suitable sites within existing settlements for homes
78	Five year housing land supply and the applicable buffer, including the additional 20% buffer at 78(c) applying from 1 July 2026
110, 115-117	Sustainable locations; safe and suitable access; priority to pedestrian and cycle movement
116	Refusal on highways grounds only where there would be an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network
124-125	Effective use of land; 125(d) promote and support the development of under-utilised land and buildings
129-130	Appropriate densities; 130(c) refusal of schemes failing to make efficient use of land, and a flexible approach to daylight and sunlight guidance
135	Well-designed places, including 135(f) a high standard of amenity for existing and future users
136	Retention of existing trees wherever possible
139	Development that is not well designed should be refused; significant weight to development reflecting local design policies and guidance
161	Transition to net zero, expressly encouraging the reuse of existing resources including the conversion of existing buildings

5.6.2 The Government consulted on a substantially restructured Framework between 16 December 2025 and 10 March 2026, with publication indicated for summer 2026. If a revised Framework is published before the application is determined, or before any appeal is heard, it will be a material consideration and the paragraph references above will need to be updated, since the numbering will not correspond.

5.7 Housing land supply and the weight of development plan policies

5.7.1 Paragraph 78 of the Framework requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the requirement in adopted strategic policies, *or against local housing need where the strategic policies are more than five years old*. The Mid Sussex District Plan was adopted on 28 March 2018. Its strategic policies are accordingly more than five years old, and the five year supply falls to be measured against local housing need calculated using the standard method, rather than against the stepped requirement in Policy DP4.

5.7.2 The Council's most recently published five year housing land supply position statement has a base date of 1 April 2023 (updated October 2023)

5.7.3 In addition, from 1 July 2026 paragraph 78(c) requires a 20% buffer, for decision-making purposes, where an authority's adopted annual average housing requirement is 80% or less of the most up-to-date standard method local housing need figure. Given that the adopted District Plan requirement averages 876 dwellings per annum rising to 1,090, and the current standard method figure is materially higher, this is a matter that should be tested if the application proceeds to appeal.

5.7.4 The Applicant's position is therefore put in the alternative:

- Primary case. The proposal accords with the development plan read as a whole. Permission should be granted without delay under paragraph 11(c) and section 38(6).
- Alternative case. If, at the date of determination or appeal, the Council cannot demonstrate a five year supply with the appropriate buffer, or the Housing Delivery Test result is below 75%, footnote 8 to paragraph 11 is engaged, the policies most important for determining the application are out of date, and the tilted balance at paragraph 11(d) applies. No Framework policy protecting an area or asset of particular importance is engaged, the Site being outside any National Landscape, National Park, Green Belt, conservation area or area at risk of flooding.

5.7.5 The proposal succeeds on either route.

6. Planning Assessment

6.1 The principle of development

6.1.1 The Application Site lies within the built-up area boundary of Burgess Hill, the largest settlement in the District. Policy DP6 directs development to the settlement hierarchy and supports development within defined built-up area boundaries. The countryside protection policy of the District Plan is not engaged, and no special justification for residential development at this location is required.

6.1.2 The principle is further supported by national policy:

- paragraph 61, the objective of significantly boosting the supply of homes;
- paragraph 73(d), great weight to the benefits of using suitable sites within existing settlements for homes;
- paragraph 125(d), decisions should promote and support the development of under-utilised land and buildings, especially where this helps meet identified housing need where land supply is constrained and available sites could be used more effectively; and
- paragraph 161, the planning system should encourage the reuse of existing resources, including the conversion of existing buildings.

6.1.3 The built footprint of the Site is previously developed land, although the Framework's glossary definition excludes residential gardens, so the rear garden is not. The "substantial weight" limb at paragraph 125(c) is therefore not the primary basis of the case; paragraphs 73(d) and 125(d) are, and they are sufficient.

6.1.4 The proposal would deliver a net gain of four dwellings within an existing building, in a location within a five to ten minute walk of a town centre and a mainline railway station, using land already in residential use. The principle of the development accords with the development plan and with national policy.

6.2 Housing mix

6.2.1 As to mix, the constraints of converting an existing four-storey building of fixed footprint, structure and floor-to-floor heights are a proper and material reason why a range of unit sizes cannot reasonably be delivered on this Site.

6.2.2 As to need, paragraph 63 of the Framework requires the size, type and tenure of housing needed by different groups to be reflected in decisions, expressly including people who rent their homes. Single-person households form a substantial and growing proportion of housing need in Mid Sussex, and one-bedroom accommodation is the size least well represented in the District's predominantly family-housing stock.

6.2.3 As to the loss of a dwelling, the point must be seen against the fall back set out at Section 2.2. The building could lawfully be occupied tomorrow, without any planning permission, as a house in multiple occupation for six unrelated persons. On that footing the dwelling is already available to be removed from family occupation, and the proposal instead delivers six self-contained homes, each with its own kitchen and bathroom, each meeting the national space standard, under conditions the Council can control. That is an improvement in the quality of the housing stock, not a loss.

6.3 Design, character and appearance

6.3.1 Policy DP26 requires high quality design that does not cause significant harm to the character of the area. The Mid Sussex Design Guide SPD contains specific guidance on building conversions and apartment design. Paragraph 139 of the Framework requires that development which is not well designed should be refused, and gives significant weight to development which reflects local design policies and guidance.

6.3.2 The proposal is of traditional construction, and its form, materials, proportions and detailing match the existing building. The extension is subordinate to the original roof and occupies substantially the position of the structures to be demolished. The completed building will read as a single coherent dwelling of its period rather than as an altered or extended property, and the character of the street will be preserved.

6.3.3 The rear extension is not readily visible from Mill Road, being located behind the existing building. The principal change in the public realm arises from the loss of the garage and the reconfiguration of the front parking area, which is a change of a kind already widespread along Mill Road and elsewhere in this part of Burgess Hill.

6.3.4 External expression of the conversion. A recurring reason for refusal of flat conversions is that the external alterations required to serve multiple units erode the appearance of the building as a house. The scheme avoids this: no external staircase is proposed, services and meter boxes are located discreetly, and the bin and cycle stores are enclosed and screened from Mill Road.

6.3.5 On density. While the density of the conversion may be high in absolute terms. That is not, of itself, an objection. Paragraph 129 requires decisions to support development making efficient use of land, taking into account the identified need for housing, the availability and capacity of infrastructure, the desirability of maintaining prevailing character, and the importance of securing well-designed places. Paragraph 130 requires refusal of applications that fail to make efficient use of land, and requires that in areas well served by public transport a significant uplift in density should be sought. Within a five to ten minute walk of a town centre and mainline station, a density of this order is precisely what national policy contemplates.

6.3.6 It is also consistent with the established pattern of this street. Fourteen units of accommodation have been created across the five converted properties at Nos. 57 to 67, all under permissions granted by the Council. The proposal adds six single-person units to a section of Mill Road that the Council has itself made into a street of converted properties, and it does so without altering the external appearance of the building as a house.

6.4 Impact on neighbouring amenity

6.4.1 Policy DP26 requires that development does not cause significant harm to the amenities of nearby residents. Paragraph 135(f) of the Framework requires a high standard of amenity for existing and future users.

6.4.2 The proposal has been designed so as not to cause harm to the amenity of neighbouring properties. Specifically:

- the two-storey rear extension is set down from the main ridge and occupies substantially the position of the structures to be demolished, limiting any additional overshadowing or sense of enclosure;
- windows to the side elevation are limited, and any serving non-habitable rooms can be conditioned to be obscure-glazed and top-opening only;
- the established rear and side boundary fencing is retained in full, maintaining existing levels of privacy between properties; and
- there is no external lighting, plant, machinery or process that would generate noise, disturbance or pollution.

6.4.3 Noise, disturbance and comings and goings. Policy DP29 applies. The proposal accommodates six residents. The permitted development fallback would accommodate the same number in shared accommodation. There is accordingly no intensification of occupation, and self-contained units with individual facilities characteristically generate less disturbance than shared-facility multiple occupation, in which circulation, kitchen and bathroom use is concentrated and communal.

6.5 Standard of accommodation for future occupiers

6.5.1 Policy DP27 requires compliance with the Nationally Described Space Standard. All six units are one-bedroom, one-person flats and each meets or exceeds the 39m² minimum, with the area of each unit scheduled on the submitted floor plans.

6.5.2 Each unit is self-contained, with its own kitchen, bathroom and private living space, and each is served by built-in storage meeting the standard. This is a materially higher standard of accommodation than the shared-facility multiple occupation that could lawfully be established without any permission.

6.5.3 Accessibility — Policy DP28. The Applicant does not overstate what a conversion of this kind can achieve. The building is an existing four-storey semi-detached property and the installation of a lift is neither practicable nor proportionate. Units above and below ground floor level cannot achieve step-free access, and Building Regulations Part M4 (2) cannot be delivered throughout. Where the physical constraints of an existing building limit what can reasonably be required, that is a proper and recognised consideration, and it is far better addressed openly than by a claim of full accessibility that the drawings would not support.

6.6 Highways, access and parking

6.6.1 Access is taken directly from Mill Road via the existing private access, which is wholly within the Applicant's ownership and is not shared. Its position is unaltered.

6.6.2 Three off-street parking spaces are provided, equating to 0.5 spaces per unit. That level of provision is appropriate for six one-person flats in this location, having regard to the factors at paragraph 112 of the Framework:

- Accessibility of the development. The Site is approximately 400 metres from the town centre and bus stops, and approximately 570 metres from Burgess Hill mainline railway station — a walk of between five and ten minutes to each.
- Type and mix of development. All units are one-bedroom, one-person flats, the household type with the lowest car ownership of any in the housing stock.
- Availability of public transport. Burgess Hill station provides frequent services to London, Brighton and Gatwick, and the town centre bus stops serve the town and wider district.

6.6.3 The proposal also increases parking provision in real terms relative to the fallback. A six-person house in multiple occupation could be established without permission, with no parking provision required or controlled at all.

6.6.4 Paragraph 116 of the Framework provides that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or where residual cumulative impacts on the road network would be severe. Neither threshold is approached.

6.7 Trees and landscaping

6.7.1 Policy DP37 and paragraph 136 of the Framework require that existing trees are retained wherever possible.

6.7.2 There are no trees of significance on the Site, and no tree on or adjoining the Site is subject to a Tree Preservation Order. The Site is not within a conservation area, so the notification requirements of section 211 of the Town and Country Planning Act 1990 are not engaged. No tree is affected by the proposed works, whether by the demolition of the garage and single-storey rear extension, by the construction of the two-storey extension, or by the reconfiguration of the front parking area.

6.7.3 It follows that no arboricultural assessment under BS 5837:2012 is required, and that Policy DP37 is not engaged in practice. No harm to trees, woodland or hedgerows arises.

6.7.4 Boundary treatment is by established close-boarded fencing, which is retained. A soft landscaping scheme for the retained garden and the frontage can be secured by condition, and offers a modest opportunity for enhancement over the existing position.

6.8 Ecology and biodiversity

6.8.1 Policy DP38 applies, together with the Conservation of Habitats and Species Regulations 2017 and section 40 of the Natural Environment and Rural Communities Act 2006.

6.8.2 The Site is previously developed land in established residential use, surrounded on all sides by residential development, with no adjoining open land, watercourse, woodland or designated site. It contains no trees of significance, no priority habitat and no feature of ecological value. The works are confined to the footprint of the existing building and existing hardstanding: the structures to be demolished are the 1975 attached garage and single-storey rear extension, the two-storey extension occupies substantially the same footprint, and no part of the rear garden is built upon. The ecological interest of the Site is accordingly negligible, and no ecological appraisal is proportionate to a proposal of this nature.

6.8.3 Biodiversity net gain. Statutory biodiversity net gain under Schedule 7A to the Town and Country Planning Act 1990 has applied to small sites since 2 April 2024. One point requires care. The householder exemption does not assist here: this is not a householder application but a full application for the conversion of a dwelling into six flats, and the inclusion of an extension within the works does not of itself exempt the development.

6.8.4 The exemption relied upon is instead the de minimis exemption under the Town and Country Planning (Biodiversity Gain) (Exemptions) Regulations 2024, which applies where the development does not impact a priority habitat and impacts less than 25m² of on-site habitat having a biodiversity value greater than zero, together with less than 5 metres of on-site linear habitat. Existing buildings and sealed hardstanding carry a biodiversity value of zero and do not count towards the threshold. As the works are confined to existing built footprint and hardstanding, and no priority habitat is present, the development falls within the exemption.

6.8.5 Protected species. Bats and their roosts are protected under the 2017 Regulations irrespective of any site designation, and that protection attaches to buildings as much as to trees. Where works are confined to a modern attached garage and single-storey rear extension and do not disturb the main roof, roof void, eaves, soffits, bargeboards or hung tiling of the original building, the likelihood of a roost being affected is low and a preliminary roost assessment is not proportionate.

6.8.7 Nesting birds are capable of being addressed by informative, restricting the removal of vegetation and works to the building fabric during the nesting season.

6.9 Flood risk and drainage

6.9.1 The Site is not within a flood plain. It lies within Flood Zone 1 and extends to less than one hectare, so a site-specific Flood Risk Assessment is not required by the Framework on fluvial grounds.

6.9.2 Surface water. Policy DP41 applies. The demolition of the garage and rear extension and their replacement will not alter the existing area roof drainage and the reconfigured parking area will only require a minor increase in the balance of hard and soft surfaces on the Application Site, which can be dealt with by using permeable paving to match the existing drive/parking area.

6.9.3 Foul drainage. Policy DP42 applies. Foul drainage is currently connected to an adopted public sewer and the flats will continue to be connected to the existing public sewer.

6.9.4 Water efficiency. The dwellings will achieve a maximum water consumption of 110 litres per person per day in accordance with Policy DP42 and the optional requirement in Part G of the Building Regulations, to be secured by condition.

6.10 Sustainable design and climate change

6.10.1 Policy DP39 and paragraph 161 of the Framework apply. Paragraph 161 expressly identifies the conversion of existing buildings as a means of encouraging the reuse of existing resources.

6.10.2 The retention and reuse of the existing structure avoids the embodied carbon associated with demolition and rebuilding. For a scheme delivering five additional homes without constructing a new building, this is a real and quantifiable benefit which should attract positive weight.

6.11 Other matters

6.11.1 Affordable housing. The scheme comprises six units and is not major development. Paragraph 65 of the Framework provides that affordable housing should not be sought from development that is not major development, and Policy DP31 applies a threshold above this scale. No affordable housing contribution is required. The units are open market dwellings and are not put forward as affordable housing.

6.11.2 Infrastructure contributions. Mid Sussex District Council has not adopted a Community Infrastructure Levy charging schedule. Contributions are sought through section 106 obligations in accordance with the Development Infrastructure and Contributions SPD (2018). Any obligation must satisfy the three tests at regulation 122 of the CIL Regulations 2010 and paragraph 58 of the Framework.

6.11.3 Habitats and water. The Site lies outside the 7km zone of influence of the Ashdown Forest Special Protection Area and Special Area of Conservation, and no SAMM or SANG contribution is engaged. The Site is not within the Sussex North Water Supply Zone, and the water neutrality requirement affecting Horsham, Crawley and parts of Chichester does not apply.

6.11.4 Building safety. The building is not a higher-risk building within the meaning of the Building Safety Act 2022, being under 18 metres and fewer than seven storeys. No fire statement is required with the planning application and the Gateway regime does not apply. Compliance with Part B of the Building Regulations, including means of escape from the upper floors, will be addressed at Building Regulations stage. This is worth resolving early, since means of escape arrangements in a four-storey conversion can materially affect the internal layout.

7. The planning balance

Benefits:

Benefit	Weight	Basis
Net gain of five dwellings towards housing delivery	Significant	NPPF 61, 73(d)
Delivery of one-bedroom units, the size least well represented in the District's stock	Moderate	NPPF 63; DP4
Efficient use of an under-utilised building within a five to ten minute walk of a town centre and mainline station	Significant	NPPF 124-125, 129-130
Reuse of the existing structure, avoiding the embodied carbon of demolition and rebuild	Moderate	NPPF 161; DP39
A materially better standard of accommodation than the permitted development fallback, delivered under planning control	Moderate	NPPF 135(f)
Economic benefits during construction and from future occupation	Limited	NPPF 8(a)

Harms

7.1 The proposal gives rise to no harm to the character of the area, the Site being within a built-up area boundary, the works being of traditional construction matching the existing building, and the extension being largely concealed from public view. It gives rise to no harm to neighbouring amenity, for the reasons at Section 6.4. It gives rise to no intensification of occupation over the fall back.

The balance

7.3 Primary case. The proposal accords with the development plan read as a whole. It lies within a defined built-up area boundary in the District's largest settlement; it makes efficient use of an existing building in a highly sustainable location; every unit meets the national space standard; the design preserves the character of the street; and it causes no harm to the amenity of neighbouring occupiers. Section 38(e) and paragraph 11(c) of the Framework require that permission be granted without delay.

7.4 Alternative case. If the policies most important for determining the application are out of date at the date of determination or appeal, the tilted balance at paragraph 11(d) applies. No Framework policy protecting an area or asset of particular importance provides a strong reason for refusal. The benefits identified above are substantial and any harm is limited and capable of mitigation by condition. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

7.5 The proposal therefore falls to be approved on either analysis.

8. Conclusions

8.1 The Site is an existing four-storey residential building within the built-up area boundary of Burgess Hill, within a five to ten minute walk of the town centre, of bus stops serving the town and district, and of Burgess Hill mainline railway station. The principle of residential development is established by the Site's location and its existing use.

8.2 The building could lawfully be converted to a house in multiple occupation for six unrelated persons under Class L permitted development rights, without any planning permission, and is physically capable of accommodating at least eight residents in multiple occupation. The proposal delivers the same number of residents in six self-contained flats, each meeting the national space standard, under conditions the Council is able to control. It is the less intensive and materially better outcome.

8.3 The proposal makes efficient use of an under-utilised building, delivering five additional dwellings of a size for which there is identified need, without the environmental cost of demolition and rebuilding.

8.4 The Council has permitted the conversion of Nos. 57, 59, 61, 63 and 67 Mill Road to flats, delivering fourteen units across five properties, including at No. 67 the extension and conversion of a dwelling in the same combination of operations as is now proposed. Those permissions have been implemented, and the established character of this section of Mill Road is accordingly one of converted properties in multiple residential units. The proposal is consistent with that character rather than a departure from it.

8.5 The works are of traditional construction with form, materials and detailing matching the existing building. The design responds to the varied character of Mill Road and causes no harm to the character of the area or to the amenity of neighbouring properties.

8.6 The Site is free of trees of significance, Tree Preservation Orders and other site restrictions, and is of negligible ecological interest, being previously developed land surrounded on all sides by residential development with works confined to the existing built footprint. The remaining technical matters — access and parking, drainage and flood risk, and sustainable design, are addressed and are capable of being controlled by condition where necessary.

8.7 The proposal accords with the development plan read as a whole and with the National Planning Policy Framework.

It is respectfully submitted that planning permission should be granted.

Conditions offered

8.8 The Applicant would raise no objection to conditions in the following terms, offered on the basis that they satisfy the tests at paragraph 57 of the Framework:

- approval of external materials prior to their use;
- approval and implementation of a surface water drainage strategy;
- approval and implementation of a landscaping scheme;
- a construction environmental management plan, including hours of work protocols

The application merits approval and will make a positive contribution to the provision of affordable, sustainable housing and to addressing the identified shortage of similar small units of accommodation in Mid Sussex.