

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1063	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed installation of rooftop solar panels.		
Site:	University Hospitals Sussex NHS Foundation Trust, Princess Royal Hospital, Lewes Road, Haywards Heath, West Sussex, RH16 4EX, ,		
Validation Date	5 May 2026	Overall Expiry Date:	26 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Jul 2026
Target Date:	30 Jun 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	15 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1063

**University Hospitals Sussex NHS Foundation Trust, Princess Royal Hospital, Lewes Road, Haywards Heath, West Sussex, RH16 4EX,
Proposed installation of rooftop solar panels.
University Hospitals Sussex Foundation Trust**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *In summary therefore the proposal is considered to preserve the settings and significances of the adjacent listed buildings, meeting the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission for the installation of new rooftop solar panels.

RELEVANT PLANNING HISTORY

12/00756/LDC - To Remove Existing Single Glazed Curtain Walling and Replace for Double Glazed Curtain Walling System to Improve Energy Conservation. This is to establish whether the proposed use is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Permission 24.04.2012.

14/03803/FUL - To remove two existing air conditioning chillers and their four external condensing units and replace them with two new high efficiency air cooled chillers on the same roof. Permission 08.01.2015.

DM/19/2114 - Provision of roof ventilation equipment to serve Theatres 1-4 at the Princess Royal Hospital Building. Permission 22.07.2019.

DM/21/2108 - New Urology Unit at Princess Royal Hospital. Permission 22.07.2021.

DM/22/2021 - Variation of conditions 5 and 6 relating to planning application DM/21/2108 - to allow for the retention of certain trees and removal of additional trees due to a high pressure water main found on site. Permission 01.08.2022.

DM/23/1850 - Non Material Amendment to application DM/21/2108 for the raising of the height of the existing and proposed plant enclosure by 400mm and for the alignment of the modular buildings. Permission 27.07.2023.

SITE AND SURROUNDINGS

The application relates to the Princess Royal Hospital which comprises one main building as well as a number of other detached standalone buildings. The hospital is set to the western side of the A272 bypass and there are a number of car parking areas within a close proximity to the main hospital

building. There are some residential dwellings set to the south of the site and the grade II listed Southdowns Park is located to the west of the application site as well as the grade II listed water tower which is set within a closer proximity to the application site to the north-west.

In terms of policy constraints, the site is located within the built-up area boundary for Haywards Heath. The application site is located within a vicinity of the grade II listed Southdowns Park and the water tower.

APPLICATION DETAILS

The proposal would install solar panels to the southern facing roof slope as well as flat roofed areas on the main hospital building. Each individual panel would measure at approximately 1.1m wide and 1.5m high.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

DP34: Listed Buildings and Other Heritage Assets

DP39: Sustainable Design and Construction

DP40: Renewable Energy Schemes

Site Allocations DPD

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

No relevant policies.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (Made December 2016)

Relevant policy:

Policy E9: Design

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

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

DPB2 - Listed Buildings and Other Heritage Assets

DPN6 - Pollution

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 9, 11, 12, 39, 48, 131, 134, 135, 139, 207, 208, 209, 210, 212-215, 216, 219 & 220.

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

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Impact on Character and Design, Including Heritage Assets
- Impact on Neighbouring Amenities
- Sustainability
- Biodiversity Net Gain

Impact on Character and Design, Including Heritage Assets

With regard to the setting of the listed buildings, policy DP34 requires:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as '*The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*' The applicant has provided a Heritage Statement within the Planning Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The listed buildings are considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that 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.

Paragraphs 212 - 215 of the NPPF states:

'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 E9 of the Haywards Heath Neighbourhood Plan states that:

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

o height, scale, spacing, layout, orientation, design and materials of buildings,
o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,
o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
o creates safe, accessible and well-connected environments that meet the needs of users,
o will not result in unacceptable levels of light, noise, air or water pollution,
o Makes best use of the sites to accommodate development,
o Car parking is designed and located so that it fits in with the character of the proposed development.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed solar panels would be set at roof level, primarily to the southern side of the hospital building with some also scattered to the northern side of the building. Other solar panels would be set on existing crown/ flat roofs and would likely be screened by the surrounding existing parapet.

It was commented in response to the development proposal by the Conservation Officer that the distance and screening between the solar panels and the grade II listed Southdowns Park to the north-west would be sufficient to overcome a material impact on the setting of these buildings. However, the water tower would be set within a closer proximity to the site to the north-west with a greater degree of intervisibility. It was considered that the existing hospital building to which the panels would be sited is a more modern building within the locality. Therefore, the solar panels were not considered to adversely affect the contribution made by the hospital towards the setting of the water tower. These comments from the Conservation Officer are agreed with by the Case Officer.

In light of the above, the proposal is considered to result in a neutral impact on the setting of the identified listed buildings and would result in an acceptable impact on the character and appearance of the locality. The proposed development would therefore comply with the provisions of policies DP26 and DP34 of the District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

Policy DP29 then relates to noise, air and light pollution:

'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;*

Light pollution:

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- o It does not cause unacceptable levels of air pollution;*
 - o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
 - o Development proposals (where appropriate) are consistent with Air Quality Management Plans.*
- The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

The proposed solar panels would be sited at a substantial distance from the nearest residential properties to the south. The proposed solar panels would be sited at a higher level by virtue of the hospital's scale when compared to these residential dwellings. It is therefore not considered that the panels would give rise to a significantly adverse impact with regard to glint and glare.

Accordingly, the proposal is considered to comply with the provisions of policies DP26 and DP29 of the Mid Sussex District Plan in terms of neighbouring amenities.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Moreover, policy DP40 of the District Plan seeks to support developments for new renewable energy projects which have particular regard to landscape and visual impacts, ecology and biodiversity and residential amenity.

It is considered that the installation and use of the solar panels would help assist the hospitals sustainability credentials by decreasing its reliance on fossil fuels and instead utilising a source of green energy. It is therefore considered that the proposed development would comply with the provisions of policies DP39 and DP40 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

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.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed installation of the solar panels are considered acceptable in terms of exterior design, impact on listed buildings, the impact on neighbouring amenities and sustainability. The proposal therefore accords with Policies DP26, DP29, DP34, DP39 and DP40 of the District Plan, Policy E9 of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas

