

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0540	Case Officer:	Hamish Evans
Application Type:	Change of Use Application		
Proposal:	Change of Use from dwellinghouse (Use Class C3) to children's residential care home (Use Class C2) for up to (2/3) children. No external alterations proposed.		
Site:	5 Orchard Close, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PQ, , ,		
Validation Date	5 Mar 2026	Overall Expiry Date:	27 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Jun 2026
Target Date:	30 Apr 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	23
--	--	-------------------------------	----

Signed and Agreed By:	Joanne Fisher	Date:	5 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0540

**5 Orchard Close, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PQ, ,
Change of Use from dwellinghouse (Use Class C3) to children's residential care home (Use Class C2) for up to (2/3) children. No external alterations proposed.
Mr James Sadler**

SUMMARY OF REPRESENTATIONS

30 third-party representation letters have been received in response to this application. They object to the proposal on the following grounds:

- Limited amenities for future occupiers.
- Inappropriate location for future occupiers,
- Local community would feel unsafe due to future occupiers,
- Harmful impact to character of the area,
- Proposed use materially different from existing uses,
- Institutional character,
- Impact on peaceful nature of area,
- Insufficient parking at site,
- No risk assessment, noise impact assessment, parking statement or management plan submitted with the application,
- Significant intensification of use of the site,
- Noise pollution,
- Impact on existing residents,
- Commercial nature, and
- Insufficient information submitted.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

No objection.

WSCC Highways

No objection, subject to conditions

Lindfield and Lindfield Rural Parish Council Observations

Objection to the proposal due to insufficient information being submitted with application, intensification of use of the site, location has poor access to amenities and site does not provide required care and support for future occupiers. Recommends a temporary one-year permission. They also request that a condition be imposed to require any parking relating to the use only happen within the site.

INTRODUCTION

Planning permission is sought for the change of use from a dwellinghouse within use class C3 to a children's residential care home within use class C2 for up to 2/3 children at 5 Orchard Close Scaynes Hill Haywards Heath RH17 7PQ.

RELEVANT PLANNING HISTORY

DM/20/0566. Proposed single storey rear extension and hip to gable roof extension. Amended application type. Permission.

SITE AND SURROUNDINGS

The application site is located within the Scaynes Hill built-up area boundary. The existing dwelling is a two-storey semi-detached property which is characterised by bare brown brick walls, brown clay roof tiles and white uPVC window and door frames. The existing rear and side boundary treatment consists of a mixture of timber closed board fencing and bare brick walls measuring some 1.8 metres in height. The submitted documents advise that there are some six off-street parking spaces located to the front of the dwelling. The surrounding area is residential in its nature and the dwellings within the locality are of a similar scale, design and appearance to the application site.

APPLICATION DETAILS

The application seeks planning permission for the change of use from a dwellinghouse within use class C3 to a children's residential care home within use class C2 for up to 2/3 children at 5 Orchard Close Scaynes Hill Haywards Heath RH17 7PQ.

The application proposes a maximum occupancy of three children, three care staff during the day, one waking night staff member and one manager working Monday to Friday. The precise shift patterns have not been provided, however it is stated that night staff will typically arrive on site in the late evening and depart at approximately 8am and a daily handover between day staff will take place between 10am and 10:30am. Details of anticipated vehicle movements to and from the site have been provided, with the majority of these being the arrival and departure of staff. The submitted information also includes details of professional and regulatory visits which include, regulation 44 independent visits, social worker visits, local authority meetings and OFSTED. The proposal does not include any external or internal physical alterations to the existing dwelling and it proposes to use the existing access to the site.

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) Any 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 Lindfield and Linfield Rural 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:

DP4 - Housing
DP6 - Settlement Hierarchy
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design

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 policies considered relevant.

Lindfield and Lindfield Rural Neighbourhood Plan (adopted March 2016)

No policies considered relevant.

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:

DPB1: Character and Design
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH3 - Sustainable Development - Inside the Built-up Area
DPI6 - Community and Cultural Facilities and Local Services

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable

development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

ASSESSMENT

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

- o Principle,
- o Design and Impact on character of the area,
- o Highways,
- o Impact on Amenities,
- o Biodiversity Net Gain,
- o Other Matters, and
- o Planning Balance and Conclusion.

Principle

Policy DP25 relates to community facilities, including specialist accommodation, stating in part that '*the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported*'.

Such a proposal is supported by the above policy.

The proposed development involves the change of use of a single (C3) dwellinghouse to a (C2) children's residential home for a maximum of three children. As such, the proposal would result in the loss of a single dwellinghouse.

Policy DP4 of the District Plan sets out the Council's housing target for the Plan period, stating that there is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031. Policy DP6 of the District Plan sets out the settlement hierarchy for Mid Sussex, with housing and employment development encouraged within defined settlement boundaries, with Scaynes Hill classed as a Category 3 settlement. Policy DP6 of the District Plan describes Category 3 settlements as:

'Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.'

Whilst there are no development plan policies in place which explicitly seek to retain C3 residential uses, the loss of the dwellinghouse at a time when there is a general need for Local Authorities to boost significantly the supply of housing is considered to conflict with the Government's objective and the National Planning Policy Framework. Whilst the loss of a C3 dwelling is regrettable the resulting use

would remain within a residential use and as such the proposal is not considered to conflict the aforementioned Government objective and the National Planning Policy Framework.

The Parish Council comments and several representation letters have been received which object to this application, they object in part due to limited amenities for future occupiers and inappropriate location for occupiers. Whilst these comments are noted, given the above assessment that the site is located within a sustainable location with access to key services, it is considered the principle of this development in this location is acceptable.

A residential use of the site will be retained and the resulting use is considered to represent a specialist form of accommodation. The application site is located in the built up area of Scaynes Hill which is considered to be a sustainable location and it is in walking distance from the services available within Scaynes Hill. There is also a bus stop within short walking distance to the north of the site.

The principle of the proposal is considered acceptable as it complies with policy DP25 of the District Plan.

Design and Impact on Character of Area

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

A similar ethos is contained within the Mid Sussex Design Guide SPD.

No external or internal alterations have been proposed as part of this application. It is therefore considered that the physical appearance of the building would still maintain the appearance of the existing dwellinghouse.

The existing and proposed floor plans have been provided which show four bedrooms and communal areas commonly associated with residential dwellings. There is no planning history on site to suggest that the property has been subject to a different use. It is therefore accepted that the property falls under Use Class C3 as existing.

The application proposes a maximum occupancy of three children, three care staff during the day, one waking night staff member and one manager working Monday to Friday. The precise shift patterns have not been provided however it is stated that night staff will typically arrive on site in the late evening and depart at approximately 8am and a daily handover between day staff will take place between 10am and 10:30 am. The journeys to and from the site are not considered to significantly impact the character of the existing site as there are sufficient parking spaces at the site and there would be a relatively similar quantum of movements as a large dwellinghouse. The majority of proposed comings and goings are within timeframes that would be typical for a dwellinghouse. The maximum number of occupiers is considered to be relatively similar to the occupancy of a large dwellinghouse. Whilst it is considered that the proposal will result in a material change of use of the land from a C3 use to a C2 use, the scale and nature of this use is considered to address the character of the surrounding area.

The Parish Council and third-party letters of representation letters object to the proposal. They object in part due to harmful impact on character of area, materially different use, institutional character, significant intensification of the use of the site and its commercial nature. Taking into account the above assessment whilst it is noted that the proposed is a material change of use of the land the proposal is considered to address the character of the surrounding buildings and landscape.

It is therefore considered that proposal complies with the above part of policy DP26 of the Mid Sussex District Plan.

Transport

Policy DP21 of the District Plan relates to transport and states in part that:

'...Decisions on development proposals will take account of whether:

- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians;'*

Paragraph 116 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The Local Highways Authority have advised that a maximum of five parking spaces would be required at any one time for standard daily operations. They have also advised that visits from professional and regulatory visits could be accommodated within the site or existing on-street parking provision nearby. There are limited on-street parking restrictions within Orchard Close. They consider that the proposal would not result in a material intensification of use of the existing access and that it would not raise a highway safety concern.

Objection letters have been received raising concerns on there being insufficient parking spaces at the site. Whilst these comments are noted, given the above assessment, the resulting parking arrangement is considered to be acceptable. The Parish Council have requested that a condition be imposed to require any parking associated with the proposed use be sited only within the site. Whilst this is noted, given the Local Highways Authority's comments stating that the use of existing on-street parking is considered acceptable, it is not considered necessary to impose a condition. It should also be noted that any existing parking restrictions within the surrounding area would need to be complied with and would be enforced by a separate regulatory regime.

Taking into account the above, it is not considered that there are sufficient reasons to resist the proposal on transport grounds and the proposal would comply with policy DP21 of the Mid Sussex District Plan.

Neighbouring Amenities

Policy DP26 of the Mid Sussex District Plan in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposal does not seek to make any physical alterations to the existing dwelling. It is considered that there would be a relatively similar quantum of movements as a large dwellinghouse. The majority of proposed comings and goings are also proposed within timeframes that would be typical for a dwellinghouse. The maximum number of occupiers is considered to be relatively similar to the occupancy of a large dwellinghouse. The Council's Environmental Protection team have raised no objection to the proposal.

Third-party representation letters have been received which object to the proposal in part due to future occupiers making the community feel unsafe, impact on peaceful nature of the area, noise pollution and impact on amenities of existing residents. No evidence has been provided to substantiate the claim that future occupiers will cause existing residents to feel unsafe. A condition can be imposed to restrict the number of occupants to ensure that the use would not be overly intensified. Given the above assessment it is considered that the proposal would have an acceptable impact on the amenities of residents.

Taking into account the above the development is considered to not cause significant harm to the amenities of existing nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The development is thereby considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Biodiversity Net Gain

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

Other Matters

The Parish Council and representation letters have been received which object to the proposal in part due to insufficient information being submitted with the application, including no risk assessment, noise impact assessment, parking statement or management plan. It is Officers view that sufficient information has been submitted to validate and determine the application including details relating to the operation of the proposed use.

The Parish Council have recommended a temporary permission for one-year. Whilst these comments are noted, it is not considered that the assessment of the proposal would change in a years' time and the proposal complies with the relevant policies of the development plan. As such a condition permitting the development temporarily is not considered to be reasonable or necessary.

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 proposal would provide a would provide a specialist form of accommodation whilst retaining a residential use at the site within a sustainable location.

As there are to be no external alterations to the building, it is considered that the proposal would address the character and scale of the existing site and the surrounding landscape. In addition, due to the nature and scale of the proposed use it would not cause significant harm to the amenities of existing residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The resulting parking arrangement is also considered to be acceptable. The development is not subject to the requirements of Biodiversity Net Gain.

For the above reasons, the application is deemed to comply with policies DP21, DP25 and DP26 of the Mid Sussex District Plan and the relevant provisions of the National Planning Policy Framework.

Decision: Permission

Case Officer: Hamish Evans