

**Continued use of premises as a Children's Nursery (Use Class E f)) at
The Garden Room, 2 Kleinwort Close, Haywards Heath, RH16 4XG**

December 2025

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Appendices

Appendix A Pre-application Advice

1 Introduction

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- 1.1 This Planning Statement is submitted in support of an application which seeks retrospective planning permission for an existing scheme of development at The Garden Room, 2 Kleinwort Close, Haywards Heath, RH16 4XG. The development is described as:

‘Continued use of premises as a Children’s Nursery (Use Class E f)’

- 1.2 The statement is split into the following sections: Section 2 describes the site; Section 3 summarises the site’s planning history; Section 4 describes the existing scheme of development; Section 5 cites all relevant planning guidance and policies; Section 6 provides a comprehensive planning assessment before Section 7 draws the conclusion.
- 1.3 This statement should be read alongside the Application and CIL Forms, Drawing Set and Transport Note.

2 **Site Description**

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- 2.1 The site constitutes land to the west and south of the Age UK Day Centre (Lamb House) - east of the junction where Bolnore Farm Road meets with Butlers Green Road. The site lies within the built-up area of Haywards Heath and is understood not to be subject to any development constraints.
- 2.2 To the south-west of the site lie two properties, Parkfield Lodge and The Old Coach House. To the south-east lie the residential blocks that comprise Nos.4-22 (even nos. only) Kleinwort Close. To the south lies Downlands Park and Downlands Cottage - which previously were part of a care home site.

3 Planning History

3.1 According to Mid Sussex District Council's online planning register, the application site has a relatively short planning history which dates back to 2012. The following represents a summary of those applications which are considered material to the assessment of the current application.

11/02123/OUT - A residential facility for the elderly incorporating an elderly persons care home of up to 80 units (C2); a care home with dementia care facilities of up to 70 units (C2); up to 13 retirement bungalows (C2); a community building for the elderly (D1 with ancillary office space); and associated infrastructure - Granted July 2012.

12/04345/CND - Variation of Conditions 2, 6, 8, 12, 13, 16, 17, 21, 22 of planning permission 11/02123/OUT - Granted February 2013.

13/01088/REM - Reserved matters application pursuant to application 11/02123/OUT as amended by application 12/04345/CND for a 57 apartment extra care retirement residence (C2); a 64 bedroom care home with dementia care facilities (C2); 10 extra care retirement cottages (C2); a community building for Age UK (D1 with ancillary office space); and associated infrastructure and open space - Granted June 2013.

DM/20/0807 - Create a multi-use building with deck area and a path leading to Lamb House (amended site plan received 06/04/2020) - Granted June 2020.

DM/20/2383 - Discharge of conditions 2 and 4 relating to planning reference DM/20/0807 - Granted September 2020.

4 Existing Development

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- 4.1 The existing scheme of development constitutes a material change of use of a building and associated land that has occurred without the benefit of planning permission. Specifically, the application concerns a detached, single storey building (and associated land) that was previously used for purposes ancillary to the existing community use of the Age UK Centre, aka 'Lamb House'.
- 4.2 The application building and associated land are currently in use as a children's nursery. This statement acknowledges that a change of use has occurred although it is important to appreciate that the Applicant was unaware that the existing use of the building and land was in fact, unlawful.
- 4.3 Indeed, it is important to understand that prior to taking a lease on the building and associated land from Age UK, and using the site for children's nursery purposes, the Applicant sought pre-application advice from Mid Sussex District Council. Mr Hamish Evans, Planning Officer advised:
- '...it is my informal opinion that using the above site as a children's day nursery would not require formal planning permission'.*
- 4.4 It was on receipt of this pre-application advice, that quite understandably, the Applicant chose not to pursue a planning application as the advice received stated that the intended use did not constitute development. A copy of Mr Evans' pre-application advice is included at Appendix A.
- 4.5 The unlawful change of use that has occurred, did not require any alterations to be made to either the subject building or any of the associated land. In this respect, the building's form, scale, appearance and the land do not differ from the previously approved scheme of development.
- 4.6 The existing children's nursery operates Monday to Friday between the hours of 08:00 and 18:00. At the time of writing, 26no. children are enrolled at the nursery. The children are supported by 5no. members of staff. It should however, be recognised that not all children or staff attend daily.

5 Planning Policy

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the following guidance and policies.

5.2 At the national level, regard must be had to the *National Planning Policy Framework (NPPF) 2024* as it sets out Central Government's planning policies for England and describes how the policies are expected to be applied by Local Planning Authorities when plan-making and decision-taking.

National Planning Policy Framework 2024

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land

5.3 At the local level, due regard should be had to planning policies within the adopted *Mid Sussex District Plan 2014-2031*. The following list includes only those district level planning policies that are respectfully considered applicable to the assessment of the existing scheme of development.

Mid Sussex District Plan 2014-2031

- DP21 Transport
- DP25 Community Facilities and Local Services
- DP28 Accessibility

5.4 In addition to relevant paragraphs within the aforementioned NPPF chapters and adopted policies within the Mid Sussex District Plan, it is important that due regard is also had to the following:

Mid Sussex Design Guide Supplementary Planning Document 2020

- DG45 Privacy of existing and future residents

Haywards Heath Town Council Neighbourhood Plan 2014-2031

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- L5 Community and Sporting Facilities

6 Planning Assessment

6.1 This section considers the existing scheme's acceptability by assessing it against the requirements of the aforementioned national planning policy framework as well as all relevant district and town-level planning policies/guidance - whilst also having due regard to relevant material considerations.

6.2 Due to the fact that the current application relates only to a change of use and does not include for alterations to either the building or land that was previously approved under application reference DM/20/0807, it is argued to only be necessary to consider the following matters in this assessment:

- Principle of development
- Impact on neighbouring residential amenity
- Access, parking and impact on highway safety

Principle of development

6.3 NPPF paragraph 7 is overarching in the sense that it recognises that: *'The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner'*.

6.4 NPPF paragraph 96 states: *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...amongst other things...promote social interaction, including opportunities for meeting between people who might not otherwise come into contact with each other...'*

6.5 NPPF paragraph 100 states: *'It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and*
- b) work with early years, school and post-16 promotions, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.*

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- 6.6 NPPF paragraph 124 states: *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.*
- 6.7 NPPF paragraph 125 states that *‘Planning policies and decisions should promote and support the development of under-utilised land and buildings...’*. NPPF paragraph 127 builds on this principle and states that *‘Planning policies and decisions need to reflect changes in the demand for land’.*
- 6.8 NPPF paragraph 128 further states that *‘Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*
- b) make more effective use of sites that provide community services such as schools and hospitals provided this maintains or improves the quality of service provision and access to open space’.*
- 6.9 At the district level, District Plan Policy DP25 states that *‘The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported’*. Finally, at the neighbourhood level, Town Council Neighbourhood Plan Policy L5 states:
- ‘The provision of new community service buildings including medical and educational services in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents’.*
- 6.10 The principle of using this site to provide community facilities/local services has previously been established through the granting of planning permission under application reference DM/20/0807 - for the creation of *‘A multi use building with deck area and a path leading to Lamb House’*.
- 6.11 In the accompanying delegated report, Officers acknowledge that *‘The space to the south of the site would be used for a community growing space, forest school and outdoor classroom*. This confirms Officers’ understanding of how this building and its ancillary external space was intended to be used, and in turn, lends strong support for its continued use for educational purposes.
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- 6.12 Notwithstanding that the building and associated land for which planning permission was granted in June 2020 was for multi-use, after several years, it became very clear to Age UK that the premises was not being used anywhere near its full potential by any parties for any of the permitted uses.
- 6.13 To address this, and with the sole intention of generating an additional income, Age UK made the decision to attempt to lease the premises out to a permanent occupier. Kiddie Capers Childcare Ltd subsequently agreed terms for a 5-year lease. The lease commenced in August 2024.
- 6.14 As described above, planning policy at all levels of government places great weight on the need to make effective use of under-used buildings and land which is sustainably located. Furthermore, the huge importance that all levels of government place on the need to ensure an adequate provision of educational facilities to meet the needs of all communities is similarly very apparent.
- 6.15 Further support for the continued use of this site as a children's nursery is also due to the fact that the existing use clearly constitutes a 'local service' as it provides essential education and care for families within the local community and for that matter, all young families across Haywards Heath.
- 6.16 Accordingly, it is respectfully argued that the continued use of the building and associated land as a children's nursery would align very closely with the previous permission. The existing educational/care use provides a local service that is in particularly high demand in this locality.
- 6.17 Lastly, it is important to appreciate that this particular site provides children with a unique opportunity to spend their days learning vital early years skills in a woodland setting and, due to its proximity to the adjacent Age UK Day Centre, it provides opportunities for children and visitors of the day centre to interact – in the spirit of creating healthy communities where people of all ages mix. The site's location therefore sets it very much apart from other nurseries within the town.
- 6.18 By virtue of all of the above, the continued use of the premises to provide children's nursery facilities is respectfully considered wholly acceptable in land use terms and should be supported.

Impact on neighbouring residential amenity

- 6.19 District Plan Policy DP26 states, among other things, that *'All applicants will be required to demonstrate that development:*

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- *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);'*

6.20 Also considered applicable to the assessment of the existing scheme's impact on neighbouring residential amenities is Principle DG45 of the Mid Sussex Design Guide.

6.21 As acknowledged by Officers in their assessment of application reference DM/20/0807, there are several residential properties that share boundaries with the application site. These being Parkfield Lodge and The Old Coach House to the south-west and Nos. 10-16 Kleinwort Close to the west.

6.22 It was specifically with these properties in mind, that when considering the potential for noise and disturbance, Officers concluded that subject to the proposed multi use being subject to restricted opening hours, *'there should not be a significant impact on nearby residential properties'*. The condition that restricted the hours of use and was attached to the permission reads as follows:

6. The classroom/ multi use building hereby approved shall only be in use during the following hours:

08:00 - 21:00 Monday - Friday
09:00 - 18:00 Saturdays and Sundays

The outside areas shall only be in use during the following hours:

08:00 - 18:00 Monday - Friday
09:00 - 16:00 Saturdays and Sundays

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan.

6.23 The children's nursery that occupies the premises operates only on weekdays and between the hours of 08:00 and 18:00. These days and hours are notably less than the previously approved use of the site. It is therefore reasonable to claim that the current use is considerably less intensive.

6.24 Also, given that no external alterations whatsoever have been made to either the building that was previously approved or for that matter, any of the shared boundary treatments that were in existence when the previous scheme was assessed, the use of the premises as a children's nursery has not resulted in any increased opportunity for overlooking or consequent undue loss of privacy.

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- 6.25 For all of the above reasons, it is concluded that the existing use of the premises has not had an adverse impact on any neighbouring residential amenities and is therefore, considered to be in full accordance with both District Plan Policy DP26 and Principle DG45 of the Mid Sussex Design Guide.

Access, parking and impact on highway safety

- 6.26 District Plan Policy DP21 requires development to be sustainably located to minimise the need for travel, promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking, not cause a severe cumulative impact in terms of road safety and increased traffic congestion, be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages, and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.
- 6.27 It is noted that as set out in the delegated report that was prepared in connection with DM/20/0807, West Sussex County Council Highways Engineers offered 'no objections' to the proposed scheme. Notwithstanding this starting point, it was considered prudent to commission a Transport Planner to undertake a thorough assessment of impacts associated with the existing use.
- 6.28 The Transport - Technical Note that accompanies this statement has comprehensively assessed the current situation against all relevant policy and guidance and concludes that:

'Taking into account the minor increase in traffic, existing parking and turning provision, and the current safe operation of the car park for informal pick-up and drop-off, the site can accommodate operational needs with two spaces allocated for staff. Overall, the proposed day nursery is acceptable in transport terms and should not be refused on highway grounds.'

7 Conclusion

7.1 This section reflects on the merits of the development and in turn, identifies the key reasons why it is respectfully considered that the existing scheme is entirely acceptable in planning terms.

- The existing development constitutes a Local Service and provides an early years education facility - for which there is strong policy support across all levels of government;
- The existing use makes an effective and efficient use of a previously developed, under-utilised multi use site which lies in an easily accessible sustainable urban location;
- The existing use has not required any external alterations to be made to either the building or land which has avoided any increased opportunity for overlooking or loss of privacy; and
- The existing use has not increased risks for users of the local road network and also allows all users of the site (and those accessing the adjacent Day Centre) to do so safely.

7.2 The existing scheme of development accords with all relevant policies and guidance across all levels of government. For this reason, Mid Sussex District Council as the decision-makers, are therefore respectfully invited to grant retrospective planning consent.

Brett Moore MRTPI