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Mr. Stefan Galyas
Planning Officer
Mid Sussex District Council
Via Email: Stefan.Galyas@midsussex.gov.uk

4th November 2025

Dear Stefan,

Temporary (36 months) permission for change of use of existing tennis courts to padel courts and associated works at Tennis Courts at St Francis Sports And Social Club, Colwell Road, Haywards Heath, West Sussex, RH16 4EZ
Council Ref: DM/25/1185

Given the above application has now been under consideration for some time, I thought it would be useful to summarise the additional information that has been provided since the original submission was made to address concerns and identify a path forward towards positive determination.

Firstly, the applicant is grateful for your engagement and willingness to enable us to provide further information to address concerns. This has been helpful and will hopefully result in a better development for all.

Noise

The primary issue relating to the application appears to be related to noise. On 25th May 2025 you were furnished with two appeal decisions which demonstrate to the direction of travel taken by Inspectors.

Appeal Ref: APP/Y9507/D/24/3339242 - Freshfields, Sandy Lane, East Ashling, West Sussex confirms:

"The appellant provided information that compares the likely noise arising from the use of a padel court to that of a tennis court. The Council has not raised an objection to the proposal on noise grounds. The

padel court would be further from neighbouring properties than the tennis court and I have seen no evidence that leads me to any different conclusion in respect of noise.”(Paragraph 19)

Appeal Ref: APP/Y9507/W/24/3351257 - Fernden Grange, Fernden Lane, Fernhurst, West Sussex GU27 3LA asserts:

"The character of the landscape is also derived from the sense of tranquillity, which the South Downs Local Plan acknowledges to be a perceptual quality of the landscape, influenced by things that people can both see and hear in the landscape around them. The proposal would be used in connection with the main property, and as such its use and any associated noise would be intermittent. While the existing tennis court here has not been used for some time, there is not substantive evidence to suggest that it could not be reinstated and I consider this to be a reasonable baseline for considering noise impacts. I have no strong reason to doubt the appellant's assertions regarding the noise impacts and overall I am satisfied that they would not cause harm to tranquillity. Nonetheless, the visual effects of the development set out above would cause some depreciation in the tranquillity of the visual environment, as described in Policy SD7.”(Paragraph 10)

An Assessment of Padel Tennis was undertaken by Acoustic South East dated 21st August 2025. Comments were raised by the Council's Environmental Health Officer dated 11th September 2025. At the Council's Environmental Health Officer's suggestion, a visit was undertaken to a local padel court to monitor it in operation.

A revised Assessment of Padel Tennis was undertaken by Acoustic South East dated 14th October 2025 has been prepared following that visit. This has been enclosed.

The crux of the issue is that:

"The predicted external sound pressure levels in terms of both LAeq, and LAm_{ax} have been considered against the measured site soundscapes and do not exceed the ambient noise levels for the majority of the time.”

Further:

"The visit to Smash Padel validates the noise model and demonstrates that the modelling applied represents a worst-case scenario.”

There is no reasonable basis for refusal on noise grounds. The development would operate within accepted noise thresholds.

Lighting

The Environmental Health Officer requested further details regarding the lighting scheme under the premise of trying to establish is whether or not any residents in the locality will be affected by the proposed lighting.

As demonstrated by the Lighting Technical Report prepared by DFL (enclosed):

"The lighting proposed within the Application Site will not breach the limits of an E3 environment and will be compliant to relevant policy and guidance."

Lighting is not an issue that has significant consequences for the amenity of residents in the locality.

Heritage

The Council's Conservation Officer's comments are lacking important detail. The extent of the harm should be articulated as per Planning Practice Guidance paragraph 18.

Paragraph 18 of the PPG on the Historic Environment also advises:

"For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest."

Less than substantial harm must be below substantial harm. The top end of the spectrum of less than substantial would come near to being substantial – e.g. seriously affecting a key element of special architectural or historic interest.

Particular considerations apply when harm arises through development within the setting of a designated heritage asset as explained by the Inspector (as adopted at DL13) in the Edith Summerskill House appeal decision:

"In cases where the impact is on the setting of a designated heritage asset, it is, only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance."(Paragraph 12.50)

In this case, the asset draws very little (if any) significance from the application site. The Council's Conservation Officer describes the important aspects of the designated heritage assets setting as:

"Both the immediate garden setting and the wider rural views in my opinion contribute positively to the special interest of the listed building and how this is appreciated, in particular to its historical illustrative value, in the way in which these aspects relate to the ethos and medical practice of the former mental hospital, and its aesthetic value."

The decrepit tennis court forms neither part of the immediate garden setting nor the wider rural views that are cited as contributing positively to the special interest of the listed building. It is therefore difficult to follow the Conservation Officer's "concerns". In any event, even at their worst, these could only ever amount to a small degree of less than substantial harm which would emphatically be outweighed by the public benefits of the proposal.

Given the above, we do not need to hear further from the Council's Conservation Officer to bring the proposal to a successful resolution although we have enclosed further details as requested in the spirit of cooperation. These are pictured below.



In relation to all three of these issues cited above, the recent Costs decision relating to Brighton Gasworks (enclosed) is worthy of note. The Inspector was critical of the Council for failing to acknowledge that impacts as a result of realising the allocation for development were expected and indeed inevitable.

"Principal among those reasons was the Council's failure to meaningfully engage with the fact that this is an allocated site and as such there are a range of landscape, visual and heritage impacts that flow from this." (Paragraph 40)

As you know, the application site is allocated under the auspices of Policy L8 of the Haywards Heath Neighbourhood Plan for the enhancement of the existing facilities. It is therefore a given that some heritage, visual and amenity impacts will flow from this but it does not render the scheme unacceptable. The Council's Conservation Officer's comments should be viewed in this context.

Conclusion

The Council has a significant body of evidence demonstrating the applicant's proposal is wholly acceptable. There is no substantive evidence to undermine this. It complies with the provisions of the development plan read as a whole. The Council is now in a position to make a decision on the proposal and approval should be swiftly forthcoming subject to appropriate conditions.

If you have any queries, please do contact me.

Yours sincerely

