

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0830	Case Officer:	Andrew Horrell
Application Type:	Full County Consent Regulation 3		
Proposal:	Installation of cricket nets.		
Site:	Oathall Community College, Appledore Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2AQ, ,		
Validation Date	30 Mar 2026	Overall Expiry Date:	22 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	No Objection	Recommendation Date:	27 Apr 2026
Target Date:	25 May 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	24 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0830

**Oathall Community College, Appledore Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2AQ,
Installation of cricket nets.
The Assistant Director Of Property And Assets**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

MSDC Environmental Protection:

Given that the nets will not be contained in a metal cage but will have soft netting, the risk of noise from ball strikes affecting residents is low.

I recommend that the hours of use applied for are conditioned.

In addition, given that the nets will be used at weekends and in the evening by outside clubs, noise from players could affect a reasonably quiet residential area and I would therefore recommend that a condition is applied to any permission granted requiring a suitable noise management plan. The NMP should include a requirement for hirers to supervise their players to ensure noise levels are reasonable, and to prohibit the playing of music in this area.

I also recommend the following informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint once the site is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence'.

INTRODUCTION

This application is a Regulation 3 application by West Sussex County Council (WSCC) for the installation of cricket nets. Mid Sussex District Council (MSDC) are consultees and the planning decision will be made by WSCC.

SITE AND SURROUNDINGS

The site is school fields with school buildings to the north-west. There is high fencing serving as perimeter fencing with the footpath to Oathall Avenue to south.

In terms of planning policy, the site lies within the built up area of Haywards Heath.

APPLICATION DETAILS

This application is a Regulation 3 application by West Sussex County Council (WSCC) for the installation of cricket nets.

The proposal is for the installation of a new 4-bay cricket practice facility with 4m high side netting and artificial surface to replace an existing cricketing facility.

The hours of use would match during the Cricket season the existing hours of sporting facilities at 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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation 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:

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and design

DP29 - Noise, air and light pollution

Site Allocations DPD

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

SA38 air quality

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on 15 December 2016.

Relevant policies:

E9 - Design

L9 - Sporting facilities

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:

DPS6 - Health and wellbeing
DPN6 - Pollution
DPN7 - Noise impacts
DPN9 - Air quality
DPB1 - Character and design
DPI5 - Open Space, Sport and Recreational Facilities

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.

National Planning Policy Guidance

ASSESSMENT

Principle

Policy DP24 in the District Plan states that:

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

Policy L9 of the Haywards Heath Neighbourhood Plan has a similar ethos.

NPPF paragraph 103 states that;

'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.'

Paragraph 104 also states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

There is therefore generally support for the provision of sports facilities and encouragement of physical activities. While the proposals are not on public land, they will be available for the community to use after school hours in the week and also at weekends. The proposals will upgrade the existing sports pitches and facilities and the new provisions will cater for a wider range of sports than currently exists which will improve both the school curriculum and the offering to the community.

In view of the above it is considered that the principle of the proposed development is therefore acceptable and in accordance with planning policy.

Design and Impact on character of the area

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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 DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development'.*

Policy E9 of the Haywards Heath Neighbourhood Plan states:

'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 site to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.'*

Given the limited size of the facilities and their location in an area where sporting facilities would be expected. the proposal would not be out of character with the area.

The proposal therefore accords with policy DP26 of the District Plan and H9 of the Haywards Heath Neighbourhood Plan.

Impact on residential amenity

Policy H9 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Policy DP26 of the Mid Sussex District Plan states in part that:

'All applicants will be required to demonstrate 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).'*

Policy DP29 relates to noise and light pollution stating in part that *'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;'*

Policy SA38 of the Mid Sussex Site Allocations DPD has superseded District Plan policy DP29 in respect of air pollution and states in part that 'the Council will require applicants to demonstrate that there is not unacceptable impact on air quality.'

Considering the existing relationship between the school and neighbouring dwellinghouses, it is not envisaged that the proposal would result in a significant increase in noise, air or light pollution.

The Council's Environmental Protection Team has been consulted on the proposal and have confirmed that as the nets will not be contained in a metal cage but will have soft netting, the risk of noise from ball strikes affecting residents is low.

They would however, recommend that the hours of use outlined within the planning statement and community use policy are conditioned.

In addition, given that the nets will be used at weekends and in the evening by outside clubs, noise from players could affect a reasonably quite residential area and would therefore recommend that a condition is applied to any permission granted requiring a suitable noise management plan. The NMP should include a requirement for hirers to supervise their players to ensure noise levels are reasonable, and to prohibit the playing of music in this area.

The EHO also recommends the following informative:

' Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint once the site is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence'.

Therefore, subject to these conditions the proposal is deemed acceptable.

As such the proposed development is deemed acceptable in that it should comply with policies DP26 and DP29 of the District Plan and policy SA38 of the Site Allocations DPD.

Other matters

It is noted that supporting plans and documents have been provided in respect of ecology and drainage matters. It is recommended that West Sussex County Council as the determining authority satisfy themselves that the details set out within the submitted plans and supporting documents are sufficient and that the proposed ecology and drainage details are acceptable. It is recommended that consideration also be given to the sustainability of the proposal.

CONCLUSION

In conclusion, the proposed development would provide improved sporting facilities at the school and would not detract from the appearance and character of the site and surrounding area. Not should the proposal cause significant harm to neighbouring amenities. The proposal therefore accords with policies DP24, DP26 and DP29 of the Mid Sussex District Plan, policy SA38 of the MSDC Site Allocations DPD and the relevant provisions of the NPPF. As such, no objection is raised, subject to the conditions recommended by the Council's Environmental Protection Officer.

Decision: No Objection

Case Officer: Andrew Horrell