

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3273	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Retrospective planning permission for continued use of premises as a Children's Nursery (Use Class E f))		
Site:	The Garden Room, 2 Kleinwort Close, Haywards Heath, West Sussex, RH16 4XG, , ,		
Validation Date	6 Jan 2026	Overall Expiry Date:	28 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Feb 2026
Target Date:	3 Mar 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	Stephen Ashdown	Date:	12 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3273

**The Garden Room, 2 Kleinwort Close, Haywards Heath, West Sussex, RH16 4XG, ,
Retrospective planning permission for continued use of premises as a Children's Nursery (Use
Class E f))
Kiddie Capers Childcare**

SUMMARY OF REPRESENTATIONS

Three third-party representation letters have been received in respect of this application. They object to the application due to its impact on parking at the site and the noise pollution caused by the development.

One representation letter has been received which does not object or support the application however it raises concern regarding the parking situation.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

Concern regarding impact on neighbours from noise pollution, recommends condition restricting use of external area.

WSCC Highways

No objection.

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council

Objection, insufficient information regarding noise pollution and parking capacity.

INTRODUCTION

The application seeks retrospective planning permission for the use of the site as a Children's Nursery (Use Class E F) at The Garden Room, 2 Kleinwort Close, Haywards Heath. As the application is retrospective in its nature it has been submitted under section 73a of the Town and Country Planning Act 1990.

RELEVANT PLANNING HISTORY

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). Permission.

SITE AND SURROUNDINGS

The site lies to the west and south of the Age UK community building (Lamb House) at the junction with Bolnore Farm Road and Butlers Green Road. The site is within the built-up area of Haywards Heath. The site consists of a single storey nursery building which is characterised by timber clad walls, GRP flat roofing and dark uPVC window and door frames. The site is accessed by a pedestrian path adjacent to the Age UK building, which is located to the east of the site. The site includes a forest school area to the south of the nursery building. The existing boundary treatment consists of a mixture of some 1.8 metre high closed board fencing and significant tree lines.

To the southwest of the site there are two properties, Parkfield Lodge and The Old Coach House. Further south lies Downlands Park, a vacant residential care home set in extensive landscaped grounds, with Downlands Cottage situated within the grounds. To the east is the Age UK community building and also the rear of residential properties in Kleinwort Close.

APPLICATION DETAILS

The application seeks retrospective planning permission for the use of the site as a Children's Nursery (Use Class E F) at The Garden Room 2 Kleinwort Close Haywards Heath RH16 4XG. As the application is retrospective in its nature it has been submitted under section 73a of the Town and Country Planning Act 1990.

The existing children's nursery operates Monday to Friday between the hours of 08:00 and 18:00. The submitted information state that 26 children are enrolled at the nursery. The children are supported by 5 members of staff.

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 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:

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 relevant policies.

Haywards Heath Neighbourhood Plan (adopted December 2016)

Relevant policies:
E9 - Design

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, 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:
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPI6: Community and Cultural Facilities and Local Services
DPB1: Character and Design

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

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Principle,
- Design and Impact on character of the area,
- Impact on neighbouring residential amenity,
- Highways,
- Biodiversity Net Gain,
- Other Matters, and
- Conclusion.

Principle

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, Haywards Heath Neighbourhood Plan and the Site Allocation DPD.

Policy DP6 of the Mid Sussex District Plan states in part:

'Development will be permitted within towns and villages with defined built-up area boundaries'

Policy DP25 of the Mid Sussex District Plan in part states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

The site is located within the built up area boundary of Haywards Heath and the nursery use that relates to this application consists of educational facilities which is supported in principle by policy DP25 of the Mid Sussex District Plan. It is relatively small scale in its nature and is considered to improve the existing community facilities at the site. It should also be noted that a similar development was permitted under application DM/20/0807. As such the principle of development is considered to be supported by policies DP6 and DP25 of the Mid Sussex 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 policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The development does not consist of external alterations to the existing building and the site has already been permitted for a similar community facilities use. Taking into account the above the development is considered to address the character and scale of the surrounding area and it would comply with policy DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on neighbouring residential amenity

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 Policy DP29);'

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

The Council's Environmental Protection team have raised concerns regarding the impact of using the southern area of the application site on the amenities of the nearby residents, specifically in relation to noise pollution. Whilst this concern is noted they have recommended a condition be imposed to restrict the hours of use of the southern area.

The boundary treatment surrounding the southern area consists of a 1.8 metre closed board fencing and a significant tree line and a condition can be imposed to restrict the hours of use of the southern area of the site. It should also be noted that a similar use was permitted under application DM/20/0807. Taking this into account it is considered the use does not result in significant harm to the amenities of nearby residents, specifically in relation to noise pollution. As such the development is considered to comply with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Representation letters and the Town Council have objected to the development due in part to its impact on residential amenities, specifically in relation to noise pollution. Whilst these comments are noted given the above assessment the development is considered to not cause significant harm to the amenities of nearby residents.

Highways

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 (LHA) at West Sussex County Council has provided detailed comments regarding the development. They have noted that the existing parking provision at the site will be able to accommodate the intensification of the site. They also raise no concern regarding highways capacity or highways safety. As such the development is not considered to adversely impact the wider road network. Therefore, the LHA have advised that there are no transport grounds to resist the application. Taking into account the above it is considered that the application would comply with the above part of policy DP21 of the Mid Sussex District Plan and paragraph 116 of the NPPF.

Third-party representation letters and the Town Council object to the development in part due to its impact on the additional traffic and impact on parking arrangement. Whilst these comments are noted taking into account the above and that the LHA have raised no objection to the development it is considered that there are no transport grounds to resist the development. Concerns have also been raised about the existing parking arrangement and whilst these comments are noted, planning applications should be determined based off other regulatory regimes working as intended rather than what could be happening.

Other Matters

The Town Council have requested that a Noise Impact Assessment and Transport Statement be submitted as part of the application. Whilst this request is noted, given the existing consent on the site, the validation requirements and the assessments that have been made within this report it is not considered necessary for these documents to be submitted to determine the application.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the development is located within the built up area boundary and it would enhance the provision of the existing community facilities. It would also address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The highways impact is also considered to be acceptable. The development would be exempt from the requirements of Biodiversity Net Gain. Therefore, the application complies with policies DP6, DP21, DP25 and DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans