

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0044	Case Officer:	Joseph Swift
Application Type:	Advertisement Application		
Proposal:	Proposed 1no. standing sign.		
Site:	Land To The South Of Kings Way , Burgess Hill, RH15 0XP, , , , ,		
Validation Date	7 Jan 2026	Overall Expiry Date:	6 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Feb 2026
Target Date:	4 Mar 2026	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	12 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0044

Land To The South Of Kings Way , Burgess Hill, RH15 0XP, , , ,
Proposed 1no. standing sign.
C/O Agent

SUMMARY OF REPRESENTATIONS

No third party letters of representation have been received in regards of this application.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: *'Recommend Approval'*

INTRODUCTION

The application seeks advertisement consent for the installation of 1no. standing sign at Land to the South of Kings Way.

RELEVANT PLANNING HISTORY

DM/21/3385: Erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment. PERMISSION

DM/23/0438: Variation of conditions 1 and 8 of planning application DM/21/3385 - The application seeks minor amendments to the consented scheme, and as such requires the plans set out within conditions 1 and 8, to be substituted. REFUSED

DM/23/1548: Variation of conditions 1, 4 and 6 of planning application DM/21/3385 - The application seeks minor amendments to the consented scheme, and as such requires the plans set out within condition 1, to be substituted. PERMISSION

DM/25/0305: Variation of conditions 1 and 16 of planning application DM/23/1548 - to amend the plans to allow minor amendments to the approved scheme. PERMISSION

DM/25/2529: Non Material Amendment to planning application DM/25/0305 - Vary the wording of condition no. 17 of planning reference to DM/25/0305 to align with planning reference DM/25/2045. PERMISSION

SITE AND SURROUNDINGS

The application site is a triangular site, that has been recently had a 68 bed care facility constructed on it. The site is located to the south/south east of Kings Ways, with the railway line running along the south western boundary, with a mixture of Ancient Woodland, open land and housing development of Unicorn Way and Hestia Place along the eastern boundary. Kings Way is located at a higher level than the application site, with the road rising at a higher level at the south western part of the site, with the change in level reduced at the northern part of the site.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Burgess Hill. An area of land to the south east is designated as Ancient Woodland, with the trees along the north/north west boundary and the trees along the eastern boundary being subject to a TPO (TP/19/0002).

APPLICATION DETAILS

The proposal seeks advertisement consent to install 1 no standing sign to the western side of the site fronting Kings Way, the sign is to be located to the southern side of the access for the care facility and the sign would measure 3 metres in height by 1.5 metres in width and would be constructed of aluminium posts, with a powder coated central panel in Pantone 4218 UP with white vinyl lettering and would be illuminated to 300cd/m2, by a static up light at ground level.

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 Burgess Hill 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:

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.

There are no relevant policies.

Burgess Hill Neighbourhood Plan

Relevant Policies: None applicable.

Other Legislation

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN8 - Light Impacts and Dark Skies

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 115-117, 131, 135 & 139.

West Sussex County Council Highways Illuminated Signs Standing Advice 2023

ASSESSMENT

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

- Impact on the Amenity of the Area
- Public Safety

Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that:

'3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and*
- (b) any other relevant factors.*

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;*
- (b) factors relevant to public safety include—*
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);*
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;*
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.'*

Paragraph 141 of the National Planning Policy Framework states:

'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Fundamental to the determination of applications for advertisement consent is that they may only be controlled with regard to two material considerations, namely 'amenity' and 'public safety' (section 220 of the 1990 Act, Paragraph 141 of the National Planning Policy Framework and the 2007 Advertisement Regulations). There is no lawful category of 'other material considerations' in addition to the interests of amenity and public safety that can be taken into consideration when determining applications for advertisement consent under the regulations.

Impact on the Amenity of the Area

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. For the purposes of the Regulations, 'amenity' includes 'aural and visual amenity'.

The site is located off Kings Way, which is a highway illuminated by street lights, on the opposite (western) side of Kings Way is an established tree belt leading onto residential gardens beyond. The site is located within a mainly residential area and as such there are not a lot of other advertisements visible. It is common for commercial premises such as care facilities to be located within residential areas and to have a sign at their entrance. Therefore, it is not considered that the proposed signs would appear incongruous within the street scene.

With regard to the impact on neighbouring properties, the nearest dwellings are positioned to the western side of Kings Way with good screening between and therefore would not be significantly affected by the illuminance. To the east/north east are the residential dwellings along Hestia Place, however owing to the screening and being set back a substantial distance it is not considered that they would be adversely impacted.

Public Safety

Having regard to the consideration of public safety set out at Regulation 3(2)(b) (as amended) and the generality of 'any other relevant factors', the relevant issue in respect to this application is the safety of highway users.

Within the initial application it was stated that the sign would be illuminated to 1000cd/m². However, the applicant has confirmed in writing that the sign will be illuminated to a maximum of 300cd/m². The County Council's standing advice notes that Burgess Hill is set within an area of medium district brightness. It should be noted that areas up to 10m² should not exceed 300cd/m² in these areas according to the West Sussex County Council Highways Standing Advice. As the illuminance level is in accordance with the standing advice it is therefore considered that the proposed advertisements would be acceptable from a public safety standpoint.

CONCLUSION

In light of the above assessment, and there being no further matters that are material to an application under the Regulations, it is recommended that consent be granted.

Decision: Permission

Case Officer: Joseph Swift