

Hamish Evans

From: [REDACTED]
Sent: 12 January 2026 13:07
To: Hamish Evans
Cc: Susan John
Subject: DM/25/2830 LDP 65 Balcombe Road Haywards Heath RH16 1PE

Importance: High

Dear Hamish,

Re: DM/25/2830 LDP 65 Balcombe Road Haywards Heath RH16 1PE

Further to our recent correspondence, and for completeness, I write to draw together the historic occupation position, the lawful baseline, and the “fact and degree” assessment which lies at the heart of this Section 192 application.

As confirmed by the landlord, the property was occupied continuously as a single private dwellinghouse by the landlord and their family from 1992 to 2025, comprising two adults and three children. The children resided at the property full-time until leaving for university. One child was born in Haywards Heath, and the other two moved to Haywards Heath at approximately ages 5 and 1 respectively. There is no evidence of any non-residential, institutional or commercial use of the property at any point. This confirms a long-established lawful **Class C3(a) family residential use**. The property is a substantial five-bedroom detached dwelling, physically and functionally capable of accommodating a large family household. As demonstrated in the submitted statement and plans, the dwelling is capable of accommodating **up to nine persons** within a normal C3(a) use. In planning terms, the lawful baseline is therefore not a low-intensity or single-occupier scenario, but a sizeable family dwelling with inherent capacity for a relatively high level of domestic activity, movements, visitors and day-to-day comings and goings.

For the purposes of the movement and activity analysis within the submitted statement, a typical active family household scenario of **seven persons** was modelled. This was intentionally conservative and realistic for a five-bedroom detached dwelling of this nature. Even if one were to take the historic occupation of five persons as the reference point, it remains the case that the day-to-day pattern of movements, activity, visitors and domestic comings and goings associated with a family household of the size this dwelling is lawfully capable of accommodating is materially comparable to the proposed use. In **fact and degree law**, the baseline is **not frozen to the precise historic headcount at any given point in time**. Rather, the lawful baseline is properly understood by reference to **the lawful use class and the lawful physical capacity and character of the dwelling**, and the real-world residential activity that such a dwelling can reasonably support. On that basis, the lawful planning baseline here is defined by the dwelling’s established residential character and capacity, not by a fixed numerical snapshot of past occupation.

In any typical family setting, particularly over a period of more than 30 years, it is entirely normal and expected for **friends, extended family members and visitors** to attend the property regularly for social visits, celebrations, meals, overnight stays, and general day-to-day interaction. In addition, deliveries, tradespersons, school friends, and other visitors form part of normal residential life. These patterns of visiting and associated activity are inherent to a large family home and form part of the lawful C3(a) baseline character of use.

The proposed use involves up to **three children** residing at the property with **three carers** present on a shift pattern, and a registered manager attending during normal business hours only. The manager is not a resident and their attendance is analogous to any visiting professional, cleaner, nanny, tutor or tradesperson attending a large family home. At any given time, the maximum number of resident occupants would therefore be **six**. It is important to emphasise that the assessment of materiality is not a crude numerical comparison. The correct test, as set out in the PPG and established case law, is whether the proposed use would result in such a change in the **character of the use of the property**, as a matter of fact and degree, that it amounts to a material change of use in planning terms. In this case:

- The proposed use remains wholly residential in character.
- The internal layout and function of the dwelling remain entirely domestic and unchanged.
- There are no external alterations.
- The pattern of daily life (meals, schooling, leisure, homework, outings, family-style activities) is directly comparable to that of a traditional family household.

- The children and carers will occupy the property as a single household unit, sharing facilities and living together in a family-style environment.
- The total number of resident occupants (six) is well within the lawful residential capacity of the dwelling and below what could reasonably be accommodated in a large five-bedroom family home, including in multigenerational arrangements where grandparents, adult children and even live-in carers or nannies are present.
- The presence of friends, family members and other visitors to the property under the proposed use would be no different in principle or scale to that which commonly occurs in a traditional family home.
- The submitted movement analysis demonstrates that the level of comings and goings associated with the proposed use is materially comparable to that of an active family household of the size the dwelling is capable of accommodating.

In other words, whilst the use would fall within Class C2 in definitional terms due to the staffing arrangement, the evidence demonstrates that, on the balance of probabilities, the proposal would **not result in a material change in the character of the use of the property** when compared with its established lawful Class C3(a) use. This approach is entirely consistent with the pre-application advice issued under reference **DM/25/2047**, which concluded that whilst the proposal would fall within C2, it would not amount to a material change of use, and with the numerous appeal decisions cited within the submitted statement where Inspectors have repeatedly found that small-scale children's homes operating in a family-style manner within dwellinghouses do not give rise to a material change of use as a matter of fact and degree.

On that basis, it is respectfully submitted that the proposal satisfies the statutory test under **Section 192** and that a **Certificate of Lawful Development should be granted**.

Should you or your legal colleagues require any further clarification, I would of course be happy to assist.

Yours sincerely

Rahul Taheem BSc (Hons), Grad Dip Arch, MA Arch
ARCHITECTURAL CONSULTANT



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From: rahul taheem
Sent: 07 January 2026 10:14
To: Hamish Evans <Hamish.Evans@midsussex.gov.uk>

[REDACTED]

Subject: RE: DM/25/2830 LDP 65 Balcombe Road Haywards Heath RH16 1PE

Importance: High

Dear Hamish,

Re: DM/25/2830 LDP 65 Balcombe Road Haywards Heath RH16 1PE

Thank you for your email.

The property has historically been used as a single private dwellinghouse (Use Class C3). I am not in a position to independently verify the precise number of occupants or length of occupation; however, there is no evidence to suggest any non-residential, institutional or commercial use of the property.

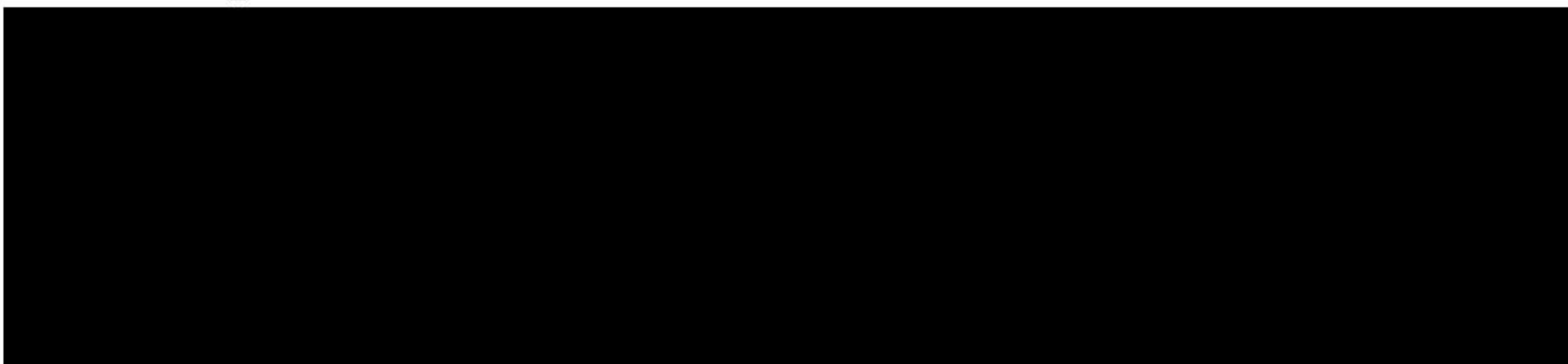
As a substantial five-bedroom detached family dwelling, the property is capable of accommodating a typical family household and has been used in a normal residential manner. In planning terms, the lawful baseline is therefore the established residential use of the dwelling, and the assessment properly turns on whether the proposed use would be materially different in character from that established C3 use.

I have requested any further information available from the client and will revert should additional details be provided.

Yours sincerely

Rahul Taheem BSc (Hons), Grad Dip Arch, MA Arch
ARCHITECTURAL CONSULTANT

For and on behalf of
RAHUL TAHEEM LTD



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From: Hamish Evans <Hamish.Evans@midsussex.gov.uk>

Sent: 07 January 2026 09:56

Subject: RE: DM/25/2830 LDP 65 Balcombe Road Haywards Heath RH16 1PE

Dear Rahul,

Thank you for the below email. I am just waiting for some advice for our legal team on the application which they have advised they will be able to provide by the end of this week.

Do you have any details of the previous occupiers? Specifically, the number of occupiers and how long they lived there?

Thank you,
Kind regards,

Hamish Evans
Planning Officer
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hamish.evans@midsussex.gov.uk
www.midsussex.gov.uk
Working Together for a Better Mid Sussex