

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0592	Case Officer:	Catherine Cardin
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Condition 4 of planning permission HH/246/99 to limit retail/display use to the approved trade counter area.		
Site:	Unit 2, 21 - 24 Bridge Road, Haywards Heath, West Sussex, RH16 1UA, , ,		
Validation Date	31 Mar 2026	Overall Expiry Date:	13 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 May 2026
Target Date:	26 May 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0592

**Unit 2, 21 - 24 Bridge Road, Haywards Heath, West Sussex, RH16 1UA, ,
Variation of Condition 4 of planning permission HH/246/99 to limit retail/display use to the
approved trade counter area.
Screwfix Direct Limited**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways

No objection.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks full planning permission to vary condition 4 of planning permission HH/246/99 to limit retail/display use to the approved trade counter area.

RELEVANT PLANNING HISTORY

HH/122/89- The change of use of existing warehouse building b8 to b1 use (business units) including the demolition of certain outbuildings to allow improved car parking servicing. Permission.

HH/192/89- Internal alterations and elevational changes to existing buildings to part of Jacobs Young and Westbury site. Permission.

HH/246/99- Change of use from printers to ceramic tile distributor, including part b1 use, part storage and part retail. Permission.

SITE AND SURROUNDINGS

The application property comprises a single-storey, modern industrial unit of portal- frame construction characterised by a shallow pitched roof with a prominent gable fronting the site. The external elevations are predominantly clad in profiled metal sheeting, finished in a light grey colour, with contrasting darker cladding to the upper gable section.

The front elevation incorporates a series of large industrial openings, including roller shutter doors finished in dark blue, together with associated personnel access doors.

The property benefits from an off-street parking area that accommodates 6 cars to the front of the property.

Neighbouring properties are located to the east, west and north. An ordinary watercourse is located to the north. Highway is located to the south.

APPLICATION DETAILS

The proposal seeks permission to vary condition 4 of planning permission HH/246/99 to limit retail/display use to the approved trade counter area.

Submitted plans show that the proposed retail floorspace of the unit would measure approximately 5.3 metres in width and 6.5 metres in depth and would have a total area of 32.5 sqm.

The submitted floor plans show external alterations to the front elevation, which is subject to a separate application under (ref: DM/26/0593) and does not form part of this assessment.

An associated application (ref. DM/26/0594) is also under consideration for the installation of three external air source heat pump units along the rear elevation of the property.

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, and*
- 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 the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP1 - Sustainable Economic Development

DP21 - Transport

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.

Relevant policies.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in 2016.

Relevant policies:

Policy E9 - Design

Policy B3 - Modernisation/ redevelopment of existing commercial sites

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:

DPE1 - Sustainable Economic Development

DPE2 - Existing Employment Sites

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

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

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

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that 'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

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

- o Principle
- o Design and impact on the character and function of the area
- o Impact on Residential Amenity
- o Biodiversity Net Gain
- o Planning Balance 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.

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) of the 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."

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 in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Haywards Heath Neighbourhood Plan.

District Plan policy DP1 supports the sustainable growth and the vitality of existing businesses, while Policy B3 of the Haywards Heath Neighbourhood Plan supports the ongoing use and adaptation of existing commercial sites.

The proposal relates to the variation of a condition to clarify and limit the extent of retail activity within an existing employment unit. The retail element would remain ancillary to the primary use and would not result in the loss of the site's employment function.

The proposal is therefore acceptable in principle and accords with policy DP1 of the Mid Sussex District Plan and policy B3 of the Haywards Heath Neighbourhood Plan.

Design and impact on the character and function of the area

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed, reflect the distinctive character of the towns and villages, and be sensitive to the countryside. The policy also requires development to respond to the character and scale of the surrounding buildings and the landscape. In part the policy expects proposals to achieve high-quality design and layout, incorporate appropriate landscaping and greenspace; and create a strong sense of place.

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and promotes a similar approach.

The locality comprises light industrial and commercial properties of a similar character to the application property. The proposed retail floorspace is modest in scale and would be contained within the existing unit.

Given its limited extent, the proposal would not result in the unit operating as a standalone retail use, nor would it materially alter the character and function of the surrounding commercial area. It is not considered that the development would give rise to increased vehicular movements or additional parking demand.

The variation of condition 4 would provide clarity over the extent of retail activity and ensure that it remains proportionate and ancillary to primary use.

The proposal would not result in the loss of the employment use of the site and would therefore preserve its role and function within the wider employment area.

It is therefore considered that the proposal would be in accordance with Policy DP26 of the District Plan and Policies E9 of the Neighbourhood Plan.

Neighbouring Amenities

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);".

To the west of the application site lies Unit 1, whilst to the east of the site lies Unit 3 and Unit 4. Given the modest nature of the proposal, it is not considered that the proposal would cause significant harm to the amenities of neighbouring units to the east or west.

Due to the modest nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause significant harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above-mentioned part of policy DP26 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

The proposal is acceptable both in terms of the principle and in terms of impact on the character and function of the area, and would not cause harm to the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP26, Policies E9 and B3 of the Haywards Heath Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

Decision: Permission

Case Officer: Catherine Cardin