

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1266	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Change of use from Small HMO (C4) (currently 6 sharers) to Large HMO (Sui Generis) (7 sharers)		
Site:	11 Franklynn Road, Haywards Heath, West Sussex, RH16 4DG, , , ,		
Validation Date	14 May 2025	Overall Expiry Date:	6 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Jul 2025
Target Date:	9 Jul 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1266

**11 Franklynn Road, Haywards Heath, West Sussex, RH16 4DG, , ,
Change of use from Small HMO (C4) (currently 6 sharers) to Large HMO (Sui Generis) (7 sharers)
Mr Conor Patterson**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

MSDC Environmental Health Housing Standards

Property is currently a licensed HMO and the license will be renewed in November 2025. Where plans will be changed to include Room 7.

Based on the plans submitted the following comments are made with specific reference to compliance with Housing Standards legislation. Please note that this may differ from planning legislation, but respective minimum standards must be followed.

Rooms sizes

To prevent future enforcement action under Environmental Health legislation the developer must ensure that all bedrooms in the proposed development meet the following minimum room sizes:

1. Single bedroom: minimum size 6.5 square metres
2. Double bedroom minimum size 10 square metres

Please note specific requirements in the Technical Housing Standards - Nationally described space standard used by Planning Departments.

Means of escape

1. Means of escape in case of fire. Provision of 30 Minute fire doors to kitchen and living areas.
2. Interlinked early fire alarm system to whole building with a 30 minute warning system.
3. Suitable and sufficient fire protection and means of escape must be provided including fire doors and interlinked fire alarm systems where appropriate. Escape routes should avoid travel through high risk rooms, namely, bedrooms accessing out of the accommodation past open plan kitchens.

Heating:

4. The system shall be capable of maintaining the following internal temperatures when the external temperature is -1degrees C.
5. Living room and dining room 21degrees C.
6. Bathroom 22degrees C.
7. Elsewhere 18degrees C.
8. All storage heaters shall have automatic charge control and thermostatically controlled damper outlet. Living rooms to be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.
9. Gas Central heating systems should satisfy the design and installation requirements of British Standard 5449: 1990 in accordance with Part L of the current Building Regulations (as amended).

Ventilation

10. All kitchen/living areas must be provided with open-able windows of a suitable size to ensure sufficient ventilation without causing excessive draughts.

11. All habitable rooms must have a window to provide natural ventilation. Allow for natural ventilation 1/20th of the floor area of each habitable room.

Lighting

12. Provision of adequate natural lighting via windows to kitchen, bedroom and living rooms to provide adequate natural lighting. BS8206 Code of practice Parts 1 & 2. Also BRE guidance on Natural Lighting.

13. There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain.

Security

14. Ensure that the kitchen door to the back Room 5 is a fire door and is also secure from entrance from other residents for privacy etc.,

MSDC Environmental Protection Officer

I have no comment regarding this application. Comments might be expected from the Housing Standards team.

WSCC Highways

This application seeks the change of use from six-bedroom HMO (C4 Use) to seven-bedroom HMO (Sui Generis). The site is located on Franklynn Road, a B-classified road subject to a speed restriction of 30 mph.

No alterations are proposed to the existing vehicular access arrangement. The addition of a seventh HMO bedroom is not anticipated to give rise to a significant material intensification of use.

In terms of parking, 3-4 car parking spaces can be accommodated within hardstanding fronting the site, and this would be considered a suitable amount of off-street car parking to serve an HMO of this size under WSCC Parking Standards.

The Planning Statement states that additional cycle storage can be provided to the rear of the site. The LHA would request that secure and covered cycle storage be provided, to promote sustainable travel.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Full planning permission is sought for a change of use from Small HMO (C4) (currently 6 sharers) to Large HMO (Sui Generis) (7 sharers).

RELEVANT PLANNING HISTORY

In August 1978, planning permission was granted for a single-storey extension with pitched roof (CU.212.78).

In June 1987, planning permission was granted for a 3-bed detached house and garage on land at the rear of the site adjacent to 1 Western Road (HH.149.87). This is known as 1A Western Road.

In March 2003, a lawful development certificated was granted at the rear of the site for use as a flat at 11A (HH/02/2381/LDC). This 1-bed, single-storey property has been severed from the site and is accessed via the side of no. 11.

In September 2006, planning permission was granted for the formation of 2 vehicle crossovers to serve the existing property (HH/06/1144/FUL).

SITE AND SURROUNDINGS

Originally a detached bungalow, the site is in use as a House in Multiple Occupation (its licence dating from December 2020), providing 6 bedrooms, 4 bathrooms/shower rooms/ensuites, a communal kitchen and a communal living room. The accommodation is arranged over 2-storeys, within the roof, and a single-storey rear extension. There is a car parking forecourt to the front, and communal garden at the rear. There is a semi-detached dwelling to the west and an attached, single-storey dwelling (11A) to the rear/north. To the east is a pet shop. Opposite is a Montessori nursery. The site is located within the built-up area of Haywards Heath and designated as a Great Crested Newt - Impact Risk Zone (Green).

APPLICATION DETAILS

Full planning permission is sought for a change of use from Small HMO (C4) (currently 6 sharers) to Large HMO (Sui Generis) (7 sharers). This will be achieved by converting the communal lounge into an additional bedroom on the ground floor. No external changes will be necessary.

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 Mid Sussex 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 and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP21: Transport

Policy DP26: Character and Design

Policy DP30: Housing Mix

Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan (Dec 2016)

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies:

Policy E9: Local Character

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 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH7: Housing Mix

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG24: Plan for cyclists

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 64, 65 and 66 (affordable housing), 109 (promoting sustainable transport), 131 and 135 (design), 187 (conserving and

enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Principle

Policy DP30 of the Mid Sussex District Plan states (in part):

'To support sustainable communities, housing development will:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;'

The proposal would therefore comply with this policy in principle.

Impact on neighbouring amenity

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

'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)'

Although the Haywards Heath Neighbourhood Plan requires development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents, the Mid Sussex District Plan seeks to ensure that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Paragraph: 084 Reference ID: 41-084-20180222 of the government's Planning Practice Guidance (Revision date: 22 02 2018) states: *'policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.'* As the Mid Sussex District Plan is the most up-to-date Plan, then the correct test to apply in this instance is whether the impact of the development causes significant harm to neighbouring residents.

The Council's Environmental Protection Officer has raised no comment to the proposal, and given the modest nature of the proposal, it is not considered that an additional occupant (or 2 at most) would result in significant harm to the amenities of neighbouring properties.

For the future occupants and existing occupants of the HMO, the loss of the communal lounge is unlikely to be significantly harmful to their amenity. A communal kitchen will be retained, which is considered satisfactory. There are 2 bathrooms and an en-suite on the ground floor and a further bathroom on the first floor, so it is considered that this is a satisfactory amount of facilities for the occupants of this property.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways

Policy DP21 of the Mid Sussex District Plan states (in part):

'... Decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for

walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;

- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- 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;
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
- 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; and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The Highway Authority has raised no objection to the application, in terms of the intensification of use, and the car parking provision. The site is sustainably located to local services and a condition can be imposed to provide additional cycle spaces. Accordingly the scheme would comply with Policy DP21 of the Mid Sussex District Plan and if the cycle storage space is sited to the side of the property (where existing refuse bins are kept) then the visual impact of this would not be harmful to the character of the area, so would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Neighbourhood 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.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Green). Having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with the above legislation, policy and guidance.

National Space Standards do not apply to this application but space standards as well as other housing standards are set out in the Environmental Health Housing Standards comments above and are controlled under the HMO licensing regime.

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.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP21, DP26, DP30 and DP38 and Neighbourhood Plan Policy E9.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 of the NPPF states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

On the positive side, the proposal would provide an additional unit of accommodation within an existing HMO, in a highly sustainable location and in close proximity to a major employer, namely the hospital.

On the negative side, the proposal will result in the loss of a communal lounge area for the existing 6 residents. However, a communal kitchen will be retained, as well as a communal garden at the rear, so it is not considered that this would be significantly harmful to the amenities of the occupants.

There will be a neutral impact in respect of neighbouring amenity, parking and biodiversity.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted.

Decision: Permission

Case Officer: Andrew Watt