

Planning Statement

in support of an application for planning permission for

Change of use of existing building to children's day nursery together with operational works and landscaping to front elevation, single storey outbuilding to rear and use of rear yard for supervised children's play area

At: 22-24 Sussex Road, Haywards Heath, RH16 4EH

For Kingsway Nurseries Ltd

July 2026

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Background and recent planning history

The site is located on Sussex Road close to the centre of Haywards Heath. It lies in a mixed-use frontage with residential dwellings to the rear.



Plan not to scale



Street elevation of premises – courtesy Google Street View ©Google

There is a secondary entrance to the property down the side elevation, along the car park access way as shown in the photo below:



The image below shows the rear car park and the rear of the property.



As can be seen from the images, this is a 2-storey commercial building which has been incrementally extended over recent years.

The planning history for the site on the Council website suggests the site may have been redeveloped in the late 1970's as a banking hall with ancillary offices. Then its use changed to a range of office uses until its lawful and current use as an Advice and counselling service [D1] for 'Action for Deafness' plus office uses.

These uses now are encompassed by the Class E Business and Services Uses in the Use Class Order.

The building is currently vacant.

In preparing for this application, the applicant has carried out a pre-application advice request with the Highway Authority.

The proposal

The applicant is Kingsway Nurseries Ltd. Their proposal is to convert and refurbish the existing building and site for use as a children's day nursery.

Proposed use

The current lawful use of the premises falls within Class E of the Business use class, as does the proposed use:

"Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms or use as a swimming pool or skating rink, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

Further, **Sec 55 of the T&CPA 1990** defines what constitutes 'development' and in simple terms, what requires planning permission.

At para 2 in this Section it goes on to specify what does not constitute development. At sub para (f) it states:

“f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.”

In other words, alternative uses of a property [and/or land] which fall within the same use class, do not constitute ‘development’ and do not require planning permission.

That being said, the applicant in this case is seeking to positively confirm in planning law terms, the acceptability of the proposed use.

The proposed operational works

The architect’s Design and Access Statement explains the concepts behind the proposal. Extracts below:

“It is proposed to consolidate the site access such that all entry and exit is via a new external gate and pergola located adjacent to the northeast corner of the building. This will provide a single point of secure entry for both staff and parents, which is considered optimal from a management and safeguarding perspective. The pergola will also provide covered bike and buggy storage adjacent to the entrance, in a location that is screened from the street....

The design proposal seeks to adapt the existing building to its new use as a day nursery via a strategy of minimal intervention.

The proposed layout is oriented around the children’s nursery rooms, of which there are three categories: baby rooms, toddler rooms and pre-school rooms. The baby rooms are located at first floor level within two large existing rooms. The toddler rooms and pre-school rooms are located at ground floor level, to the front and rear of the plan respectively, and are formed via the removal and remodelling of internal walls. The separation between toddler and pre-school rooms will be made with a ‘half-height’ wall. The pre-school rooms comprise space within a new outbuilding located to the rear of the existing building, which is necessary to satisfy the area requirements of the accommodation brief. The playroom facilities have been scaled to accommodate 90 children overall according to Ofsted area requirements.....

To the rear of the site, it is proposed to replace and upgrade existing boundary treatments with new 2m tall timber fences. A 2m tall acoustic timber fence is proposed to the western boundary of the site to minimise noise impact on neighbouring residential properties.

In addition to the construction of the entrance gate, pergola and frieze, it is proposed to construct a new outbuilding the rear of the site. This will provide an additional nursery room, designated for ‘pre-school’ use, which is necessary to satisfy the area requirements of the client accommodation brief. The new outbuilding will be constructed in timber to the height and layout as indicated on the architectural drawings. The outbuilding will be clad in cedar, with aluminium framed windows and doors and a sedum green roof. The proposed outbuilding will be connected to the existing building via a small canopy as indicated on the architectural drawings. This will provide a covered external connection

between the two pre-school rooms. It is proposed that a new bin store be formed to the north of the proposed outbuilding. This will be enclosed by 2m tall timber fences, with timber gates for access.

It is proposed that the remainder of outdoor spaces surrounding the existing building and outbuilding are used as outdoor amenity space for the day nursery. These would be landscaped with a combination of astroturf and bonded rubber granules to provide soft-landing surfaces. Within the outdoor spaces there would be a series of themed areas comprising facilities for art, reading, role-play, mud-kitchen, curiosity hub, plant and vegetable growing, etc....'

Further detail on the scheme and its design evolution is included in the submitted Design and Access Statement.

The important elements of the scheme are to:

- make full use of the existing building with only limited new external construction.
- remove parking from the rear of the site and re-purpose it for nursery uses and as a supervised children's play area. [Staff parking and parent drop off parking will be directed to nearby public car parks which are in close proximity to the site. There are safe and convenient pedestrian routes from these car parks to the premises].
- strengthen the boundary fencing around the site to not only protect the security of the children, but also the amenities of adjoining neighbours.
- create a secure welcome area for the children being dropped off.

The floorspace impacts of the site are as follows:

	GEA sqm	GIA sqm
Site area	734	
Existing		
Ground floor		167.76
First floor		179.37
<i>Total</i>		347.37
Proposed		
Ground Floor		208.44
First Floor		179.61
<i>Total</i>		388.05

The 2025 National Planning Policy Framework [NPPF] sets out the Government's policies for planning.

It states at the outset that:

"7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, 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):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

The NPPF states that development proposals that accord with development plan should be approved without delay [para 11].

"For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken 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. “

In addition, the above quote makes it clear that the emphasis is on granting permission unless there are **significant** objections which would **demonstrably outweigh** the benefits of the scheme. This indicates that any objections have to meet the high test of both being ‘significant’ and are capable of being ‘demonstrated’.

With regards to economic development, the NPPF states at para 85:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

The NNPF addresses childcare and ‘early years’ services [ie from birth to 5 years old] at para 100, where it states:

“It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

In conclusion, there is clearly strong national policy support for the proposal.

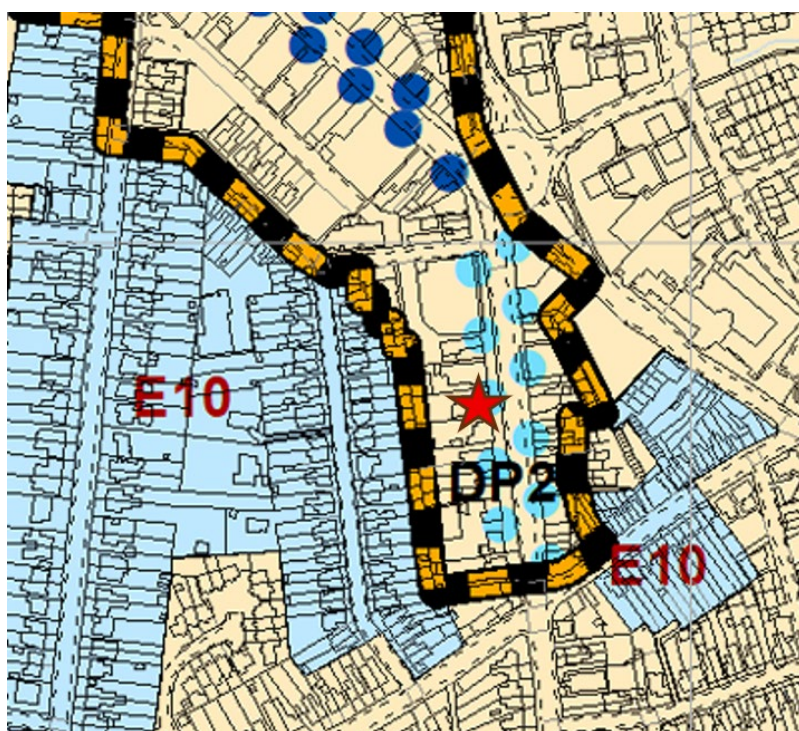
Local Planning policies

Mid Sussex District Council last adopted its District Plan on 28th March 2018. However, in accordance with National Policy, legislation, and a commitment in the adopted District Plan, the District Council have commenced a review of the Plan. This Review is currently at the Examination stage where a number of additional proposals sites are being tested.

In the meantime, the statutory development plan is the 2014-2031 District Plan.

Inspection of the current Policies Map [extract below – not to scale] shows the site [red star] and relevant policy areas:

Policies Map



Key



This demonstrates that the site is within the :

- urban settlement
- town centre policy area; and
- defined secondary shopping frontage

There is also a Neighbourhood Plan for Haywards Heath which was 'made' [ie adopted] in December 2016. The Plan contains policies to protect environmental quality and local character. With regard to town centres, it states at Policy B2 that:

"Policy B2: Planning permission will be granted for development or change of use that will encourage a diverse range of uses in the Town Centre including new office, leisure, community, hotel, retail and residential which can be shown to support the core retail offer and generate vitality and add viability to the Town Centre whilst avoiding harm to existing businesses and residential properties. Schemes that result in the loss of residential accommodation in the town centre will only be granted:

- in cases of upper floor accommodation where an independent access does not exist and cannot be provided,
- in cases where there are insurmountable environmental factors which mitigate against continued residential use,
- where an employment or retail use is proposed, providing that use would enhance the vitality and viability of the town centre.
- where additional residential accommodation is being provided"

There is no TPO on the property and the site does not lie within a Conservation Area. There are no listed buildings in the immediate vicinity.

Pre-application advice

The applicant sought highway pre-application advice in June 2026 under reference PRE-43-26. This was carried out in the light of the proposed reliance on off-site parking. The applicant had carried out parking surveys prior to the request and these showed that there was adequate capacity.

There were other related specific trip generation and design issues. These will be addressed in the Transport Statement which is submitted with the application

Material considerations

We have made an assessment of the proposals against the local development policies; and in the light of our experience of similar proposals elsewhere, we believe that the following material considerations are likely to be relevant to this application. These are addressed below.

No.	Material consideration	Assessment of the proposal
1	Principle of development	The site lies within the urban settlement within a highly sustainable location. The site and buildings were recently in active commercial use. The application proposes to retain the existing building with the minor addition to the rear and operational works to the front elevation. The proposed use is supported by national planning policy and is one that can be expected to be found in town centre locations. The previous use of the site fell into the recently introduced commercial business and services use class (class E) in the use classes order. The proposed use also is accommodated within class E. This not only means that the proposed new use would not normally require express planning permission, because the switch of uses within the same use class do not constitute “development”. The proposed operational work is minor in nature on the site and would not unacceptably harm neighbours or the overall streetscene.
2	Town Centre Policy	The site lies within the defined town Centre policy area and is within a secondary shopping frontage. Whilst policy DP2 in the Local Plan aims to protect the retail character of the secondary shopping frontages, we would maintain that this objective has been largely superseded by A) the change in national policy towards town centres which now promotes a more flexible approach to maintaining vitality and viability in central locations; B) the introduction of class E in the use classes order which reflects the above change in policy and more specifically allows site owners to change the use of their properties without the need for specific planning permission; and

C) the specific planning history of this site has already allowed a nonretail frontage in this location.

In any event, we would contend that the proposed use will make a positive contribution to the vitality and viability of this part of the centre. It will introduce footfall in the area by virtue of the clients using the local footpaths to gain access to the site. It is also likely to encourage linked trips where parents in the morning drop off and afternoon pick up have the ideal opportunity to visit shops and services in the locality.

3 Local Character

The site lies within a commercial and mixed-use town centre frontage. It is not within a Conservation area or a specific environmental character policy area.

Whilst we are proposing operational works at the ground floor level to the street elevation of the premises, the general massing and appearance of the building remains unaffected. As such, we do not believe that there will be a significant detriment either to the visual amenity of the centre or the day-to-day activity within the centre.

If anything, we believe that the introduction of this use involving the visits of parents and their families will do nothing but promote the interests of the centre and maintain its relevance into the long term.

4 Impact on neighbours

The proposed core hours of the nursery are:
Monday to Friday – 8 AM to 6 PM with provision for early drop off (7.30am) and late pick-up (6.30am) as explained in the Management Statement, although the maximum number of children registered with the nursery may be ninety in total, the occupants see at any one time is likely to be much lower.

The uses either side of the application site are commercial in nature and presumably will also be operating largely within business hours. To the rear are residential properties. Whilst we understand there may be concerns from residents over the noise from the proposed play area; we would say that this noise is largely concentrated during the working day and the premises will be silent in evenings and for most of the weekend.

We have carried out a noise assessment to check the baseline ambient noise level within the area and then compare it with what is likely to be generated by the operation. See report.

The proposals involve the introduction of an acoustic fence at the rear of the site bounding the residential properties.

		Under the existing planning consent and use regime this yard area could alternatively be used for car parking with the attendant problems of noise and fumes related to parking and vehicle movements. Finally, the wording of the use classes order makes it clear that even without planning permission the building and the land around it can be used as a children's day nursery – which functionally would normally be anticipated to include outdoor play as well as indoor classrooms.
5	Highway impact	As we have explained earlier, this proposal relies on off-site parking for staff and parents' visits. The impact of this objective is addressed in our transport statement. The applicant will also be working with the council and ultimately the parents to take all practical steps towards encouraging a disciplined approach to the drop-off and pickup periods. These are addressed in more detail in the transport statement.
6	Ecology	The applicant has commissioned a preliminary ecological assessment of the site. It is clear from any site inspection that there is either zero or very limited habitat potential on the site. The ecologist has also addressed the issue of biodiversity net gain (BNG).

In the light of the above assessment, we have made amendments and included reports to meet potential Council concerns and consider that the submitted scheme should now be acceptable on all of the items above.

Conclusion

The submitted scheme follows on from a recent highway pre-application advice request. It has been carefully and sensitively designed and adapted to take account of officer comments.

We consider that the proposal now complies with national planning policy and the policies within the development plan.

We commend the proposals to the Council.

Steve Thwaites BSC [Hons] Dip EP MRTPI



THS Planning

July 2026