

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0803	Case Officer:	Peter Davies
Application Type:	Full Application		
Proposal:	Retrospective application for the subdivision of an existing Class E commercial unit into two separate Class E units and the retrospective installation of 5 no white uPVC windows and remove 1no window and insert 1no door in the existing wall.		
Site:	Depot Rear Of 25, Gower Road, Haywards Heath, West Sussex, RH16 4PL, , ,		
Validation Date	27 Mar 2026	Overall Expiry Date:	17 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 Jul 2026
Target Date:	22 May 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	30 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0803

**Depot Rear Of 25, Gower Road, Haywards Heath, West Sussex, RH16 4PL, ,
Retrospective application for the subdivision of an existing Class E commercial unit into two
separate Class E units and the retrospective installation of 5 no white uPVC windows and remove
1no window and insert 1no door in the existing wall.**

J Kidger

SUMMARY OF REPRESENTATIONS

2 letters of representation have been received objecting to the proposal for the following reasons:

- Increase in activity of the site
- Loss of privacy and overlooking
- Additional noise and disturbance
- Increased traffic and parking demand
- Area which sees surface flooding

SUMMARY OF CONSULTEES

Environmental Protection

No objection with recommended conditions.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks retrospective planning permission for the subdivision of the site to create a new Class E commercial unit and the retrospective installation of 5 no. windows and insert a door.

RELEVANT PLANNING HISTORY

CU/274/82 - Demolition and reconstruction of tyre service depot. Permission

DM/26/0778 - Install 5 no white uPVC windows and remove 1no window and insert 1no door in the existing wall. Pending consideration.

SITE AND SURROUNDINGS

The application site consists of 2 buildings joined together with a single storey link located on the south side of Gower Road, within the built-up area boundary of Haywards Heath. The buildings have pitched roofs and are constructed from brick and horizontal white cladding with dark roof tiles. The front building (north) is used for car servicing and repairs with the rear building (south) used as a convenience store.

The locality is characterised by a mixture of buildings with dwellings located to the west and south and retail to the north and east along both South Road and Sussex Road.

APPLICATION DETAILS

The application seeks retrospective planning permission for the subdivision of the site to create a new Class E commercial unit within the rear (south) building and the retrospective installation of 5 no. windows and a door. The south building is to be used as a convenience store at ground floor level and a furniture store at first floor level accessed via the ground floor.

On the east elevation 1. no window has been installed at ground floor level as well as replace an existing window with double doors. 4 no. windows have been installed at first floor level. The windows are white uPVC with the door anthracite aluminium.

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,*
- b) And 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 Haywards Heath 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:

- DP1 - Sustainable Economic Development
- DP2 - Town Centre Development
- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light pollution
- DP41 - Flood Risk and Drainage

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.

Haywards Heath Neighbourhood Plan (made 2016)

Relevant policies:

B1 - Retail Development

E9 - Design

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 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:

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN7 - Noise Impacts

DPE1 - Sustainable Economic development

DPE4 - Town and Village Centre Development

DPE5 - Within Town and Village Centre Boundaries

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on neighbouring properties
- Highways Impact
- Flood risk and Drainage
- Biodiversity Net Gain

Principle of Development

The site lies within the primary town centre of Haywards Heath as defined by the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan.

Policy DP1 of the Mid Sussex District Plan supports the effective use of employment land and premises permitting appropriate intensification, conversion, redevelopment and/or extension for employment purposes provided its in accordance with other policies of the District Plan.

Policy DP2 of the Mid Sussex District Plan and policy B1 of the Haywards Heath Neighbourhood Plan supports retail development within the defined Town Centre of Haywards Heath.

Development plan policies therefore support the principle of the subdivision of the site to create an additional commercial unit within the town centre. The principle of development therefore accord with policies DP1 and DP2 of the Mid Sussex District plan and policy B1 of the Haywards Heath Neighbourhood Plan.

Design and Character

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy E9 of the Haywards Heath Neighbourhood Plan contains a similar ethos.

The only external changes are the addition of the 5 no. windows and entrance door. The windows and door are considered acceptable in terms of scale and form to the existing building. The windows are of same materials to the existing window on the building. It is considered that the windows and door would not have a harmful impact on the character of the building or the character of the street scene and therefore comply with policy DP26 of the District Plan and E9 of the Haywards Heath Neighbourhood Plan.

Impact on neighbouring properties

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);'

Policy DP29 of the Mid Sussex District Plan is also relevant and in part states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- o an assessment of the impact of noise generated by a proposed development; or*
- o an assessment of the effect of noise by an existing noise source upon a proposed development;*

...

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

The comments from the letters of objection regarding overlooking and noise are noted, however, the proposed windows and door are located on the east side facing onto the street scene and to an access ramp to a first floor car park serving the flats at Stockwell Court. The proposal would therefore not result in significant harm in terms of overlooking into neighbour amenity areas.

Environmental Protection have been consulted on the application and have raised no objection with conditions recommended to restrict the use to Class E(a) usage, restrict opening hours and delivery hours to protect neighbour amenities.

The suggested conditions regarding the rear door remaining closed except of access and egress after 6pm and for the outside area to be used only for storage are noted however they would not be considered reasonable or enforceable. Permission would be required to build anything or to change the use of the outside area to anything other than Class E(a) and so further restrictions are not considered necessary.

The locality is characterised with commercial properties with the adjoining car servicing and repairs centre as well as retail to the north and east along South Road and Sussex Road. To ensure that there is not a level of noise and disturbance which would cause significant harm to the amenities of the surrounding residential properties, conditions would be added to ensure that the use class is restricted to class E(a) to prevent the use changing to another use within class E that may result in an increase in noise. Additionally opening hours and hours of deliveries would be restricted.

With the necessary conditions added the proposal would therefore not cause significant harm to neighbour amenities and therefore accord with policies DP26 and DP29 of the mid Sussex District Plan.

Highways Impact

Policy DP21 of the Mid Sussex District Plan relates to transport and requires development to be sustainably located to minimise the need for travel and provide adequate car parking taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport. Schemes should avoid severe additional traffic congestion and should protect the safety of road users and pedestrians.

Paragraph 116 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The comments are noted regarding increased traffic, however the application site is located within the town centre of Haywards Heath. There are parking restrictions along Gower Road but the site is sustainably located with multiple car parks within walking distance including Franklynn Road Car Park and Haywards Road East Car Park. The site is also within walking distance of multiple bus stops.

In view of the above it is considered that, there are no transport grounds to resist the proposal, and the proposal is therefore considered to comply with Policy DP21 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The comments relating to flood risk are noted however the Risk of Flooding from Surface Water mapping suggests the site is shown to be at "low" surface water flood risk for the present day. The application seeks to split an existing building into 2 commercial buildings with only minor alterations in the form of 5 no windows and a new door added to the building. There will be no additional increase to hardstanding within the site. As such the application is considered to comply with Policy DP41 of the Mid Sussex 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. This planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide 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.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal would not have an adverse impact on the character of the building or the character and appearance of the area and would be acceptable in terms of impact to neighbour amenities. The proposal therefore accords with Policies DP1, DP2, DP21, DP26, DP29 and DP41 of the Mid Sussex District Plan, Policies B1 and E9 of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Peter Davies