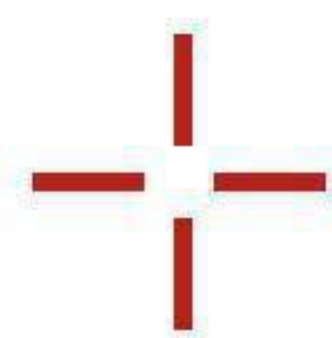




Boyer

10 September 2026
Our Ref: 23.1061/SC/EB

Building 1
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Blackwater
Camberley
GU17 9AB

Planning Department
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

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Dear Sir/Madam

Section 192 of the Town and Country Planning Act 1990 (as amended): Application for a Lawful Development Certificate (CLOPUD)

Site Address: Bentham House, Henmead House, Langley House, and Chorley House, Bolnore Village Development, Parkfield Way, Haywards Heath, West Sussex

We are writing on behalf of our client, Crest Nicholson, the developer of 'Tall Trees' ('the Site') in Bolnore Village, to seek a Certificate of Lawfulness for Proposed Use or Development (CLOPUD). The proposed alteration to the building involves the replacement of the balcony decking and soffit across the four apartment buildings.

The proposed works affect Bentham House, Henmead House, Langley House, and Chorley House of Tall Trees, as indicated on the Site Plan drawing.

The application is made pursuant to Section 192 of the Town and Country Planning Act 1990 to seek confirmation the proposed improvement and alteration to the building is not tantamount to development and, as such, does not require planning permission. The application is submitted on the basis the replacement decking material and soffit is of a similar appearance to the existing and would not have a material effect on the external appearance of Tall Trees.

The application is supported by the following plans and documents:

- This Covering Letter
- Application Form
- Location Plan: drawing ref, 0001-P03
- Site Plan 1:500: drawing ref, 0002-P02
- Proposed Elevations 11699-RL-B-ZZ-DR-A-02018-C06
- Proposed Elevations 11669-RL-C-ZZ-DR-A-02048-C06
- Proposed Elevations 116997-RL-H-ZZ-DR-A-02028-C06
- Proposed Elevations 116997-RL-L-ZZ-DR-A-02038-C07



Site and Surrounding Area

The Site is located within the Bolnore Village; a modern mixed-use neighbourhood that has been comprehensively planned and delivered over recent decades, comprising residential development, employment uses, community facilities and extensive areas of public open space. It is located to the south-west of Haywards Heath town centre.

Bentham House, Henmead House, Langley House and Chorley House are a group of modern apartment buildings located within the northern phase of the Bolnore Village development. The buildings are contemporary in appearance, four to five storeys in height, and characterised by brickwork and rendered facades and contemporary architectural detailing. The elevations of the buildings feature projecting balconies.

The Site does not fall within a conservation area and the operational works proposed in this application are not considered to adversely impact on the setting of any conservation area or statutory listed buildings.

Proposed Operations

The proposed alteration to the buildings does not affect all the balconies; only those shaded green on the submitted elevation plans will be impacted by the remediation works.

The proposed alteration involves the removal of the existing timber decking and soffit on the relevant balconies, and their replacement with a fire-rated decking and soffit. The new decking product is 'Alideck Senior Balcony Flat Board' and the soffit product is 'Aliclad Lite', both manufactured by Alideck.

The replacement soffit and decking will be coloured 'RAL 8014 Sepia Brown'.

Planning History

The development gained initial Outline planning permission on 23 October 2007 under reference 04/02681/OUT. The Outline permission was subsequently varied through application reference 09/02062/COND, approved on 29 October 2010. Following that, the Reserved Matters application reference (planning application ref. 14/00264/REM) was approved on 6 August 2014. We understand these permissions to be the extant permissions for the development.

Legislation

Section 55 of the Town and Country Planning Act 1990 provides the definition of 'development' and 'new development' and at paragraph (2) confirms which operations or uses of land shall not be taken for the purposes of the Act to involve development of the land.

At S55 (2)(a), the Act provides that the carrying out for the maintenance, improvement or other alteration of any building or works do not involve development of the land provided-



- i. They affect only the interior of the building, or
- ii. do not materially affect the external appearance of the building, or
- iii. are not works for making good war damage, and
- iv. are not works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

The proposed alteration to Bentham House, Henmead House, Langley House, and Chorley House do not affect the interior of the building, nor does it involve the repair of war damage or relate to any subterranean works. The issue for the submitted application therefore is whether the proposed works materially affect the external appearance of the four apartment buildings.

Under Section 192(1)(b) of the Town and Country Planning Act 1990 a person may make an application to the Local Planning Authority (LPA) for a Lawful Development Certificate if they wish to ascertain whether any operations proposed to be carried out in, on, over or under land would be lawful.

Section 192 (2) of the 1990 Act states, where the local planning authority is satisfied by the information provided in an application that the proposed use or operations described would be lawful if instituted or begun at the time of the application, it must issue a certificate to that effect.

The Proposal and Whether the Operation is ‘Development’?

There is no statutory definition as to what a *material affect* comprises. When giving the term its normal and everyday meaning, a material effect would be one which is of significance. The term does not mean there should be no change at all to a building.

Case law¹ has held that, in considering such matters, there is a judgement to be made which will involve considerations of the degree of visibility by an observer outside the building; the nature of the building; the nature of the alterations/works; and the change to the external appearance of the building as a whole rather than a part taken in isolation. We consider each of these factors in turn to assist Officers in the assessment of whether the Lawful Development Certificate should be granted.

Visibility

The decking and soffit materials impacted by the proposed alteration cover a limited area of the building’s exterior and, as such, are visible only in close range views taken from the land immediately surrounding the buildings.

In all cases, the decking proposed to be replaced is above the level of the ground which means the decking will be viewable only from adjacent buildings from vantage points at a higher floor level. The decking is thus not an element of the building which is particularly visible from outside the building.

¹ Burroughs Day v Bristol CC [1996] 1 PLR 78; 1 EGLR 167



The balcony soffits however may be clearly seen from the public realm when gazing up towards the particular balcony. As the soffits are more readily observed than the decking, in consideration of whether the proposed operation would have a material effect on the development, they are the more critical component of the proposed operation. However, given the similar visual appearance of the existing timber soffit and the proposed, despite the relative visibility of the soffit, it is not considered the alteration would materially affect the appearance of the building on which the balcony is positioned.

Nature of the Buildings

All four apartment buildings are of modern construction and lie within a predominantly residential context. They are not of special architectural or historic merit, and are not located within a Conservation Area and do not make an important contribution to the setting of any listed buildings.

Given this context, and the absence of any statutory protection on the buildings themselves, it is considered the apartment buildings are not sensitive to a minor alteration such as that proposed in this application. As such, the proposed alteration would not have significant implications on the character of the buildings themselves, or their locality.

Nature of the alteration/works

The proposed alteration replaces the existing timber decking and soffit with a fire-rated aluminium decking and soffit, coloured 'Sepia Brown'. These materials have been carefully selected so that the visual appearance is similar to the existing materials however, it is accepted by virtue of being a different material and colour, there will be a subtle change to the appearance of the decking and soffit materials.

It is considered this change would only be noticeable when the building is observed at close quarters, such as from vantage points immediately adjacent to the building rather than in any longer-range views. On this basis, the proposed alteration is considered to have a very limited impact on the visual appearance of the soffit and decking.

Change to the external appearance of the building as a whole

For each of the four apartment buildings, the balcony decking and soffits represent only a very small part of the building's construction and, as such, makes a very minor contribution to their overall character.

Whilst the proposed alterations would replace the existing timber decking and soffits with a new material of a slightly different texture and colour, it is important to acknowledge there will be no disruption to the visual balance of the existing elevations.

Based on this, in all significant respects following the installation of the new decking and soffit material, the four apartment buildings will retain a very similar character.

Given none of the buildings are historic buildings in a conservation area, it is our view that the resultant change to its external appearance of all four buildings, whether considered



cumulatively or individually, would be small and insignificant when viewed in the overall context.

Conclusion

We consider the above assessment of the proposed operation, involving the replacement of the existing timber decking and soffit installed on the balconies at Bentham House, Henmead House, Langley House, and Chorley House with a fire-resistant aluminium material, will not materially affect the external appearance of the buildings as a matter of fact and degree. Thus, the works do not constitute development requiring planning permission per the provisions of Section 55(2) of the Town and Country Planning Act 1990, and the Lawful Development Certificate should be granted on this basis.

We trust the information submitted with this application is clear and helpful.

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Yours sincerely

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