

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1779	Case Officer:	Katherine Williams
Application Type:	Change of Use Application		
Proposal:	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		
Site:	Addaction, 22 - 24 Sussex Road, Haywards Heath, West Sussex, RH16 4EA, ,		
Validation Date	20 Jul 2026	Overall Expiry Date:	5 Oct 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Sep 2026
Target Date:	14 Sep 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	24 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1779

**Addaction, 22 - 24 Sussex Road, Haywards Heath, West Sussex, RH16 4EA, ,
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
Mr Eamonn O'Connor**

SUMMARY OF REPRESENTATIONS

No letters of representation received

SUMMARY OF CONSULTEES

MSDC Environmental Health - No objection subject to conditions
Ecologist - no objection subject to conditions
WSCC Highways Authority - no objection

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

The application seeks planning permission for the 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

RELEVANT PLANNING HISTORY

CU/305/81 - New entrance door and window, porch and canopy and minor alterations. Granted
05/02737/COU - Change of use from travel agency to professional offices. Granted
09/02178/COU - Change of use of ground floor and part of first floor from office to D1 advice and counselling service. Granted

SITE AND SURROUNDINGS

The site consist of a two storey detached building located on the western side of Sussex Road, within the built up area and town centre of Haywards Heath.

The building has most recently been used as Auction for Deafness with disabled parking to the front and additional parking to the rear, which is accessed along the northern side of the building.

The locality is characterised by buildings of varying designs, forms and scales which are set back evenly on both sides of the highway with wide footpaths and some off street parking to the front of the buildings. The buildings within the locality largely consist of retail on the ground floor, with fascia signage facing onto the highway, with residential and office use above, which contributes the town centre character of the locality.

APPLICATION DETAILS

The proposed change of use of the building to a children's day nursery would include a number of internal alterations along with changes to the front ground floor window and a front brick planter.

The proposal includes the erection of an outbuilding to be used as a pre-school room. This building would have a width and depth of some 6 metres and 8 metres and would have a flat roof with an overall height of approximately 3 metres. This building would be connected with the main building by a canopy. The outbuilding would be clad in cedar cladding with a painted timber frieze and aluminium fenestration.

To the northern side of the northern side would be a canopy which would be used as a pram and bike store. The canopy would have a width and depth of some 3.3 metres and 11 metres and would have a flat roof with an overall height of 3.1 metres.

The proposal includes associated paraphernalia to the rear the building along with close boarded fencing and gates around the front entrance of the building, which would be painted. Above the fence and along the front elevation of the building would be painted timber frieze.

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 Allocation 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
- DP28 - Accessibility

Site Allocations DPD

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

No relevant policies.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant policies:

E9 - Design

B2 - Town Centre

Other Legislation

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPN2: Biodiversity Net Gain

DPB1: Character and Design

DPT3: Active and Sustainable Travel

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPE1 - Sustainable Economic Development

DPE4 - Town and Village Centre Development

DPE5 - Within Town and Village Centre Boundaries

DPH12: Accessibility

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) (August 2026)

The National Planning Policy Framework (NPPF) sets out the government's policies for plan-making and for making decisions on development proposals in England. Paragraph 15 states that the purpose of the planning system is to contribute to the achievement of sustainable development by managing the use and development of land in the long-term public interest. Paragraph 17 identifies the three overarching

objectives of sustainable development, which are interdependent and should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across all three objectives. These are the economic, social and environmental objectives.

Paragraph 18 of the NPPF states:

'These objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

With specific reference to decision-taking, paragraph 3 confirms that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise, with the national decision-making policies of the Framework being an important material consideration in that process.

National Planning Policy Guidance

West Sussex County Council Guidance on Parking at New Developments

ASSESSMENT

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

- The principle of development;
- Design and Character
- Impact on the amenities of neighbouring properties
- Highway Safety and Parking
- Ecology
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Haywards Heath as defined by the District Plan. The proposal would result in the change of use of the building to a children's day nursery (Use Class E(f)).

Policy DP1 of the Mid Sussex District Plan permits appropriate conversions for employment uses provided it is in accordance with other policies of the Plan. However, these are considered to have very limited weight as it are materially inconsistent with the NPPF, and greater weight should be given to policy E2 of the NPPF.

Policies E2 of the NPPF sets out the key principles for meeting the need for business land and premises. This policy supports business growth, which should be given substantial weight.

Policy DP2 of the Mid Sussex District Plan refers to town centre development, and states that

"These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- o is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- o has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.*

...

Secondary Shopping Frontages

Secondary shopping frontages are the smaller areas on the edge of, or beyond, the primary shopping frontages. A high proportion of Class A1 - A5 uses appropriate to a shopping area, which contribute to the pedestrian flow and attractiveness of the area, should be retained. Within secondary shopping frontages as defined on the Policies Map change of use will be permitted where:

- o The proposal would sustain and enhance the vitality and viability of the shopping area;*
- o The cumulative effect of non-Class A1 - A5 shop uses is not so great as to undermine the attractiveness of the shopping area.*

In exceptional circumstances change of use to B1a office, health or medical use or residential use, at ground floor level, will be permitted where:

- o It can be shown that an A1 - A5 use is no longer viable;*
- o An unacceptable break in the frontage of A1 - A5 uses would not occur; and*
- o The cumulative effect of the proposal would not be so great as to undermine the vitality and viability of the shopping area.*

The town centre boundaries and Primary and Secondary Shopping frontages in the three towns are shown on the Policies Map. These may be revised through Neighbourhood Plans for those areas."

This ethos is echoed in Policy B2 of Haywards Heath Neighbourhood Plan, which states:

'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.'*

These policies have full weight and is consistent with policies TC2, TC3 and TC4 of the NPPF.

The application property is located with the town centre of Haywards Heath. The proposal would result in external changes to the commercial unit, would retain the commercial character of the building, and as set out within below sections of this report, is considered in keeping. The proposed use would fall under Use Class E, which also includes uses which fell under old use classes A1-A3 along with uses that fell under B1, D1(a-b) and indoor sports. The locality is characterised by a variety of commercial properties, and the proposed uses would be compatible with surrounding uses and are expected in a town centre location. This would also make a continued contribution to the vitality and viability of the town centre. As such the proposed change of use is considered acceptable and complies with policy DP2 of the Mid Sussex District Plan, B2 of the Haywards Heath Neighbourhood Plan and policy TC2 of the NPPF.

Design and Character

Policy DP26 of the District Plan relates to character and design. Policy E9 of the Neighbourhood Plan also relate to character and design. However, these are considered to have very limited weight as it are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The Mid Sussex Design Guide sets out the principles of high quality design.

The proposed outbuilding would be located to the rear of the building and would have limited impact on the character of the area. The proposed side canopy would be visible from the highway and would be partly obscured by the proposed front fencing. It is noted that the fencing would come forward of the front elevation, however given the varied character of the buildings along the highway and the colour and finish of the proposed fencing, when seen alongside the proposed frieze, it is considered that the proposal would cause harm to the character of the area.

The proposal is therefore considered to comply with policies DP26 of the District Plan, policy E9 of the Neighbourhood Plan, the relevant principles of the Mid Sussex Design Guide and policy D3 of the NPPF.

Impact on the amenities of neighbouring properties

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Policy DP29 seeks to protect residents from unacceptable levels of noise and light pollution. It is considered that these policies have very limited weight as they are materially inconsistent with the NPPF and consideration should be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'*.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.

To the northern side is No. 20 Sussex Road, the ground floor of this property is used as a Funeral Directors with a residential flat above. To the southern side is No. 28 Sussex Road which comprises of a shop and café with a residential flat above. To the rear of the site are the properties of Gower Road, with Nos 45, 47 and 49 backing onto the site with close boarded fencing and mature planting in between. Due to the scale and form of the proposed changes and extension to the building would not cause unacceptable harm to the amenities of the residential neighbouring properties.

Environmental Health have commented on the application and following the submission of further information, raise no objection to the application subject to conditions. These conditions include Construction and Deliveries hours, Construction Environmental Management Plan, acoustic fencing, number of pupils, use of the outside area, hours of operation, deliveries and collections (operational use) and Noise Management Plan.

Most of these conditions are considered to be reasonable and proportionate to the proposal to ensure that the proposal will not cause unacceptable harm to the amenities of neighbouring properties, however given the scale of the proposed construction works associated with the proposal and change of use which are not considered to be necessary given the scale of the development.

Accordingly, it is considered that the scheme would comply with Policies DP26 and DP29 of the Mid Sussex District Plan, and policies L2 and P3 of the NPPF.

Highway Safety and Parking

Policy DP21 of the District Plan relates to transport, however, this is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policies TR3, TR4 and TR6 of the NPPF.

Policy TR3 of the NPPF relates to locating development in sustainable locations and sets a number of principles proposals should reflect.

Policy TR4 of the NPPF relates to street design, access and parking and sets out that to contribute to well-designed places, transport considerations should be integral to the design of the development. This should include giving priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas and also providing a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.

Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'Access to Sussex Road will be via the existing arrangement with no changes proposed and parking for 2/3 staff. The existing parking area to the rear of the site will be closed following this application. The LHA would advise that no formal drop off facility is proposed onto Sussex Road to discourage illegal parking or stacking during pick up and drop off times.

The LHA has checked the most recently available records for Road Traffic Collisions (RTC). Based on the information available there have not been any recorded RTC's within proximity of the existing point of access onto Sussex Road. In principle, having regard to the previous use and the restrictions that will be in place for the sites access the LHA would not foresee any issues with the existing access arrangements being utilised as part of the application.

Proposed trip rates supported with Trip Rate Information Computer System (TRICS) outputs and site selection methodology have been provided within the TS. These suggest that the proposals will result in an increase in peak AM and PM hours to the local network, but in each case the additional movements are under 30 movements.

Going further on this point the Design Team has estimated that 50% of trips to and from the nursery would be linked trips - i.e. trips that are being made to this area in any event - with the remaining trips being 'new' trips on the network. Whilst the TS does not provide any firm evidence of this, the figure quoted seems reasonable given the location and other nearby retail and employment opportunities.

After accounting for the effect of linked trips, the TS suggests that net traffic impact of the proposed scheme would be an increase of just 8 two-way vehicle movements during the peak hours and an increase of 14 two-way vehicle movements over the course of a typical day, which is likely comparable to the site's existing use. As such, there is no expectation for this proposal to give rise to any increase or material change over and above what has previously accessed the site.

The TS commits to a Travel Plan (TP). The purpose of the TP will be to reduce single occupancy vehicle (sov) journeys and improve accessibility by non car modes. This will be encouraged through a range of

hard and soft measures. The TP specific measures could include; TP leaflet and information on public transport, key services, walking/cycling maps, promoting car sharing (for staff).

The applicant should note that WSCC apply an auditing fee to all new travel plans. The travel plan and associated auditing fee would be secured via a s106 agreement. The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to proportionate and reflective of the costs incurred.

A number of parking surveys are provided within the TS showing available spaces in nearby roads and car parks. The overall summary has been assessed, and the TS's assessments suggests that sufficient parking is available in nearby car parks and roads (where no restrictions apply).

Having regard for the history at the site and the submitted information submitted the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework, and that there are no transport grounds to resist the proposal.'

It is noted that a Transport Statement and Travel Plan has been submitted with the application, however given the scale of the proposal this was not a validation requirement for the application. Given this it is considered that requiring a legal agreement to secure monitoring costs for the Travel Plan are not considered necessary or reasonable for this application.

The proposal is therefore considered to comply with policies DP21 of the District Plan, and policies TR3, TR4 and TR6 of the NPPF.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to biodiversity. However, this policy is materially inconsistent with national decision-making policies and should be given very limited weight. Greater weight should be given to policy N2 of the NPPF.

Policy N2 of the NPPF seeks to improve the natural environment. Part 1f of this policy requires proposals to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Part 2 of this policy sets out that **'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.'**

The Council's Ecologist has been consulted on the application and following the submission of further information and raises no objection subject to conditions including compliance to with mitigation measures submitted, external lighting and biodiversity enhancement strategy.

The proposal is located within the built up area and town centre of Haywards Heath where there is existing lighting, the site includes large areas of hardstanding which would be retained as part of the proposal with modest planters proposed. Due to this it is considered to be unreasonable and unnecessary in this instance to include conditions regarding lighting and biodiversity enhancement strategy.

Nature Space has not been consulted on the application as the proposal and its location does not meet the requirements for consultation.

The proposal is therefore considered to comply with policy DP38 of the District Plan and policy N2 of the NPPF.

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 would be acceptable in terms of principle, design and impact on the character of the area, would not cause unacceptable harm to neighbour amenities, and acceptable in terms of highway safety and ecology.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP1, DP2, DP21, DP26, DP29, DP38, Haywards Heath Neighbourhood Plan policies B2 and E9, and policies D3, E2, L2, N2, P3, TR3, TR4, and TR6 of the NPPF.

The application is therefore considered acceptable.

Decision: Permission

Case Officer: Katherine Williams