

Planning Committee



Recommended for Permission

4th December 2025

DM/25/2495



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Site:	Unit 26 And 27 The Orchards Haywards Heath West Sussex RH16 3TH
Proposal:	Replacement shop front
Applicant:	Lee Virgo
Category:	Minor Retail
Target Date:	9th December 2025
Parish:	Haywards Heath

Ward Members:	Cllr Duncan Pascoe / Cllr Richard Bates /
Case Officer:	Stefan Galyas

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3JVGPKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 The application seeks planning permission for alterations to the shop front. The application is before members as the site is located on land owned by the Council.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.3 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.
- 2.4 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.
- 2.5 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 2.6 The proposed works are considered to be appropriate in terms of their design and would not detract from the appearance of the street scene and would not cause unacceptable harm to neighbouring amenities.
- 2.7 The proposed development is therefore considered to comply with Policies DP1, DP2, DP26, and DP29 of the Mid Sussex District Plan and Policies E9 and B3 Neighbourhood Plan, The Mid Sussex Design Guide and the NPPF.
- 2.8 The application is therefore recommended for approval.

3.0 Recommendation

- 3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

- 4.1 There were no letters of representation received in response to the proposed development.

5.0 Summary of Consultees

Mid Sussex District Council Corporate Estates

No response received.

6.0 Parish Council Observations

- 6.1 No comment.

7.0 Introduction

- 7.1 Planning permission is sought for the development of a replacement shop front.
- 7.2 The application is before members as the site is located on Mid Sussex District Council owned land.

8.0 Relevant Planning History

- 8.1 There is no recent planning history relating to the application site.

9.0 Site and Surroundings

- 9.1 The application relates to Units 26 and 27 The Orchards which are set to the western side of the shopping parade at The Orchards. Both units are set alongside one another with Unit 27 set within a corner plot to the north. The existing units are currently occupied by different vendors and utilise different advertising and colourways to their respective frontages. Both frontages are set below an existing canopy which stretches along the row of shops to the western side of the shopping centre. In terms of existing materials, the shop frontages feature PVC signage and brickwork.
- 9.2 With regard to policy constraints, the site is set within the Haywards Heath built up area boundary.

10.0 Application Details

- 10.1 The proposal would alter the proposed shop frontage at Unit 26 to match the same vendor as Unit 27. Proposed works would include removing the existing doorway and adding an additional window in its place with facing brick to the base. Proposed materials would include white PVC windows.
- 10.2 The proposal solely relates to the external changes to the shop front and the combining of the two units would not require planning permission in its own right. This is due to the use class remaining within Class E and the change from one vendor to another not constituting a material change of use.

11.0 Legal Framework and List of Policies

11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 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, and

b) Any 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.'

11.3 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.

11.4 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.

11.5 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

11.6 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.

11.7 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

DP26 – Character and Design

DP29 – Noise, Air and Light Pollution

11.8 **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.

11.9 **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan was made December 2016.

Relevant policies:

Policy E9 – Character and Design
Policy B3 – Commercial Sites

11.10 **Other Material Considerations**

11.11 **Mid Sussex District Plan 2021-2039 Submission Draft**

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 the 31st 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:

DPS1 – Climate Change
DPS2 – Sustainable Design and Construction
DPN6 – Pollution
DPN7 – Noise Impact
DPB1 – Character and Design

11.12 **National Policy**

11.13 **National Planning Policy Framework (NPPF) (December 2024)**

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 9, 11, 12, 39, 48, 131, 134, 135 & 139 are considered to be relevant to this application.

11.14 **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 overarching objectives to sustainable development, 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). The three objectives are economic, social and environmental.

- 11.15 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies 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.'*

- 11.16 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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.'

- 11.17 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.'*

- 11.18 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.

11.19 **Other Planning Guidance**

11.20 **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.

11.21 National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on applications in absence of local design guides or design codes.

12.0 Assessment

12.1 The main issues for consideration area:

- Impact on Character and Design
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Character and Design

12.2 DP26 of the District Plan states:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *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'*

12.3 Policy E9 of the Haywards Heath Neighbourhood Plan states that:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*

- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the sites to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.'*

12.4 In terms of new commercial development, DP2 of the District Plan states with regard to primary shopping frontages that:

'Primary shopping frontages are areas considered to be the principal shopping areas, predominantly for retailing. Proposals should enhance the shopping facilities available and not undermine the retail function of the area. Within primary shopping frontages as defined on the Policies Map change of use will be permitted where:

- *A clear predominance of Class A1 shop uses would be maintained;*
- *The nature of the proposed use would sustain and enhance the vitality and viability of the centre; and*
- *The location and prominence of the proposed use would not lead to a significant break in the continuity of the shopping facilities.'*

12.5 Furthermore, Policy B3 of the Haywards Heath Neighbourhood Plan notes:

'The modernisation/redevelopment of existing commercial sites to create an improved commercial offer in the Town and proposals which seek to improve existing employment areas, including a possible small business park will be granted planning permission provided that:

- *there would be no adverse impacts on the amenities of surrounding uses*
- *the improvements maintain or enhance pedestrian and cycle access*
- *the improvements maintain or enhance access to bus stops*
- *adequate servicing and parking provision is made*
- *there is no increased risk of local flooding.*

The Council would be supportive of an innovative design approach to such properties.'

12.6 Principle DG44 of the Mid Sussex design Guide among other matters encourages the use of carefully selected facing materials that blend in with the surrounding. Furthermore, the location and coordination of signage should be located to minimise its impact and be well proportioned with the scale of the building.

- 12.7 The proposal would alter the eastern elevation of the existing shop front at Unit 26. The name and branding of the vendor at No.27 would be added to Unit 26 in place of the existing signage. The proposed signage would likely embed with the existing and is not considered to appear overly incongruous within the wider context of the shopping parade.
- 12.8 With regard to the removal of the existing doorway, the gap would be bricked up at a low level by matching facing brickwork with a replacement white PVC window above. Both of these elements are considered to assimilate with the existing shop frontage.
- 12.9 Accordingly, the proposal is considered to comply with Policies DP2 and DP26 of the District Plan, Policies E9 and B3 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide.

Impact on Neighbouring Amenities

- 12.10 In terms of impact upon neighbouring amenities, 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 DP29);'
- 12.11 The site is within a predominantly commercial shopping centre with regard to its location. Whilst there would be some increase in the level of glazing at Unit 26 when compared to the existing arrangement, it is considered that this would look back out towards other commercial units as well as the pedestrianised area.
- 12.12 In light of the above, it is considered that the proposal would comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Biodiversity Net Gain

- 12.13 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.

13.0 Planning Balance and Conclusion

- 13.1 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.

- 13.2 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.
- 13.3 The proposed alterations are considered acceptable in terms of exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP1, DP2, DP26, and DP29 of the Mid Sussex District Plan and Policies, E9 and B3 of the Haywards Heath Neighbourhood Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing and Proposed Floor Plan	2025/140		07.10.2025
Existing and Proposed Elevations	2025/140		07.10.2025
Site Plan	2025/140		07.10.2025