

**From:** planninginfo@midsussex.gov.uk  
**Sent:** 22 September 2026 13:42  
**To:** Catherine Cardin  
**Subject:** Mid Sussex DC - Online Register - Comments for Planning Application DM/26/2117

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 22/09/2026 1:42 PM.

Application Summary

|               |                                                         |
|---------------|---------------------------------------------------------|
| Address:      | 5 The Holt Haywards Heath West Sussex RH16 4XR          |
| Proposal:     | Proposed loft conversion with gable-end and rear dormer |
| Case Officer: | Catherine Cardin                                        |

[Click for further information](#)

Customer Details

|          |                                  |
|----------|----------------------------------|
| Address: | 12 Buckeridge Way Haywards Heath |
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Comments Details

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| Commenter Type:      | Neighbour or general public                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Stance:              | Customer objects to the Planning Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Reasons for comment: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Comments:            | <p>Dear Ms Cardin,</p> <p>I am the owner and occupier of 12 Buckeridge Way, Haywards Heath, RH16 4XQ, directly adjoining the application site.</p> <p>Please accept my apologies for this slightly late submission. Provided the application remains undetermined, I respectfully ask that these representations be accepted and considered. Your published guidance directs those wishing to comment after the consultation period to contact the case officer. Moreover, Planning Practice Guidance ("PPG"), paragraph 008 on lawful development certificates, confirms that neighbour consultation is not statutorily required: the notified response date therefore does not impose a statutory bar to considering relevant representations before determination. I submit that no procedural prejudice would arise, allowing the applicant an opportunity to respond where necessary.</p> <p>May I also, with regard to the slight lateness of these representations, respectfully refer to the</p> |

Council exercising its statutory function under Section 192 of the Town and Country Planning Act 1990 to determine whether a proposed development would be lawful on the balance of probabilities, and that it has a public law duty to reach an accurate legal determination based on all material facts available prior to issuing a decision notice. Under Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has express statutory power to require further information and clarify facts. Considering these focused legal representations prior to determination, also, causes no procedural prejudice to the applicant, as they concern objective legal requirements.

As to the essence of this matter, I recognise that this application concerns lawfulness, not planning merits. Under section 192(2) of the Town and Country Planning Act 1990, the Council must be satisfied that the specified operations would have been lawful if begun on the application date. The applicant must provide sufficient information, with factual questions assessed on the balance of probabilities. I request refusal unless the following essential matters are satisfactorily established.

#### 1. Availability of permitted-development rights

The officer's report on DM/25/1996 identifies permissions DM/16/1312, DM/16/2180 and DM/18/3472. Please establish which permissions and original plot apply to No. 5, and examine the operative conditions and subsequent amendments for restrictions affecting the proposed roof enlargement, openings or reliance on Classes B and C.

Article 3(4) of the General Permitted Development Order 2015 ("GPDO") prevents reliance on permitted development for works contrary to an applicable planning condition. Please also check for any relevant article 4 direction. I have not seen the underlying conditions and do not assert that these rights have been withdrawn; their availability should be established from the relevant decision notices and approved plot plans.

#### 2. Complete roof-volume increase

Drawing MC/02, dated 24 August 2026, states an increase of 49.4 m<sup>3</sup>. Its formulae produce 20.52 m<sup>3</sup> for the hip-to-gable enlargement and 28.91 m<sup>3</sup> for the dormer: 49.43 m<sup>3</sup> in total, leaving 0.57 m<sup>3</sup> below the stated limit. The arithmetic seems to be correct. The question is whether the dimensions and geometry accurately represent the complete enlargement.

For this semi-detached house, Schedule 2, Part 1, Class B.1(d)(ii), read with B.3, limits the cumulative increase over the original roof space to 50 m<sup>3</sup>, including previous roof enlargements.

Please verify the original roof baseline and whether the dimensions encompass the completed external construction. In particular, please establish whether the triangular-section dormer formula,  $(3.5 \times 2.8 \div 2) \times 5.9$ , accurately captures the additional volume and its junction with the hip-to-gable enlargement. MC/02 contains no section demonstrating that relationship. A dimensioned section or further calculation should be obtained where necessary to resolve a material uncertainty.

I do not allege a demonstrated excess or suggest that an additional safety margin is legally required.

#### 3. Rear-eaves setback and external wall line

MC/02 (that is DRAWING NO. MC/02, dated 24/08/2026) specifies a minimum 20 cm rear-eaves inset, "so far as practicable". Please reconcile that annotation with the proposed geometry and establish compliance with B.2(b): retention or reinstatement of the original eaves, the setback measured along the original roof slope from the outer eaves edge, excluding guttering, and the restriction on projection beyond the original external wall face, subject to the statutory exceptions and B.4.

Please identify the basis for any exception relied upon for the rear dormer, rather than assuming that the accompanying hip-to-gable works exempt the whole proposal. Any reduced setback should have an identified practical or structural justification. Further drawings are

requested only where necessary to establish compliance.

#### 4. Rear openings, rooflights and the precise scheme assessed

The loft plan depicts rear doors, while the statement excludes a balcony or platform. Please ensure these unambiguously describe the same arrangement, obtaining threshold and guarding details only if necessary. Doors alone, or a genuine Juliet arrangement without an external platform, do not establish a breach of B.1(e)(i).

Please also verify the front rooflights against Class C, including C.1(b)'s 0.15 m projection limit measured perpendicular to the original roof surface, taking account of the existing annotation.

The dismissed appeal, reference 6004876, concerned a different scheme and a smaller rear dormer. Neither its dismissal nor its favourable findings about individual elements establish this proposal's permitted-development status.

Please seek any necessary clarification under article 39 of the Development Management Procedure Order 2015, consistent with PPG paragraphs 005-006. If the evidence remains insufficient to establish lawfulness, please refuse the certificate as sought. Please address these substantive points in the officer's report and, should a certificate nevertheless be issued, identify the precise operations, drawings, revisions and controlling annotations, with the reasons required by section 192(3). In my respectful submission, essential matters of lawfulness should be resolved before certification, not left unspecified.

Thank you for considering these representations despite their slight lateness. Please place them on the application file.

Yours sincerely,

  
12 Buckeridge Way  
Haywards Heath  
RH16 4XQ

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Kind regards