

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2372	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Erection of an outbuilding for use as a home office and games room.		
Site:	52 Lewes Road, Haywards Heath, West Sussex, RH17 7SN, , , ,		
Validation Date	18 Sep 2025	Overall Expiry Date:	24 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Nov 2025
Target Date:	13 Nov 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	5 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2372

**52 Lewes Road, Haywards Heath, West Sussex, RH17 7SN, , ,
Erection of an outbuilding for use as a home office and games room.
Mr M Philips**

SUMMARY OF REPRESENTATIONS

One letter of representation was received which fully supported the application.

SUMMARY OF CONSULTEES

Southern Water

No objection.

Tree Officer

I have reviewed the Technical Note for trees for this proposal and have no objection. Please condition adherence to this statement.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for the erection of an outbuilding to the rear.

RELEVANT PLANNING HISTORY

05/02902/FUL- Erection of two dwellings. Refused.

06/00686/FUL- Erection of one detached dwelling. Revised plans received amending the siting, size and design of the new dwelling. Permission.

06/02548/FUL- Conversion of existing garage with ground and first floor extension. Permission.

11/01298/FUL- Two storey west side extension replacing existing garage block. Including a single storey rear extension with balcony. (Description amended on 06/06/11). Refused.

11/03332/FUL- Two storey west side extension including single rear extension with balcony. Existing garage block being demolished. Permission.

14/01057/FUL- Removal of existing balcony and the raising of the parapet wall height to an existing rear extension, erection of single storey extension to the rear in-line with the existing extension, together with the installation of entrance gates to the front of the property. Permission.

SITE AND SURROUNDINGS

52 Lewes Road is a detached two-storey dwelling. The property is constructed of red brick, with white upvc windows and a plain tile roof. The property benefits from off street parking to the front of the property and garden to the rear.

The application site lies within the built-up area boundary of Haywards Heath. The site is located at the southeastern end of the town and is located south of the A272. The property is located within the Lewes Road Haywards Heath Conservation Area. Neighbouring properties are located to the east, west and south. Highway is located to the north.

APPLICATION DETAILS

The planning application seeks permission for the erection of an outbuilding for use as a home office and games room to the rear of the property.

The outbuilding would measure some 5.5 metres in width and some 4 metres in depth. The proposal would have a gabled roof, with a height to the ridge of some 3.7 metres and a height to the eaves of some 2.5 metres. The outbuilding would be finished in timber walls with a shingle roof. It is also proposed to install double doors on the front (eastern) elevation.

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.

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 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:

DP26 - Character and Design

DP35 - Conservation Areas

DP37 - Trees, Woodland and Hedgerows

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

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in 2016.

Relevant policies:

Policy E9 - Design

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 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:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB3 - Conservation Areas

DPN4 - Trees, Woodland and Hedgerows

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)

ASSESSMENT

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

- Impact on Heritage Assets and Character and Appearance
- Neighbouring Amenities
- Impact on Trees
- Biodiversity Net Gain

Impact on Heritage Assets and Character and Appearance

The site is located within the Lewes Road Haywards Heath Conservation Area, as designated in 1989. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.*'

Policy DP35 of the District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located; Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area. Development will also protect the setting of the conservation area and*

in particular views into and out of the area. New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Paragraphs 212 - 215 of the NPPF states:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Policy DP26 of the Mid Sussex District Plan relates to design and character and 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace; o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area; o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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 DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible; o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element; o optimises the potential of the site to accommodate development.'*

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and 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:

o height, scale, spacing, layout, orientation, design and materials of buildings,
o the scale, design and materials of the development (highways, footways, open space and landscape),
and is sympathetic to the setting of any heritage asset,
o respects the natural contours of a site and protects and sensitively incorporates natural features such
as trees, hedges and ponds within the site,
o creates safe, accessible and well-connected environments that meet the needs of users,
o Will not result in unacceptable levels of light, noise, air or water pollution,
o Makes best use of the site to accommodate development,
o Car parking is designed and located so that it fits in with the character of the proposed development.
Proposals affecting a listed building, conservation area, building of local interest or public park of historic
interest or their setting should preserve or enhance their special interest and/or distinctive character.

The application site lies within the Lewes Road Haywards Heath Conservation Area.

It is considered that the proposed garden office is relatively modest in scale and would be discretely located from public views. The proposed materials are considered to be appropriate and address the character of the existing property. The materials can be secured by a suitably worded condition. It is therefore considered that the application preserves the character and appearance of the Conservation Area.

The proposal is therefore considered to comply with policies DP35 and DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on Neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'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'*. Policy H9 in the Neighbourhood Plan refers to *'The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'* As such there is some conflict between the two policies.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflict 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. As such, policy DP26 of the District Plan is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to the amenities of existing nearby residents.

To the west is 50 Lewes Road. Given the modest single storey nature of the proposal and that there would be a separation distance of 22 metres from the development, is not considered that the proposal would be harmful to the amenities of this neighbour.

To the south is 56 Lewes Road. Given the modest single storey nature of the proposal and that there would be a separation distance of 33 metres from the development, is not considered that the proposal would be harmful to the amenities of this neighbour.

To the east is 54 and 54a Lewes Road. Given the modest single storey nature of the proposal and that the proposal would be offset from the shared boundary by some 16 metres, it is not considered that the proposal would be harmful to the amenities of this neighbour.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above part of policy DP26 of the District Plan.

Impact on Trees

Policy DP37 of the Mid Sussex Plan relates to trees and states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- o prevents damage to root systems and takes account of expected future growth; and*
- o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- o has appropriate protection measures throughout the development process; and*
- o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- o does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- o the condition and health of the trees; and*
- o the contribution of the trees to the character and visual amenity of the local area; and*
- o the amenity and nature conservation value of the trees; and*
- o the extent and impact of the works; and*
- o any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The proposed site plan shows that there are bamboo and shrubs surrounding the proposed location of the outbuilding. The MSDC Tree Officer was consulted as part of the application. During the application, a technical note regarding trees has been submitted as part of the application which outlines the proposed works which relate to the excavation and setting of the composite post foundations. This can be secured by a suitably worded condition.

It is therefore considered that the proposal complies with policy DP37 of the 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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be acceptable in terms of design, size and scale to the dwellinghouse and locality, and would not cause harm to the amenities of neighbouring properties or the Lewes Road Haywards Heath Conservation Area.

In conclusion, the proposal would accord with the requirements of policies DP26, DP35 and DP37 of the Mid Sussex District Plan and policy E9 of the Neighbourhood Plan. It is therefore considered acceptable.

Decision: Permission

Case Officer: Catherine Cardin