

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2550	Case Officer:	Caroline Grist
Application Type:	Change of Use Application		
Proposal:	Change of Use from 6 no self contained flats, 4x1bed, 2x 2 bed (Class C3) to Children's Residential Home (Class C2) for a maximum of seven children between the ages of 8 and 18, with up to 5 carers working during the day and up to 3 carers at night.		
Site:	Hillsborough House, 118 High Street, Hurstpierpoint, West Sussex, , , ,		
Validation Date	9 Oct 2025	Overall Expiry Date:	26 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Dec 2025
Target Date:	4 Dec 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	10
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	17 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2550

**Hillsborough House, 118 High Street, Hurstpierpoint, West Sussex, , ,
Change of Use from 6 no self contained flats, 4x1bed, 2x 2 bed (Class C3) to Children's Residential Home (Class C2) for a maximum of seven children between the ages of 8 and 18, with up to 5 carers working during the day and up to 3 carers at night.
Mr Martin Machan**

SUMMARY OF REPRESENTATIONS

Eight representations have been received, from eight different addresses, in response to this application. Two representations support the scheme, with the rest in objection.

The concerns raised, in summary, are as follows:

- o Proposal contradicts local planning policy including policies DP26, DP34 and DP35 of the Mid Sussex District Plan;
- o Proposal contradicts the County Council's strategies for children's residential care;
- o Similar applications in Burgess Hill and Haywards Heath have been refused;
- o Insufficient information has been provided to support the application;
- o The proposal is not consistent with Section 22G of the Children Act;
- o Children First: In-House Residential Service Strategy 2019-22 (WSSCC) identifies that residential homes should accommodate 2-4 children in small, community based homes and the proposed facility would exceed this;
- o Proposal would represent an over-intensification of use;
- o Would result in a number of children and rotating carers that are out of scale;
- o Location is unsuitable with a high street frontage, absence of parking and adjacent to a play area and recreation ground;
- o Conflict of use between proposed use and nearby daily family activity;
- o Remove housing stock in a sustainable location;
- o Policy requires housing stock to be protected for permanent residents;
- o Will introduce an operational business with continuous staffing and service traffic;
- o Have an unacceptable impact to amenity;
- o No management plan has been provided, which is a requirement by Planning Inspectors;
- o The property is within the Hurstpierpoint Conservation Area and the setting of listed buildings and the proposal would result in activity, vehicle movements and external lighting that are inconsistent with the quiet residential character of the High Street;
- o Will be harmful to the setting of listed buildings;
- o No heritage assessment has been submitted;
- o Residential character needs to be preserved;
- o Located on a busy high street;
- o Will be a high traffic care home;
- o Will significantly increase noise and parking pressure on the High Street and rear lane, beyond a typical residential use;
- o Vehicle movements presents a safety risk to those using the adjoining recreation ground;
- o No transport or parking assessment has been submitted to demonstrate that the highway can safely accommodate the increase in traffic;
- o South Avenue and the adjoining roads have limited parking space;
- o Additional vehicles would make access for residents and emergency vehicles more difficult;
- o There is no need for a facility of this size in this location;
- o The County Council has 32 registered children's homes in operation and is developing new homes, which would meet local needs, and there is no evidence that the proposal is needed;
- o Proposal contradicts the Council's 2024 Commissioning Residential Provision report that supports creating new homes of 2-3 bedrooms;

- o Proposal would not be welfare-appropriate and located in suitable surroundings;
- o Across the south west no approval has been granted for C2 use for more than four children in a conservation area, those that have been permitted include detached dwellings, on site parking and minimal traffic generation;
- o Safeguarding concerns due to being beside a playground and public open space;
- o Proposal seeks to undertake therapeutic fostering and the location would not provide the environment required;
- o May lead to unsocial behaviour or a higher incidence of disturbance, impacting the recreation ground;
- o Increased noise, disturbance and traffic from rear access will detract from public amenity and compromise those using the recreation ground;
- o Concern surrounding the children who might live at the facility and the impact this would have on local facilities;
- o No police or safeguarding information has been provided;
- o Approving this application, or a variant, would create a precedent;
- o Any amendments to this proposal would still result in a scheme is still not policy compliant;
- o The full copies of the Officer's assessment and consultee responses should be placed on the file so that residents and consultees can comment before a decision is made; and
- o If permission is granted the following should be provided: a management plan; transport statement, delivery and service plan; written confirmation from West Sussex County Council that the property is commissioned and is needed; published consultee responses from Sussex Police and Children's Services; and a binding occupancy cap.

In summary, those in support raised the following points:

- o Building was previously an office, with 15 members of staff and a regular flow of visitors, including those with cars;
- o Building was last in use as six flats with eight bedrooms;
- o There are families that live in this area;
- o Hurstpierpoint has a mixed, living, community-centred High Street;
- o As only minor internal changes are proposed there would be no harm to the building or conservation area;
- o There is a designated private car park at the rear so parking on the High Street would not be affected;
- o Concerns regarding delivery vehicles are overstated;
- o Section of road is already used safely by delivery drivers serving local businesses;
- o Children's home would receive standard household deliveries and would be less than an office;
- o Compared to the office use the proposal would likely reduce overall trips and parking pressure;
- o The children living at the home would not be driving, staff shifts could be staggered and vehicle movements would be fewer than the flats;
- o Use would be close to shops, facilities and public transport, supporting the children's integration;
- o Staff could walk or cycle to work;
- o Proposal would be sustainable and would not result in an isolated facility;
- o Proposal intends to be the type of facility supported by children's care guidance;
- o Concern that some objections are unsubstantiated;

Comments have also been made in support of the scheme by the applicant, during the consultation period:

- o Proposal would not be contrary to policies DP26 or DP34;
- o The building was used, until 2018, by a solicitors who employed 14 people;
- o Staff and visitors associated with the solicitors used the rear car park and has a significant number of traffic movements, greater than what is anticipated for the proposed use;
- o Public spaces are intended for all members of the community to use;
- o There are multiple seven-bed children's homes in operation;
- o As of June 2024, West Sussex County Council operated 6 children's residential homes not 32;
- o The number of children in care has increased from approximately 59,000 in 2008 to 83,630 last year;

- o The number of children in care has been linked to austerity-driven reductions in early intervention services, which has resulted in more families increasing crisis and subsequently more children needing care;
- o Most children in care are placed in foster care, however there has recruitment challenges, with a 10% decline between 2021 and 2024;
- o The number of children in residential homes has doubled since 2011;
- o The shortage of foster placements often leaves residential care as the only option;
- o Ofsted analysis in 2022 found over one third of children in residential homes had originally been planned for foster care placements;
- o Private providers of children's social care tend to establish homes in lower-cost areas to maximise profit and the rise in properties prices has also contributed to this trend. This has led to a quarter of children's homes located in the north west of England (7% in the south west), 67% of children placed in residential care outside of their local authority and half were more than 20 miles from their family home;
- o Research indicates that children placed far from home are more likely to experience poorer outcomes in health and education and are at greater risk of exploitation;
- o The government's current strategy emphasising reducing the number of children entering care;
- o The loss of flats would not affect local residents as the majority of tenants were from outside of the village; and
- o Concerns relating to who would use the facility are hypothetical concerns.

The application, as submitted, has provided the plans and documents required for validation purposes. Where an application is received the Local Planning Authority must first consider the acceptability of the scheme as proposed. It should be noted that only material planning considerations can be taken into account as part of the following assessment and that each application is required to be assessed on its own merits. The statutory consultation period has been allowed for comments to be made. All responses received, including from consultees, have been published on the Council's website as they have been received. As is the case for all planning applications, the Officer's report is not subject to consultation but is made public when the decision notice is issued.

SUMMARY OF CONSULTEES

Highways Authority

There are no in-principle highways or transport related concerns with this proposal.

The permitted use of the existing building is noted. As such, the existing residential units can, and no doubt will, generate a number of daily vehicle trips from residents and any visitors. Estimated trip generation from the proposed use is provided in the submitted Design and Access Statement. Based on this, there is no expectation that this proposal would generate any significant increase in activity compared with the existing use.

The existing use benefits from six off-street car parking spaces. The number of spaces is to remain unchanged as part of these proposals. In light of the number of careers indicated, the provision of six spaces would seemingly accommodate any potential demands. It's apparent that there is scope for visitors to park on-street in the vicinity of the site notwithstanding the presence of enforceable parking restrictions.

The Applicant refers to staff being encouraged to use public transport and cycle where possible. This is welcomed although it's appreciated that this may not be a practicable option for all staff.

Viewed against paragraphs 115, 116, and 117 of the National Planning Policy Framework, the proposals are considered acceptable on transport grounds, and are not expected to generate any unacceptable highway safety or otherwise severe impacts.

No objection would be raised to this proposal. If minded to approve this application, a condition is recommended to retain the existing car parking arrangements.

Environmental Protection Officer

No objection.

PARISH COUNCIL OBSERVATIONS

No comments have been received.

INTRODUCTION

This application seeks planning permission to change the use from 6 no self contained flats, 4x1bed, 2x 2 bed (Class C3) to Children's Residential Home (Class C2) for a maximum of seven children between the ages of 8 and 18, with up to 5 carers working during the day and up to 3 carers at night.

RELEVANT PLANNING HISTORY

HP/032/86 - Change of use from residential to office use. Permission.

HP/008/90 - Change of use of part of garage to car parking spaces for offices already consented under HP/032/86. Permission.

02/00860/COU - Change of use of second floor from residential to office use. Permission.

14/00717/CND - Removal of Condition 2 of Planning Permission 02/00860/COU which states 'The second floor offices shall be used in conjunction with those on the ground and first floors, and shall not be used as a separate unit'. Permission.

DM/15/0334 - Change of use from Office to one residential unit. Permission.

DM/19/1118 - Proposed change of use from offices to a six bedroom dwelling. Permission.

DM/19/2120 - Application for determination as to whether prior approval is required for change of use from an Office (Class B1a Use) to 6 no. self contained flats, 4 x 1 bed and 2 x 2 bed. (Class C3 Use). Prior approval granted.

SITE AND SURROUNDINGS

Hillsborough House is a north facing, detached, two storey dwelling with accommodation in the roof. It is finished in grey painted walls, with sections of tile hanging, a plain tile roof and timber windows. The property is characterised by two pitched roof dormer windows and box windows across the ground and first floors. To the rear of the site is an off road area of parking.

The application site is situated within the built up area of Hurstpierpoint and the Hurstpierpoint Conservation Area. Neighbouring dwellings are situated to the east and west, with the highway to the north. To the south of the site is South Lane, a private access, with the Hurstpierpoint Recreation Ground beyond. Opposite the application property is Grapevine Cottage, a grade II listed building, and further listed buildings are further east and west along High Street.

APPLICATION DETAILS

Planning permission is sought to change the use of the building from six self-contained flats to a children's residential home. The supporting information sets out that no external changes are required and the only works would be internal. The submitted plans show that the ground floor is to contain two bedrooms, a communal lounge, w.c., reception, office area, kitchen and dining area. On the first floor a further communal lounge is shown as well as a staff rest room and three bedrooms and on the second floor a further two bedrooms and staff rest rooms are proposed. Each bedroom would contain an en-suite.

In terms of the use, the building would have a maximum of seven children between the ages of 8 and 18 and would provide therapeutic care. It is not to operate as a half way house or provide overnight, emergency lodging. Furthermore the supporting information sets out that the accommodation would not be for children with special needs (class C2a). Up to five carers are to be working there during the day and up to three at night. It is proposed to retain the parking area to the rear of the dwelling, which has six parking spaces. Four cycle spaces are also listed as being at the rear of the property.

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, 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.'

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 Allocations Document (DPD) and Hurstpierpoint and Sayers Common 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

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP25 - Community Facilities and Local Services

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

Site Allocations Development Plan Document

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

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19th March 2015.

There are no relevant policies.

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

DPS6 - Health and Wellbeing

DPC6 - Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPT1 - Placemaking and Connectivity

DPE1 - Sustainable Economic Development

DPH3 - Sustainable Development - Inside the Built-up Area

DPI6 - Community and Cultural Facilities and Local Services

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)

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.

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.'*

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.'

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.'

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.

National Planning Policy Guidance

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 application in the absence of locally design guides or design codes.

Technical Housing Standards

Hurstpierpoint Conservation Area Appraisal

ASSESSMENT

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

- o Principle
- o Design, impact on the character of the area and heritage assets
- o Highways
- o Impact on amenity
- o Impact on Ashdown Forest SPA and SAC
- o Biodiversity Net Gain
- o Other matters
- o Planning Balance and Conclusion

Principle of development

The proposed development involves the change of use of a single (C3) dwellinghouse to a (C2) children's residential home for a maximum of 7 children. As such, the proposal would effectively result in the loss of a single dwellinghouse.

Policy DP4 of the District Plan sets out the Council's housing target for the Plan period, stating that there is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031. Policy DP6 of the District Plan sets out the settlement hierarchy for Mid Sussex, with housing and employment development encouraged within defined settlement boundaries, with Hurstpierpoint classed as a Category 2 settlement.

Whilst there are no development plan policies in place which explicitly seek to retain C3 residential uses, the loss of the dwellinghouse at a time when there is a general need for Local Authorities to boost significantly the supply of housing is considered to conflict with the Government's objective and the National Planning Policy Framework.

A Design and Access Statement has been provided as part of the application and provides additional information as to how the facility is to be run. It sets out that the proposed children's home seeks to replicate, as closely as possible, a normal family environment. The residents would be between the ages of 8 to 18 years old. The Statement also sets out that the children's home would follow therapeutic fostering, which it defines as

'a specialist type of foster care for children and young people who have experienced significant trauma, abuse, or neglect. It provides an enhanced level of emotional and psychological support within a stable, family home environment, aiming to help the child heal and develop healthily'.

The children are to be looked after by up to five carers during the day and there would be up to three working at night, working on a rota basis. The Statement also sets out that the children will be expected to attend a mainstream school during the day, although it is noted that some homeschooling may be required, and would also engage in various activities. The proposed use is to provide a main and sole residence and would not be used as a halfway house or provide overnight emergency lodgings. Additionally the Statement identifies that the development would provide employment.

Policy DP1 of the District Plan supports sustainable economic development. Policy DP25 relates to community facilities, including specialist accommodation, stating in part that *'the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported'.*

The proposed children's home would be located in a sustainable location, in walking distance from the services available on the High Street. There is also a bus stop opposite the site. As such there would be a reduced dependency on the private car and the proposal would therefore be considered to be sustainably positioned, thereby according with policies DP1 and DP25 of the District Plan.

With the above in mind, considering the social and economic benefits that would arise from the proposal, the principle of development is deemed acceptable.

Design, impact on the character of the area and heritage assets

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: *'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*

In relation to listed buildings, policy DP34 of the Mid Sussex District Plan states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*

- o *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric'.*

The site is also situated in Hurstpierpoint Conservation Area. 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 Mid Sussex District Plan, in relation to development within Conservation Areas, sets out:

'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;*
- o *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'.*

In terms of design, policy DP26 of the Mid Sussex District Plan relates to character and design, stating:

'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'.*

The Mid Sussex Design Guide SPD seeks to ensure that new development is of a high standard of design.

The application site is situated on the High Street in Hurstpierpoint. The Hurstpierpoint Conservation Area Appraisal sets out that the site lies within the village centre character area of the Conservation Area. It describes this character area as the *'retail and commercial hub of the village'*, although it is acknowledged that further east larger individual houses appear interspersed with commercial properties. It is the view that this description remains accurate. Whilst there are more residential properties present in this section of the High Street, directly to the east of the site there is a section of commercial properties. This also continues to the north east, beyond the Players Theatre.

The proposal seeks to undertake the change of use of a property from C3 to C2. No extensions are proposed to create additional floor space or alterations to exterior to the property. The submitted plans show that the proposal is to be achieved through works to the interior of the building. Given the level of visible works that are proposed, it is considered that no harm would arise in design terms or in relation to designated heritage assets.

It is noted that concern has also been raised regarding the nature of the proposed use on the character of the area and heritage assets. As set out within the planning history, the site has been in use as an office following the grant of planning permission in 1986. From 2015 applications have been made for the property to return to a residential use, with the last permission in 2019 allowing the property to be divided into flats. Both the office use and the building being used for six flats would have generated level of movement and use beyond that of a single residential property. It remains the case that the parking area to the rear of the property is to be used for parking and the application form sets out that this area provides six parking spaces. As set out within the submitted information, it is intended for the premises to function closely to what would be associated with a single residential dwelling. Given this and the uses of 118 High Street, it is considered that the proposal would not result in an intensification of the site beyond the flat or offices or that would be harmful to the identified character of the conservation area or the setting of listed buildings.

Issue has also been raised regarding the impact of the proposal to South Avenue and the Recreation Ground to the south of the site. As set out above, the proposed development is not considered to result in an intensification of the property that would go beyond the previous office or flats. As such there would not be a visual change or resulting change of use that would result in harm to this part of the conservation area. There are no listed buildings present in this section of the conservation area.

Impact to amenity

In terms of the impact to neighbouring amenity the test, policy DP2 6 of the Mid Sussex District Plan seeks to ensure that new 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 Policy DP27)'*.

The development would not result in an enlargement of the building. As such a loss of light or outlook would not occur to neighbouring properties. No new windows are proposed that would result in any direct overlooking.

The Environmental Protection Officer has commented on this application and has raised no objection to the proposal.

It is noted that concerns have been raised regarding the impact to amenity. As previously noted, the property is situated on the High Street which, in this location, contains a mixture of residential and commercial uses. The children's home is to be set up to function as closely to a dwelling and whilst there will be carers and some visitors to the premises, this would not be wholly unlike a residential dwelling, where guests could visit as well. Additionally the building has been previously used as an office and as six flats, both of which would have a greater number of visitors and comings and goings than a residential dwelling. As such it is considered that the development would not cause significant harm in terms of noise and disturbance. The bedrooms would also provide a combination of 1 and 2 bed provision, in accordance with the Dwelling Space Standards.

With regards to the recreation ground to the rear, this space is open for use by the members of the public. This would include any occupiers of Hillsborough House, regardless of its use. If there were any issues with how this space is being used then this would be considered a civil matter, which would not be a planning matter.

A condition has been suggested, in one of the objection letters, relating to the submission of a management plan. This would consider how noise and disturbance would be managed at the premises. Additional information supplied by the applicant has further advised children's homes must be registered with OFSTED prior to it coming into operation and it is a criminal offence to not have this registration. The registration includes providing a suitable management, policies, and a safe environment to protect children. OFSTED are also required to carry out inspections regularly, at least two times a year, and they are the relevant regulator.

When considering a planning condition there are eight tests that must be considered. Given the context of the property and its previous uses, as well as the OFSTED regulations that the provider would need to comply with, it is considered that this condition would not be necessary. It is considered reasonable, however, to include a condition that would restrict the use to a children's home and to restrict the number of children who could live there.

It is therefore considered that, with the aforementioned condition, the proposal would accord with the requirements of policy DP26 of the Mid Sussex District Plan and would not cause significant harm to the amenity of neighbouring properties.

Highways impact

Policy DP21 of the District requires that development proposals should, amongst other criteria:

- o Provide adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- o Avoid severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o Protects the safety of road users and pedestrians;*

Concerns have been raised in response to this application in relation to parking and highways safety. The Highways Authority have also commented on the application.

It has been advised that the existing use would generate a number of daily vehicular trips from residents and any visitors. Based on the trip generation set out in the application, the Highways Authority consider that there would be no expectation that the proposal would generate any significant increase in activity when compared to the existing use.

With regards to parking, there are currently six off-road parking spaces associated with the property and all are to be retained. It is advised that, given the number of carers indicated, the parking available would be sufficient for the development. It is further noted that there is some on-street parking available, which is subject to enforceable parking restrictions. Whilst the Highways Authority have welcomed that staff are to be encouraged to use public transport and to cycle, it has been acknowledged that this might not be practicable for all staff.

Given the above, the Highways Authority have no in principle highways concerns with this proposal and it is not considered to generate any unacceptable highways safety or otherwise severe impacts. A condition is recommended to retain the existing car parking arrangements, which is considered necessary and reasonable to ensure that there would not be an unreasonable level of pressure on surrounding on-street parking.

A condition has been suggested, in one of the objection letters, that would relate to the submission of a management plan. One of the items within the recommended plan would include details of vehicle movements and parking arrangements related to residents, staff, deliveries and other services. Given

that the Highways Authority are satisfied with the level of parking available, which would be conditioned to ensure that it is retained, and the previous uses, it is considered that this additional condition would not be necessary.

Whilst the issues identified in the representations are acknowledged, given the proposed development in light of the current use, and that there is a level of off-road parking, the view is shared that the proposal would be acceptable in highways terms. The proposal would thereby accord with policy DP21 of the District Plan.

Impact on Ashdown Forest SPA and SAC

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

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.

Other matters

Concerns have also been raised regarding the proposed details of the children's home. Attention has been drawn to Section 22G of the Children Act, which requires:

'22G General duty of local authority to secure sufficient accommodation for looked after children

- 1) *It is the general duty of a local authority to take steps that secure, so far as reasonably practicable, the outcome in subsection (2).*
- 2) *The outcome is that the local authority are able to provide the children mentioned in subsection (3) with accommodation that—*
 - a) *is within the authority's area; and*
 - b) *meets the needs of those children.*
- 3) *The children referred to in subsection (2) are those—*
 - a) *that the local authority are looking after;*
 - b) *in respect of whom the authority are unable to make arrangements under section 22C(2); and*
 - c) *whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the authority's area.*
- 4) *In taking steps to secure the outcome in subsection (2), the local authority must have regard to the benefit of having—*
 - a) *a number of accommodation providers in their area that is, in their opinion, sufficient to secure that outcome; and*
 - b) *a range of accommodation in their area capable of meeting different needs that is, in their opinion, sufficient to secure that outcome.*
- 5) *In this section 'accommodation providers' means— local authority foster parents; and children's homes in respect of which a person is registered under Part 2 of the Care Standards Act 2000'.*

As part of the application, *'Sufficiency: Statutory guidance on securing sufficient accommodation for looked after children'* has been submitted as a supporting statement on this matter. Other supporting guidance documents, including from West Sussex County Council, have also been provided and referenced in letters of objection. Social Services have been consulted as part of the application but no response was received.

It is required, however, to assess a planning application in accordance with relevant planning legislation, policies and material considerations. It is not the role of this assessment to consider the proposal in the same manner that an application to register the children's home, for example, would.

The statutory duty referred to requires local authorities to take steps to secure sufficient accommodation within their area to meet the needs of children that they are looking after. Additional information provided by the applicant sets out that there is a local, as well as national, shortage of children's residential places. It is advised that where an authority does not have a suitable place for a child, requests are made to adjoining authorities to place the child as close as possible to their birth parent(s). Brighton and Hove Council, East Sussex County Council, West Sussex County Council and Surrey County Council work together as a group. 7% of children's residential homes are in the south east and 7% are situated in the south west. It is therefore considered that the proposal would fulfil a need for children's homes within this area.

In terms of the type of facility required, representations have raised issue regarding the number of children to be looked after in the home. It has been cited that guidance supports homes looking after two to four children, whereas this application seeks permission for a home that can provide for seven children. It should be firstly noted that the application seeks permission for up to seven children to be placed within this children's home. Additionally the applicant has advised that they are aware of an increase in the size of sibling groups coming into care. In Brighton and Hove there have been recently groups of six, seven and nine children coming into care, which would add to fostering pressures and the break up of sibling groups.

There is no restriction in planning policy regarding the number of children that can be looked after in a children's home. The above assessment has considered the proposal, as submitted, in planning terms against relevant local and national planning policies. Whilst concerns have been taken into account, it also needs to be recognised that the grant of a planning permission would not override any other relevant legislation that the provider would need to follow or prevent the need for other permits or licences to implement this use.

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 Hurstpierpoint Neighbourhood Plan.

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.

Weighing in favour of the scheme are the economic and social benefits that the proposal would have in terms of providing a children's home, a community facility, to be situated in a sustainable location.

The proposed development as amended is considered to have a neutral impact in respect of a number of issues. The proposal is considered to conserve the appearance and character of the conservation area and the special interest of listed buildings. It should not be harmful to neighbouring amenities nor should the proposal be detrimental to highway safety. There would be no likely significant impact on the Ashdown Forest SPA or SAC.

Weighing against the scheme are the concerns that the proposal would result in the loss of a C3 dwellinghouse in a sustainable location at a time when there is a general need for Local Authorities to boost significantly the supply of housing. The proposal would, however, provide accommodation for children to live in.

When considering the above, it is considered that the planning balance falls in favour of supporting the proposal.

For the above reasons, the proposal is considered to accord with policies DP1, DP6, DP17, DP21, DP25, DP26, DP34 and DP35 of the Mid Sussex District Plan as well as the Mid Sussex Design Guide.

Decision: Permission

Case Officer: Caroline Grist