

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2527	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Part retrospective application to replace existing clad sheeting to facades and roof with new cladding		
Site:	10 Victoria Way, Burgess Hill, West Sussex, RH15 9NF, , , ,		
Validation Date	7 Nov 2025	Overall Expiry Date:	15 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Dec 2025
Target Date:	2 Jan 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Steven King</i>	Date:	17 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2527

10 Victoria Way, Burgess Hill, West Sussex, RH15 9NF, , ,
Part retrospective application to replace existing clad sheeting to facades and roof with new cladding
Mr Steven Millier

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the proposed development. It sought to object to the proposal for the following reasons:

- All of the facades should be updated with the new proposed materials.
- The new materials not being in keeping with the locality.

SUMMARY OF CONSULTEES

Drainage: No comment.

Mid Sussex District Council Corporate Estates: No response received.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: *'Recommend approval subject to suitable exterior cladding be used (in keeping with the area)'*

INTRODUCTION

The application seeks part-retrospective planning permission for the removal of the existing cladding and for its replacement with composite metal sheet cladding to both the walls and the roof.

RELEVANT PLANNING HISTORY

01/02399/FUL - Permission to use ground floor and first floor of premises for display of kitchen and bathroom goods, without complying with condition 2 of planning consent BH/107/88. Permission 14.01.2001.

04/00640/FUL - Re-design front elevation. Withdrawn 02.03.2004.

DM/16/3971 - Retrospective change of use of premises from B1 (light industrial) to mixed use A1/A3 (retail/café). Permission 24.11.2016.

DM/24/2959 - Proposed change of use from commercial warehouse to proposed gym use on ground and first floor. Permission 04.04.2025.

DM/25/2838 - Installation of two Illuminated Facade Signs on the Southern and Eastern Elevations. Pending consideration.

SITE AND SURROUNDINGS

The application relates to 10 Victoria Way, a detached two storey industrial sized building with a pitched roof. The existing building is positioned to the northern side of the road and is set back from the highway edge by a front parking area. There is an astroturfed area to the rear of the building which is enclosed by timber fencing to the sites boundaries. The existing building is composed of metal corrugated sheets and exposed brickwork to the exterior walls, a corrugated sheet pitched roof and uPVC windows and doors.

With regards to the sites locality, the building is positioned amongst other industrial sized buildings and therefore contributes to the prevailing industrial estate character of the area. There are some residential dwellings set further to the north of the site, with garden amenity space immediately abutting the sites northern boundary.

With regard to policy constraints, the site is located within the built-up area for Burgess Hill.

APPLICATION DETAILS

The proposal would remove the existing cladding to the exterior of the building as well as the roof and replace it with composite metal sheeting cladding in a grey colour. To the principal (southern) elevation, the existing windows would be removed and the brickwork would be cladded over.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Burgess Hill 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

DP29: Noise, Air and Light Pollution

Site Allocations DPD

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

Relevant policies.

Neighbourhood Plan

Burgess Hill Neighbourhood Plan (Made January 2016)

Relevant Policies:

None relevant.

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN6 - Pollution

DPE4 - Town and Village Centre Development

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 National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 11, 39, 48, 85, 131, 134, 141, 135 & 139.

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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.

ASSESSMENT

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

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

Impact on Character and Design

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:

- 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 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'*

Principle DG44 of the Design Guide states with regard to the design of commercial buildings that: '*On business parks and industrial estates as a general principle, the landscape and public realm should form the dominant feature within employment areas with the buildings forming a more neutral background. As such, the design of simple, rectilinear buildings within the landscape is promoted.*'

The existing street scene is considered to be characterised by a number of other industrial scale units which are set back from the roadside edge by front parking areas. Various industrial buildings within the locality utilise brickwork to the exterior walls as well as composite cladding.

The existing appearance of the building at the application site is considered to be of limited architectural merit with some signs of ageing through the darkening of the grey colour to the metal sheeting on both the side walls and the roof. It is therefore considered that the replacement of this material with composite

grey cladding would be acceptable. It is also noted that other units such as No.16 utilise a similar grey cladded material. Accordingly, this material is not considered to be incongruous within the street scene.

In view of the above, the proposal is considered to comply with Policy DP26 of the District Plan.

Impact on Neighbouring Amenities

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);'*

The proposal would not alter the size and scale of the building and would solely be contained to the existing footprint of the building. Furthermore, the existing building height would not significantly be increased.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Other Matters

It is noted that the existing cladding is noted as containing asbestos. The works involving asbestos would be controlled by separate legislation under the Control of Asbestos Regulations 2012 and the associated relevant health and safety guidance. Therefore, this matter can be dealt with at the building regulations stage of the development process should permission be granted. In any circumstance, an informative will be appended for the Applicant's attention.

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 is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill 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.

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 DP26 and DP29 of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas