

**Garages to rear of 34-56
America Lane, Haywards
Heath, West Sussex.**

**Proposed demolition of
existing garages and
erection of 8 dwellings (6
x one bedroom flats and 2
x two-bedroom flats).**

May 2026

CONTENTS

	PAGE
Introduction	2
Site and Surroundings	2
Planning History	5
Proposed Development	5
Planning Policy	8
Mid Sussex District Plan	8
Site Allocations Development Plan Document	9
Haywards Heath Neighbourhood Plan	10
Other Material Considerations	10
National Planning Policy Framework	10
Mid Sussex Design Guide 2020	12
Development Infrastructure and Contributions SPD	12
Mid Sussex District Plan 2021-2039 Consultation Draft	12
Planning Considerations	13
Principle	14

CONTENTS

	PAGE
Design and Impact on the Character of the Area	14
Residential Amenity	16
Standard of Accommodation	16
Highway Impact and Parking	17
Drainage	18
Infrastructure	19
Sustainability	19
Ecology and Biodiversity	19
Whether the Scheme Represents Sustainable Development Overall	20
Planning Balance and Conclusion	21

APPENDICES

Appendix 1 - Photographs of site and surroundings

INTRODUCTION

We are instructed by our client, Rayfords LLP, to submit a full planning application seeking the demolition of the existing garages to the rear of 34-56 America Lane, Haywards Heath, and erection of 8 new dwellings.

The application site currently consists of a row of terraced garages which lie between 34-56 America Lane to the north and properties fronting Boston Road to the south. The garages are largely unused and the site is becoming unkempt as a result. The applicants are therefore seeking to enhance the site and make better use of the under-utilised land with a residential re-development of the site.

In April 2023 a practically identical proposal was allowed on appeal following the refusal of application DM/21/2129. Whilst this permission has now time expired it remains a material consideration in the assessment of these proposals.

This statement should be read in conjunction with the following plans and documents:

- Block and Location Plans - TA 1283/01 Rev B
- Existing Site Plan - TA 1283/02 Rev D
- Existing survey elevations - TA 1283/03
- Existing survey elevation - TA 1283/04
- Proposed site plan - TA 1283/10 Rev C
- Proposed Ground Floor Plans - TA1283/11 Rev C
- Proposed First Floor Plans - TA 1283/12 Rev C
- Proposed Sections - TA 1283/13 Rev A
- Proposed Floor Plans 1- 6 - TA 1283/14 Rev C
- Proposed Floor Plans 7 & 8 - TA 1283/15 Rev A

- Proposed Elevations 1 - TA 1283/16 Rev B
- Proposed Elevations 2 - TA1283/17 Rev A
- Proposed Elevations 3 - TA1283/18
- Proposed Sections 1 - TA1283/19
- Transport Report
- Drainage Strategy Report
- Micro Drainage Attenuation Tank Calculations
- Drainage Strategy Layout - 59725/10 Rev 0
- Drainage Strategy Details - 59725/11 Rev 0

This Planning Statement outlines the relevant planning policy context, planning history, and provides an assessment of the proposed development in accordance with the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF).

SITE AND SURROUNDINGS

The application site extends to some 490 sqm in area, is located to the rear of 34-56 America Lane and currently consists of a terrace of 16 single, flat roof garages.

The garages are brick construction of light colouring with a corrugated mono-pitched roof sloping to the rear, with wooden painted garage doors to the front elevations (north). The garages are built hard up to the rear (southern) boundary shared with the neighbouring dwellings which front Boston Road.

Boston Road wraps around the application site in a U-shaped configuration. This means that the houses immediately neighbouring the

application site back onto the mutual boundary. These neighbouring dwellings are all two-storey properties. A terrace of four directly backs on to the application site, and two pairs of semi-detached dwellings sit at 90 degrees to the application site.

Access to the garages is gained via an un-made service road running to the rear of 34-56 America Lane and can be accessed from both the east and west off Boston Road. This access road also serves as a means of access to the rear of 34-56 America Lane.

34-56 America Lane is a two storey terrace of commercial and residential units. The ground floor units are mainly occupied or vacant commercial units, with residential units at first floor over. Some of the residential units over have extended up into the roof space with dormer windows and roof lights serving these rooms. One of the former ground floor commercial units has been converted to a small residential dwelling (38B America Lane).

The wider area is mainly residential in character, the prevailing form in the immediate vicinity of the application site being two storey terraced or semi-detached dwellings. At the corner of Boston Road and America Lane to the west there is a substantial block flats. This block is mainly two storey in height where it fronts America Lane, but increases to three storey where it returns along Boston Road and the ground levels fall away. America Lane boasts a more eclectic range of dwellings with significantly more pairs of semi-detached dwellings.

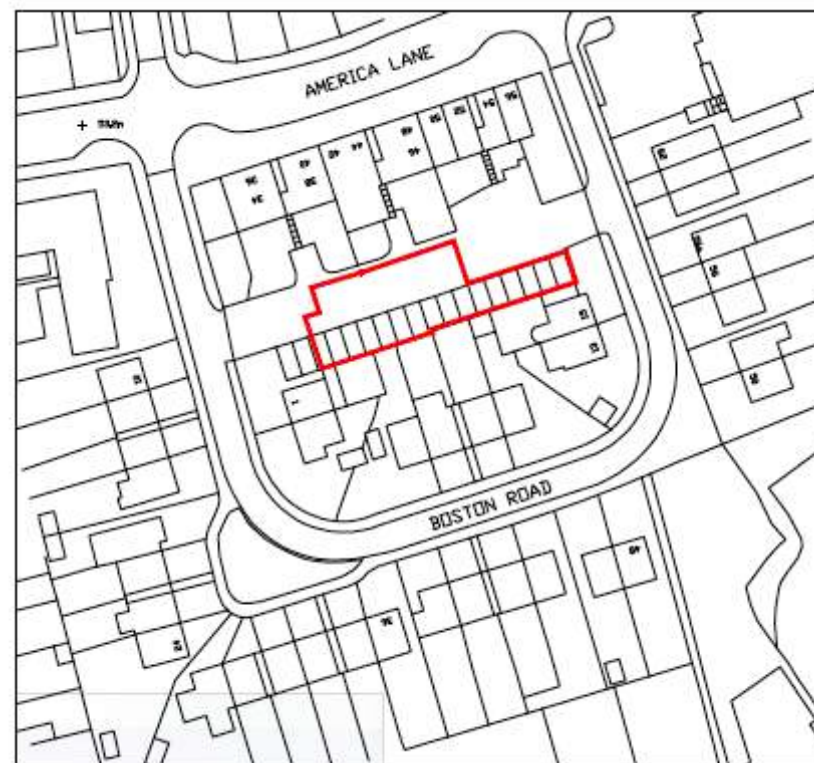
To the south west of Boston Road is Hanbury Football Stadium to the immediate west of which is Fenway House a block of 13 flats granted planning permission in 2010.

Some 200 metres to the north east of the application site, on the northern side of America Lane is Barn Cottage Recreation Ground. Warden Park Primary Academy is located some 600 metres to the west off New England Road. The main town centre falls within 1km of the application site.

Whilst the application site itself is reasonably flat, America Lane to the north is at a higher level, with Boston Road sitting at a lower level.

The prevailing building materials are brick elevations with plain tiled roofs. Generally the dwellings take a simple but traditional form, with pitched and hipped roofs featuring heavily in the area.

Attached at Appendix 1 are a number of photos of the site and surroundings.



Site Location



PLANNING HISTORY

The following planning application is directly relevant to the application site and the determination of this application:

DM/21/2129 - Demolition of existing garages and erection of 8 new dwellings (6 x one bedroom flats and 2 x two bedroom flats). Amended plans. - Allowed on Appeal - 21st April 2023.

PROPOSED DEVELOPMENT

Permission is sought for the demolition of 16 of the existing 18 garages and their replacement with a residential development, consisting of 8 new dwellings.

The proposed dwellings would be arranged as flats, with units 1-6 arranged over two floors. Units 7 and 8 would be first floor units set over a ground floor undercroft parking garage/area.

The following schedule of accommodation is proposed:

- Flat 1 - two bedroom apartment
- Flat 2 - one bedroom apartment
- Flat 3 - one bedroom apartment
- Flat 4 - two bedroom apartment
- Flat 5 - one bedroom apartment
- Flat 6 - one bedroom apartment
- Flat 7 - Studio apartment
- Flat 8 - Studio apartment.

All of the units have been designed to meet the Nationally Described Space Standards.

The three ground floor units would each benefit from an external amenity space to the rear. Units 2, 3 and 6 would benefit from north facing balconies. The studio units, units 7 and 8, would have Juliette balconies.

The proposals have been designed to reflect the surrounding prevailing character arranged to appear as a terrace of two storey properties, with feature bay projections in the front elevation of units 2-6 to give the proposal rhythm and interest.

In order to both restrain the overall height and allow for the introduction of solar panels a section of flat roof is proposed. To the rear, short sections of cat slide roof are incorporated into the design to help facilitate a gradual increase in height from the rear boundary. The cat slide projections also create a number of recesses in the rear elevation which help to break up the visual mass of the proposed building. Only ground floor windows and rooflight openings are proposed in the rear elevation. No first floor windows are proposed in the rear elevation.

Units 7 and 8 are the eastern most studio units, set over a parking garage where space for 5 cars and cycle parking is proposed.

Refuse and recycling collection provision is provided in individual stores to the front of each of the ground floor units. A communal bin storage area is also provided within the undercroft parking area towards the eastern end of the site.

Elevations are intended to be brick with the roof tiled to reflect the surrounding character.

Areas of soft landscaping are proposed to the front of the site to soften the boundary edge where it adjoins the access road.



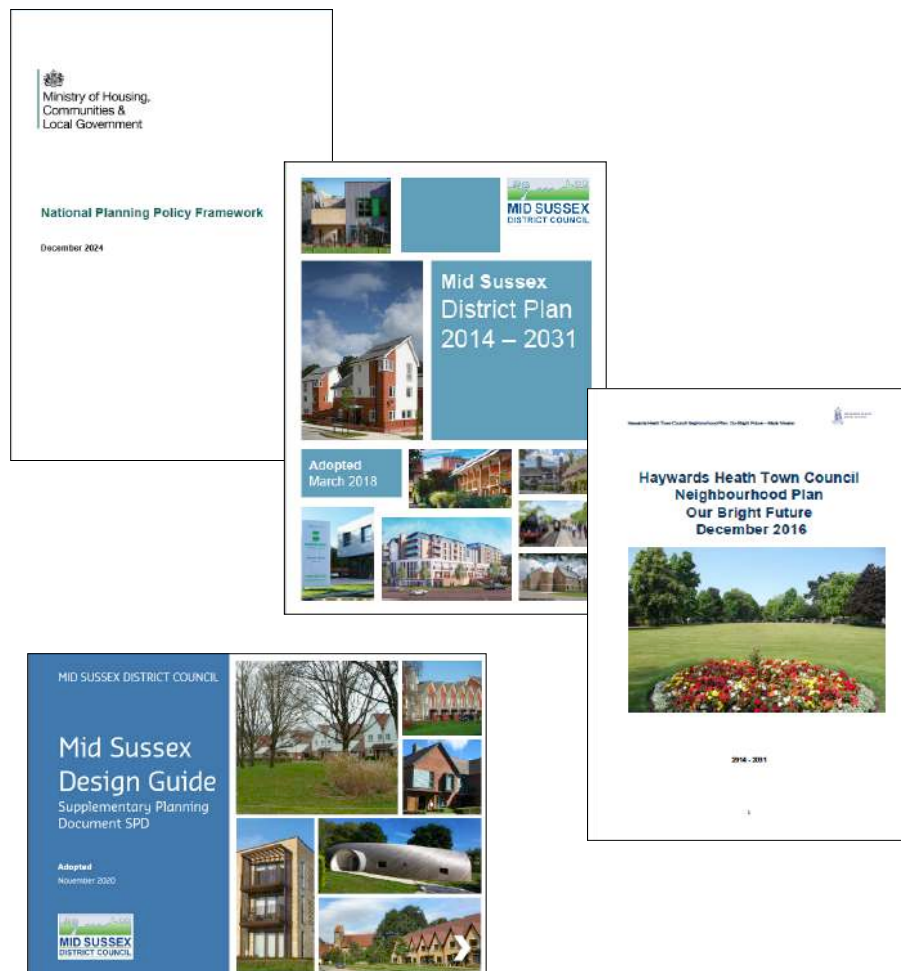
Proposed elevations



Proposed rear elevation



Proposed Site Layout



PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 states that planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF).

The approved Development Plan, in relation to this application, for the purposes of the Act, comprises the Mid Sussex District Plan, the Site Allocations Development Plan Document (DPD) and the 'Made' Haywards Heath Neighbourhood Plan.

The Mid Sussex Design Guide was adopted in November 2020 as a supplementary planning document and is also material to the consideration of these proposals, as is as is the Council's Development Infrastructure and Contributions SPD, adopted in July 2018.

Mid Sussex District Plan

The Mid Sussex District Plan (MSDP) was adopted on 28th March 2018. It covers the period 2014 - 2031 and sets out a vision for how Mid Sussex wants to evolve and a delivery strategy for how that will be achieved.

The following policies are considered most relevant to these proposals:

Policy DP4 - Housing

This policy notes that there is a minimum District housing requirement of 16,390 dwellings between 2014-2031. The policy confirms that the Plan seeks to deliver 450 dwellings through a windfall allowance and 2,439 dwellings *"elsewhere in the District, are allocated through future Neighbourhood Plans and the Site Allocations document."*

Policy DP4 identifies Haywards Heath as being a category 1 settlement which is later defined at Policy DP6 as being a settlement with a comprehensive range of employment, retail, health, education, leisure services and facilities which also benefits from good public transport provision and acts as a main service centre for the smaller settlements.

Policy DP6 - Settlement Hierarchy

This policy confirms that development will be permitted within towns and villages with defined built-up area boundaries and that any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale and not cause harm to the character and function of the settlement.

Policy DP20 - Securing Infrastructure

This policy notes that developers will be expected to provide for, or contribute towards, the infrastructure mitigation measures made necessary by the development either through:

- appropriate on-site mitigation and infrastructure provision;
- the use of planning obligations (s106 legal agreements and unilateral undertakings);
- the Community Infrastructure Levy, when it is in place.

DP21 Transport

This policy states that decisions on development proposals will take account of whether the scheme is sustainably located to minimise the need for travel. The policy also seeks to ensure new development provides *“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.”*

Policy DP26- Character and Design

This policy seeks to ensure all new development is well designed and reflects the distinctive character of the towns and villages.

Policy DP27 - Dwelling Space Standards

This policy requires all new dwellings to meet the minimum nationally described space standards.

Policy DP30 - Housing Mix

This policy seeks to ensure housing development provides a mix of dwelling types and sized that reflects current and future local housing needs.

Policy DP39 - Sustainable Design and Construction

This policy seeks to ensure all new development improves the sustainability of the development by minimising energy use, and exploring opportunities to manage resources efficiently.

Policy DP41 - Flood Risk and Drainage

This policy requires all development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and does not increase the risk of flooding elsewhere.

Site Allocations DPD

The Mid Sussex Site Allocations Development Plan Document was adopted on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment need.

There are no policies within this plan that are of particular relevance to the consideration of this application.

Haywards Heath Neighbourhood Plan

Haywards Heath Neighbourhood Plan was formally 'made' on 15th December 2016 and forms part of the Development Plan for Haywards Heath.

The following policies are considered most relevant to these proposals:

Policy E7 - Flooding and Drainage

This policy requires all new development proposals to incorporate Sustainable Drainage Systems, where practical, as part of the design.

Policy E9 - Design

This policy requires developers to demonstrate how their proposal will protect and reinforce the local character within the locality of the site.

Policy E13 - Design

This policy requires proposals for new residential development to provide good quality private outdoor space which is appropriate to the development proposed.

Policy T3 - Car Parking

This policy requires development outside the defined town centre boundary to provide on-site parking in accordance with the standards adopted by MSDC.

Policy H8 - Windfall Sites

This policy relates to "Housing Development within the Built Up Area Boundary and states:

"Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded."*

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework

The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner (paragraph 7). Paragraph 8 goes on to explain that *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways"*: an economic objective, a social objective and an environmental objective.

Paragraph 9 states that planning 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.”*

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Paragraph 10 states that, “So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development.**”

Paragraph 11 states that *“plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:*

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Paragraph 39 states that local planning authorities *“should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

Chapter 5 notes the Government’s objective of significantly boosting the supply of homes (paragraph 61).

Paragraph 73 notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The NPPF directs that local authorities should support the development of windfall sites and that great weight should be given to the benefits of using suitable sites within existing settlements for homes.

Chapter 9 seeks to promote sustainable transport with paragraph 116 stating that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

Chapter 11 seeks to promote the effective use of land in meeting the need for homes and other uses and paragraph 125 states that planning decisions should: *“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused... d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.”*

Chapter 12 relates to achieving well-designed places and paragraph 131 states that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Mid Sussex Design Guide 2020

The Mid Sussex Design Guide was adopted in November 2020 as a supplementary planning document. It is intended to inform and guide the quality of design for all development across the District. It sets out a number of design principles to deliver high quality new development that responds appropriately to its context and is inclusive and sustainable.

Development Infrastructure and Contributions SPD

The Development Infrastructure and Contributions SPD sets out the overall framework for planning obligations (including contributions). This document was adopted in July 2018 and updated in October 2019) following requests from West Sussex County Council in relation to new parking guidance, and from the CCG and Sussex Police in relation to their s106 calculators.

Mid Sussex District Plan 2021-2039 Consultation Draft

The Council is currently in the process of reviewing and updating the District Plan. Upon adoption the new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 (Regulation 19) was submitted to the Secretary of State for examination on 8th July 2024 and a number of initial hearings were held in October 2024.

In April 2025 the Inspector wrote to the Council setting out her initial findings on the emerging District Plan. In her view the Council had failed in

its duty to co-operate with neighbouring authority's during the preparation of the emerging plan. Accordingly she recommended that the Plan should be withdrawn from the examination.

However, following the Government's announcement that it plans to abolish the Duty to Cooperate the examination was re-opened earlier this year. A further series of hearings were held and the Inspector's interim conclusions and actions were issued in a Post Hearings Letter dated 26th March 2026. One of the most significant actions requires the Council to increase the amount of housing it is planning for to help meet the need for housing in local council areas where they are unable to meet their needs.

This means the Council must find 4,000 more homes in addition to the housing already included in the draft Plan. A preliminary list of additional sites has been produced which will now be subject to a more technical assessment. Following testing there will be further public consultation on the emerging plan. It will therefore be some time before the new Local Plan is formally adopted.

Whilst the emerging policies are a material consideration in the determination of this application, in accordance with paragraph 49 of the NPPF only limited weight can be given to them at this stage.

PLANNING CONSIDERATIONS

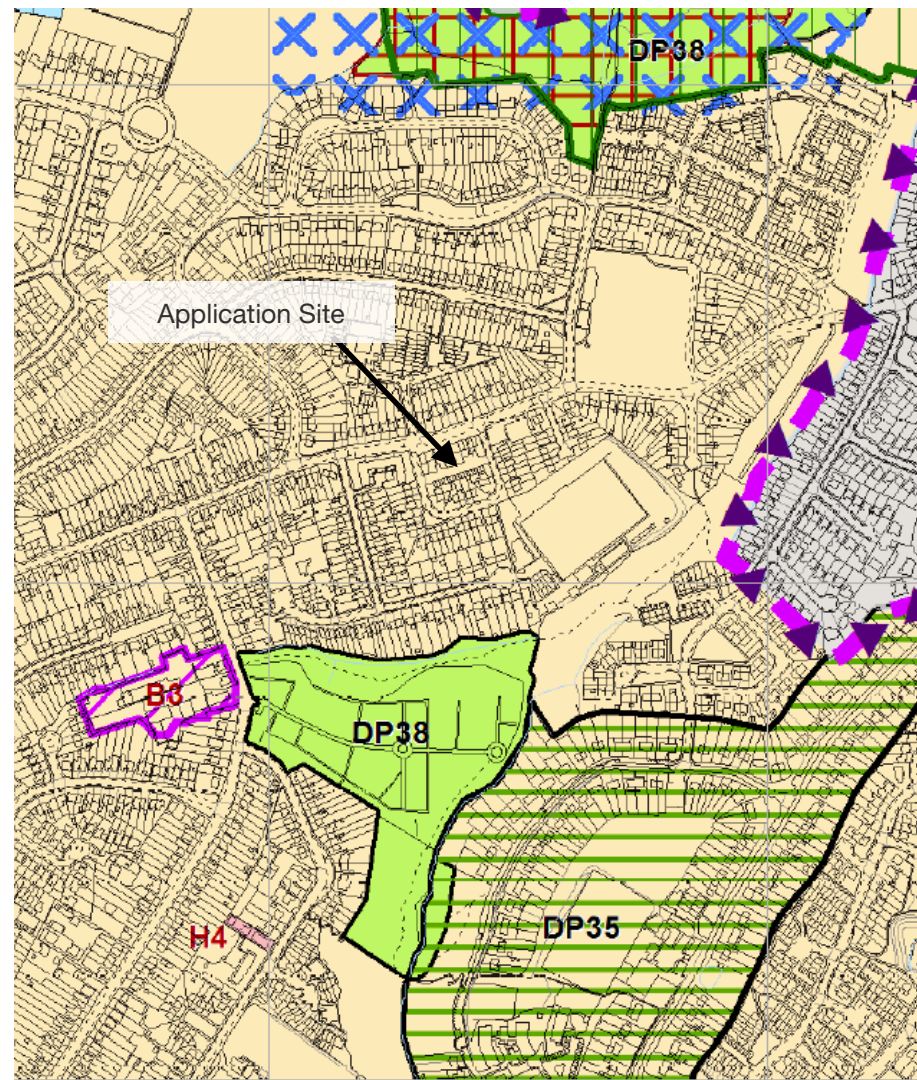
Application DM/21/2219 was allowed on appeal with the Inspector concluding that whilst there were some shortcomings in respect of outdoor amenity space, in all other respects the proposals were acceptable. Given the thrust of the NPPF to boost the supply of housing and provide increased densities where appropriate to do so, it was found on balance that the proposals should be allowed.

There have been no significant changes in circumstance at the site or within the immediate environs of the site since the determination of that appeal. Whilst the emerging District Plan is at examination, for the reasons outlined above, the emerging policies can only be afforded limited weight at this time. Therefore the development plan policies against which the previous scheme were assessed remain the same.

The NPPF has been updated (most recently in December 2024) however the amendments only add more weight to the delivery of housing and therefore the approval of this application. The only change in circumstance of any note is the introduction of the statutory requirement to demonstrate a 10% Biodiversity Net Gain, introduced by the Environment Act 2021. This is addressed in more detail below.

Having regard to the location of the site within the defined built up area boundary of Haywards Heath, the policies of the adopted Development Plan and National Planning Guidance, it is considered that the main issues in the determination of this application remain to be:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Standard of accommodation
- Highway impact and parking provision



Extract from Mid Sussex District Plan Map 13: Haywards Heath

- Drainage
- Infrastructure requirements
- Sustainability,
- Ecology and Biodiversity; and
- Whether the scheme represents sustainable development overall.

Each of these issues is now considered in turn.

PRINCIPLE

As set out above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

With this as a starting point, the location of the site within the defined built up area of Haywards Heath is a key consideration. Policy DP6 of the Mid Sussex District Plan clearly seeks to permit infill development within the towns and villages with defined built up areas, subject to appropriate design and scale.

This is also supported by the intentions of policy H8 of the Neighbourhood Plan.

The principle of the redevelopment of this site for residential purposes wholly accords with the provisions of Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan and this was accepted previously by the Council in the determination of application DM/21/2129.

At the time of the determination of application DM/21/2129 the Council were still able to demonstrate a five year supply of deliverable housing land, as required by the NPPF.

Since the determination of that application, the Council's Housing Land Supply situation has changed materially. The revised NPPF published in 2024 introduced a new standard methodology for calculating housing land supply, which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a consequence the Council are no longer able to demonstrate a five year supply of deliverable housing land. The application therefore has to be considered in light of the "tilted balance" set out under paragraph 11 of the NPPF.

Given this context it is essential to maximise opportunities for residential development wherever feasible.

Haywards Heath is Category 1 settlement, one of only three in the District, identified as such because it has a comprehensive range of employment, retail, health, education and leisure services and facilities.

The development of this site with 8 new dwellings will make much better use of the site than the under-utilised garaging currently in place. This accords with paragraph 125 of the NPPF which states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

It is submitted that the redevelopment of this site to provide eight new dwellings remains to be acceptable in principle and accords with the spatial strategy of the Development Plan both existing and emerging.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Policy DP26 of the District Plan seeks to ensure all new development is well designed and reflects the distinctive character of the towns and villages of the District. This is reflected in the requirements of Policies E9 and H8 of the Neighbourhood Plan.

When considering application DM/21/2129 it was the Council's view that the proposed scheme did not respond appropriately to the character,

scale and spacing of the surrounding area. This was not however a view shared by the Inspector in their consideration of the subsequent appeal.

When assessing the effect of the proposed development on the character and appearance of the area, the Inspector made the following comments and conclusions:

“The existing site has a linear arrangement, which limits the scope for development. Thus, the provision of a flatted scheme in a similar alignment would be appropriate in the streetscene, in my view. The appeal site is at an elevated level relative to dwellings at the rear of Boston Road, but conversely sits on a lower level relative to properties that front onto America Lane, and thus the provision of the two-storey development with pitched roofs would sit comfortably in the area in respect to height and scale.

The proposal would provide for denser form of development in comparison to the surrounding dwellinghouses, however the scheme has utilised the site well and would result in a positive visual relationship within the immediate street scene. Nevertheless, it is acknowledged that the amenity areas of the proposed development and the overall plot sizes appear smaller than the neighbouring properties. These properties contain suitably sized front and rear gardens, which despite providing a tight layout make a positive contribution to the surrounding area. In this context, given the proposed development fronts the access road, it would be at odds with the character of neighbouring dwellings.

However, given its linear nature and the existing functionality of the rear of America Lane, the proposal would not represent a poor layout or appear unduly cramped, given that it is responding to the existing suburban pattern. Given the topography levels and the separation distances between the appeal scheme and surrounding properties, the proposal would also be appropriate in this location. The materiality of the scheme is important in the area, and whilst the details are highlighted on

the plans, these are matters that can be subject of a condition, to allow for further detailed design. Overall, the layout, scale, and height would respect the domestic character and appearance of the area.

The proposed development would sit well within the surrounding area and would be a high-quality design response to the constrained site, making efficient use of previously developed land within an appropriate location. As such, it would not harm the character or appearance of the area in accordance with Policy DP26 of the Mid Sussex District Plan (MSDP) and Policies E9 and H8 of the Haywards Heath Neighbourhood Plan (HHNP), which among other things seek a high-quality design and layout which protects local character with regard to height, scale, spacing, layout, orientation and design of buildings to make the best use of the site to accommodate development. The proposal would also be consistent with the aims and objectives of the Mid Sussex Design Guide Supplementary Planning Document (SPD) and Paragraph 130 c) of the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character.”

Given there has been no significant change in circumstance at the application site or within the wider surrounding area, and the two schemes remain practically identical, it is submitted that the Inspector's assessment of the impact on the character and appearance of the area remain valid.

The proposed design remains appropriate to the locality, accords with the design principles of the Council's Design Guide and will secure a significant enhancement of the street scene through active use of an otherwise under-utilised area of land. For these reasons the proposals continue to accord with Policies DP26 of the District Plan and Policies E9 and H8 of the Neighbourhood Plan.

RESIDENTIAL AMENITY

Policy DP26 of the District Plan seeks to ensure new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings taking into account impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Likewise, Policy H8 of the Neighbourhood Plan seeks to safeguard the privacy, daylight, sunlight and outlook of adjoining residents.

When considering application DM/21/2129 the Council were concerned that the close proximity of the proposed flats to the properties to the north and south would cause an unacceptable loss of privacy. These concerns were not however shared by the Inspector. When assessing the impact on the living conditions of existing neighbouring properties the Inspector made the following comments and conclusions:

“The upper level of the scheme would be visible from many properties in the surrounds, but as stated above, two-storeys would not be out of place in this locality. The spacing between the proposal and the properties fronting America Lane has been highlighted as approximately 18m, which is an adequate separation distance such that there would not be a sense of undue imposition or dominance. I appreciate that the two-storey scheme would be closer to the private rear areas of these units, and I accept that there could be a perception of overlooking from the proposed front windows. However, these areas already experience direct overlooking from the existing upper floor windows within America Lane itself. In this context, I do not consider that the additional openings proposed at first floor level at the front would result in significant harm.

With regard to the rear elevation and impact on the rear gardens at Boston Road, I accept that the views would alter as a consequence of the development. However, all the roof lights at the rear of the site serve either non-habitable rooms or are dual aspect habitable rooms, as such these could be conditioned to contain no clear glazed openings. Subject

to the condition, the design of the proposed development would ensure that existing residents would not experience any loss of privacy from the upper floor. In regard to the ground floor openings at the rear, these would not present any adverse issues as they would all be mitigated by the likely boundary treatment surrounding the site.

For the reasons above, I conclude that the proposal would not result in harm to the living conditions of the existing occupiers of the adjoining dwellings with particular reference to overlooking. The scheme would be compliant with MSDP Policy DP26 and Principle DG45 of the Mid Sussex Design Guide SPD which amongst other things, are concerned with housing quality and protecting residential amenity in respect to overlooking and loss of privacy. The proposal is also consistent with the advice in the Framework, which amongst other things, seeks high quality design and a good standard of amenity for all existing and future occupants of buildings.

I also find no conflict with Principles DG46, DG47 and DG48 of the Mid Sussex Design Guide SPD, which principally relate to usable external amenity space, daylight and sunlight, and noise, air and light pollution respectively. The content of these are largely irrelevant to the specific issues relating to overlooking identified.”

Given the findings of the Inspector previously and the absence of any material change in circumstance at the site or differences between the two proposals, the relationship with the existing dwellings remains acceptable and will cause no significant harm to the amenity of the neighbouring occupiers.

STANDARD OF ACCOMMODATION

As well as considering the impact on existing occupiers it is also important to take into consideration the amenity of future occupiers of the

proposed dwellings Policy E13 of the Haywards Heath Neighbourhood Plan states:

“Proposals for new residential development should provide good quality private outdoor space which is appropriate to the development proposed. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling(s) and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy.”

When considering application DM/21/2129 the Council were concerned that the lack of defensible space to the front of the proposed dwellings would create unsatisfactory accommodation in terms of amenity for future occupiers. When considering this matter the Inspector, whilst acknowledging the tight nature of the site restricts the opportunity for significant amenity space, he did note that with the exception of units 7 and 8, all of the proposed units are to be provided with private amenity space of modest proportions. The ground floor units have modest rear amenity areas, whilst the first floor units have private balconies to the front.

In assessing whether this level of amenity space was acceptable the Inspector made the following comments:

“I have been presented with no evidence that there is a minimum requirement in the Local Plan for the provision of outside amenity space. However, Policy E13 of the HHNP does provide guidance that amenity space should be commensurate with the size and type of dwelling and the character of the area. Given that the proposal is for 1-bed and 2-bed units it is unlikely that the units would be used for family accommodation. In this context, coupled with the restrictive nature of the site, the scheme would provide proportionate amenity space for most units.”

When turning his mind to the absence of any external amenity space serving units 7 and 8, the Inspector did conclude a minor conflict with Policies DP26 and Policy E13. In doing so however, he also noted the close proximity of the applications site to public open space, at barn Cottage Recreational Ground.

The impact of this minor conflict on the overall planning balance is considered in more detail below.

HIGHWAY IMPACT AND PARKING PROVISION

Paragraph 116 of the NPPF makes clear that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios”*.

Policy DP21 of the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The application site falls within 1km of the town centre and is well placed in respect of local facilities and services, including a regular local bus service, providing alternative means of transport other than the private car.

The scheme also proposes to provide 10 on site bicycle parking spaces to meet the Highway Authority's standard. These are provided either in communal cycle stores or as private parking in the rear courtyards of the ground floor units.

In addition the scheme proposes the provision of 5 unallocated car parking spaces to be provided as undercroft parking. Access to the site is to be via the existing shared access, which also serves the commercial units and flats to the north.

When application DM/21/2129 was initially submitted a number of initial comments and queries were raised by West Sussex County Council Highways Authority. These related specifically to matters of ownership, servicing arrangement for the adjacent shops, emergency access arrangements, swept paths details and parking.

In response to the queries raised a Transport Report was submitted to support the proposals. This provided additional details in respect of land ownership, emergency access details, and effects of existing and proposed parking demands.

On review of this information the Highway Authority confirmed that they were content that:

- It has been demonstrated that the applicant has public access rights and that all vehicles can enter and exit the site in forward gear;
- That users of the existing car parking relating to the neighbouring shops will still be able to use the access road even when the proposals are built; and
- That there is sufficient capacity in the local area to accommodate any additional on street parking generated by the proposals.

Accordingly the Highways Authority confirmed that they raised no objections to the proposals subject to a condition securing the submission of a construction management plan.

With no objection from the Highways Authority it was found that the impact of the proposals on the local highway network was acceptable and there would be no unacceptable impact on highway safety as a consequence of these proposals. Furthermore it is agreed that an adequate and appropriate level of parking is to be provided on site and that consequently the proposals complied with the requirements of Policy DP21 of the Mid Sussex District Plan.

Given there has been no material change in circumstance at the site or in the surrounding area since the determination of application DM/21/2129 it is submitted that the proposals remain compliant with Policy DP21.

The application site is sustainably located, has taken appropriate opportunity to facilitate and promote alternative means of transport, provides adequate car parking and can be safely accessed and with no detriment to on-street parking or local traffic conditions.

DRAINAGE

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

When application DM/21/2129 was submitted officers requested additional information to demonstrate how surface water drainage at the site will be achieved, in principle.

Accordingly a Drainage Strategy Report was submitted. This demonstrated that soakaway tests undertaken at the site confirmed that soakaways are not suitable for use in the discharge of surface water runoff within the site. A scheme providing an attenuation tank with a flow

control restricted to the site Greenfield discharge rate of 0.2 l/s was therefore designed.

The scheme clearly shows that a workable solution is available, the final details of which can be secured by means of a suitably worded planning condition.

INFRASTRUCTURE

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured using planning obligations.

In accordance with the requirements of the Council's Supplementary Planning Document in relation to Development Infrastructure and Contributions it is understood that the proposed development of this site with 8 new dwellings is likely to attract financial contributions towards:

- Library
- Education (Primary and Secondary);
- Highways (TAD);
- Playspace and
- Local Community Infrastructure.

The applicant is content to secure appropriate contributions through a Section 106 Agreement and submitted with this application is a duly completed Planning Obligation Instruction Form.

SUSTAINABILITY

In order to meet the sustainability objectives of Policy DP39 of the MSDP and to exceed the minimum energy and water efficiency requirements of

the building regulations as far as possible the proposals seek to reduce energy demands in the following way:

- High standards of insulation;
- Water efficient taps and toilets to be installed limiting water consumption to 110 litres per person, per day;
- Energy efficient lighting to be installed;
- The proposals have been designed to ensure best possible use of natural light and ventilation;
- All materials to be sourced as locally as practical; with materials arising from demolition re-used where possible;
- On-site cycle parking provided to encourage the use of alternative means of transport;
- Incorporation of solar PV panels.

ECOLOGY AND BIODIVERSITY

Since the approval of application DM/21/2129, it has become a legal requirement for all development in England to deliver a measurable Biodiversity Net Gain (BNG). Developers must now demonstrate a minimum 10% net increase in habitat value compared to the pre-development baseline. There are however a limited number of exemptions to these requirements, one of which is where a development does not impact a priority habitat and impacts less than:

- 25 square meters (5m by 5m) of on-site habitat that has a biodiversity value greater than zero; and
- 5 meters of on-site linear habituate such as hedgerows.

Given that the application site is entirely hardsurfaced, there are no existing onsite habitats to be impacted. It is therefore submitted that the proposals benefit from the “de minimus exemption” as set out at Section 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

WHETHER THE SCHEME REPRESENTS SUSTAINABLE DEVELOPMENT OVERALL

Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, 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).

Having regard to this guidance, the application is considered to represent sustainable development in its three limbs:

The Environmental Objective

The site currently adds little to the character and appearance of the area and presents itself as a backland area, that is beginning to degrade. The proposals will see the redevelopment of the under-utilised site with a high quality residential development that has been designed to complement the existing surrounding development and will add visual interest and activity to the area.

The Social Objective

The NPPF makes it clear that sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high quality homes. It emphasises the need to boost significantly the supply of land for housing.

The scheme will deliver eight new dwellings in an appropriate mix of units, which will boost local supply and assist in meeting the needs of the local population.

The proposed dwellings will be constructed to a high standard whilst ensuring no significant harm is caused to the amenity of existing residents. The dwellings would be in close proximity to all key services, with public transport available as an alternative means of transport. The scheme includes off-street parking, cycle parking, and waste storage.

The Economic Objective

The proposed development would deliver eight new high quality dwellings contributing to the delivery of sustainable new dwellings in the District. The proposal would create construction jobs, supply chain benefits and inward investment for the local area. Local residents would spend money locally, helping to sustain local services and would contribute towards Council Tax receipts in perpetuity.

In light of the above, it is submitted that the proposal would deliver against all three limbs of sustainable development.

PLANNING BALANCE AND CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) establishes a clear presumption in favour of sustainable development, comprising economic, social, and environmental dimensions.

The NPPF is explicit that where a proposal represents sustainable development and accords with the development plan, planning permission should be granted without delay. Furthermore, in circumstances where a local planning authority cannot demonstrate a

five-year supply of deliverable housing land — as is currently the case in Mid Sussex — the “tilted balance” set out in paragraph 11(d) of the NPPF is engaged. In such cases, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

In addition, it is a highly material consideration that a previous, virtually identical scheme has already been allowed on appeal. There have been no significant or material changes in circumstances since that decision which would reasonably lead to a different conclusion being reached in this instance. In the absence of such changes, consistency in decision-making is paramount, and substantial weight should be afforded to the previous Inspector’s findings.

The proposed development would deliver eight new dwellings in a highly sustainable location, making effective and efficient use of a currently under-utilised brownfield site. The scheme has been carefully designed to respect and complement the prevailing character of the area while maintaining appropriate relationships with neighbouring properties. In addition, it will introduce an active frontage where none currently exists, thereby enhancing both the visual quality of the site and its contribution to the surrounding streetscape.

The proposals provide suitable access arrangements and on-site parking, without giving rise to harm to on-street parking conditions or local highway safety.

While it is acknowledged that not all units would benefit from private outdoor amenity space, this shortfall is limited in extent and should be considered in the context of the broader planning balance. Government policy strongly supports boosting housing supply, increasing density in sustainable locations, and making the most efficient use of land — all of which this scheme achieves. When weighed against these significant social, economic, and environmental benefits, and in the absence of any

clear or demonstrable harm, the planning balance falls decisively in favour of granting planning permission.

APPENDIX 1 - PHOTOGRAPHS OF THE SITE AND SURROUNDINGS



The application site viewed from Boston Road to the west, looking south-west across the site.



The application site viewed from Boston Road to the east, looking west across the site.



Rear of 34-56 America Lane to the north of the application site
Photo taken from western edge of application site looking north east.



Rear of 34-56 America Lane to the north of the application site
Photo taken from eastern edge of application site looking north west.



Looking north west,
from Boston Road
towards eastern
end of site.



Taken from south
east corner of
Boston Road
looking north west
towards site behind
13 & 15 Boston
Road.



Looking north
between 11 and 13
Boston Road.



Looking south east
from corner of
America Lane and
Boston Road.



50-56 Boston
Road.



26-30 Boston
Road.



Looking south east
towards 34-56
America Lane.



Looking west along
America Lane



Looking south west
from America Lane
towards Boston
Court on the corner
of Boston Road
and America Lane.



Looking east along
America Lane -
Boston Court on
the right.



Examples of house
types along
America Lane in
vicinity of
application site.



Examples of house
types along
America Lane in
vicinity of
application site.



Examples of house types along America Lane in vicinity of application site.



Examples of house types along America Lane in vicinity of application site.



McColl's convenient store to north east of application site on America Lane.



Fenway House - block of 13 flats to south east of Hanbury Football Stadium to south east of Boston Road.



Hanbury Football Stadium to south east of Boston Road.



Barn Cottage Recreation Ground to north east of application site, north side of America Lane.