

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0139	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Change of use of the existing building from Administrative Offices (Class E(g)(i) to Massage Therapy Rooms (Class E(e). Development of a front access ramp		
Site:	Incorpore Ltd, 14 Mill Road, Burgess Hill, West Sussex, RH15 8DR, , ,		
Validation Date	6 Feb 2025	Overall Expiry Date:	5 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Mar 2025
Target Date:	3 Apr 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	26 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0139

**Incorpore Ltd, 14 Mill Road, Burgess Hill, West Sussex, RH15 8DR, ,
Change of use of the existing building from Administrative Offices (Class E(g)(i) to Massage
Therapy Rooms (Class E(e). Development of a front access ramp
Mr James Shillaker**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

Street Naming and Numbering:

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: Recommend approval.

INTRODUCTION

The application seeks planning permission for the change of use of the existing premises from Administrative Offices (Class E(G)(i) to Massage Therapy Rooms (Class E (e). The proposal would also include the construction of a front access ramp.

RELEVANT PLANNING HISTORY

BH/211/77 - 30'0" x 20'0" storage building for cattle feed samples. Refusal 28.02.1978.

BH/110/78 - The construction of a steel framed garage building covered asbestos sheeting on concrete base and foundation, providing for garaging purposes but in addition for storage of test samples of cattle feed and seed corn for testing purposes associated with the existing office building. Permission 15.08.1978.

BH/277/79 - Construction of single storey back addition as an additional office with storage under. Permission 02.01.1980.

BH/179/81 - Renewal of temporary permission for the construction of a steel framed garage building. Permission 18.08.1981.

BH/218/82 - The positioning of an Xtra space cabin as an office attached and linked with the main building. Permission 21.12.1982.

BH/074/85 - Provision of additional office space at first floor level and replacement of existing temporary office space at ground floor level with permanent accommodation. Permission 07.06.1985.

BH/320/88 - Two-storey office building with basement parking, after removal of existing store. Refusal 09.12.1988.

BH/118/90 - Proposed two storey office building with basement parking after removal of existing store.
Refusal 29.06.1990.

BH/234/90 - Proposed two storey office building with basement parking after removal of existing store.
Refusal 26.10.1990.

BH/271/91 - Proposed two storey self-contained office building with parking. Refusal 31.01.1992.

BH/119/91 - Proposed two storey office building with basement parking after removal of existing store.
Refusal 19.07.1991.

SITE AND SURROUNDINGS

The application relates to 14 Mill Road, a detached two storey building with a hipped roof. The building is positioned to the western side of the road and is set back from the highway edge by a front tarmacked off road parking area. Access to the rear of the site is provided to the north and a detached storage outbuilding is positioned within the rear courtyard. The existing building has been extended to the rear through a two storey extension which also utilises a hipped roof design. The existing building is composed of brickwork exterior walls, tile hanging at first floor level, a tiled roof and clay single hole cresting to the ridge. The building subject to the current application is considered to be a non-designated heritage asset.

With regard to policy constraints, the site is located within the built-up area for Burgess Hill and has a tree preservation order to the rear of the site.

APPLICATION DETAILS

The development proposal would change the use of the existing premises from Administrative Offices (Class E(G)(i)) to Massage Therapy Rooms (Class E (E)).

Furthermore, a front access ramp would be installed which would lead up towards the existing front door. The proposed ramp would measure at approximately 1.5m in length, 5.7m wide and 0.3m high.

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 Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP1: Sustainable Economic Development

DP26: Character and Design

DP28: Accessibility

DP34: Listed Building and Other Heritage Assets

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)

There are no relevant policies.

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

DPH12 - Accessibility

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

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, 131, 135, 139, 207, 208, 209, 210, 212-215, 216, 219 & 220.

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;

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

Principle

The principle of converting an existing building within Use Class E into another subclass within Class E is considered to be acceptable and in accordance with what would be considered permitted development. Additionally, the conversion of an existing building to be used in connection with

employment is generally considered to be acceptable and in accordance with the provisions of DP1 of the Mid Sussex District Plan.

Impact on Character and Design, Including Heritage Assets

Policy DP34 of the District Plan states among other matters that:

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance. 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"*

Paragraph 216 of the NPPF notes:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The National Design Guide (2021) states in Paragraph 44 that:

"to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character." It adds that

"well-designed places and buildings are influenced positively by:

- o The history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- o The significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- o The local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of facades, characteristic materials and details"* (Paragraph 46).

Principle DG49 of the Mid Sussex Design Guide states:

'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating

with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise, it should demonstrate the appropriateness of the alternative approach.'

The proposed ramp is considered to be of a limited size and would be limited to a low level. It is therefore considered that views from the streetside would not be significantly altered from the existing arrangement when looking towards the buildings principal elevation. It is considered that the proposed ramp would be read in conjunction with the buildings new function and would not appear overly incongruous within this context.

With regards to the change of use, these alterations would be internal and would therefore not lead to substantial alterations to the buildings exterior.

In view of the above, the proposal is considered to comply with Policies DP26 and DP34 of the District Plan and would preserve the character and appearance of the non-designated heritage asset.

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 proposed access ramp would be set at a moderate height and would offer a greater degree of outlook towards the neighbouring sites, albeit at a marginal increase. It is considered that the low height of the ramp would not give rise to substantial views from this area and would not give rise to an unacceptable overlooking impact.

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

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 DP1, DP26, DP28 and DP34 of the Mid Sussex District Plan the Burgess Hill Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas

