

Borde Hill Garden Charity
c/o Gareth Giles FRTPI
Whaleback Planning & Design
91 Boundary Road
Hove
BN3 7GA

CONTACT: Joanne Fisher
PHONE: 01444 477330
E-MAIL: joanne.fisher@midsussex.gov.uk
REF: DM/25/3104
DATE: 9th April 2026

Dear Sir/Madam

Borde Hill Garden Borde Hill Lane Haywards Heath West Sussex
Variation of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 18 relating to
planning application DM/24/0433

I advise that your application DM/25/3104 was **Granted Permission** on **9th April 2026**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/25/3104

DESCRIPTION: VARIATION OF PLANNING CONDITIONS 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 AND 18 RELATING TO PLANNING APPLICATION DM/24/0433

LOCATION: BORDE HILL GARDEN, BORDE HILL LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 9 APR 2026

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

Conditions

1. The development hereby permitted shall be begun before the 6th December 2027.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development for either South Park or Sugworth Farm shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that part of the site. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and routing of vehicles during construction,
 - o the parking of vehicles by site operatives and visitors,
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the erection and maintenance of security hoarding,
 - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

4. No development shall be carried out in respect of South Park unless and until the details of a scheme of mitigation measures to improve air quality relating to the entire development has been submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development at South Park is brought into operation and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy SA38 of the Mid Sussex Site Allocations Development Plan Document 2022.

5. The development for either the South Park or Sugworth Farm hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority for that part of the site. The buildings shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

6. No works in connection with the development to South Park hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the watercourse and lake as well as adjacent trees shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

- 7. No development shall be carried out for either the South Park or Sugworth Farm unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of all the proposed buildings including any associated decking areas have been submitted to and approved by the Local Planning Authority for that part of the site. The works shall be carried out in accordance with the approved details.

Reason: In order to protect the special character of the Registered Park and Garden and to protect and enhance the appearance and character of the Area of Outstanding Natural Beauty and to accord with Policies DP16 and DP36 of the Mid Sussex District Plan 2014 - 2031.

- 8. No development shall be carried out for either the South Park or Sugworth Farm unless and until full details of a hard and soft landscaping scheme including a materials schedule for hard surfacing and parking areas and any fencing including as appropriate elevations of any new or altered detailed boundary treatments, fencing or other means of enclosure shall be submitted to and approved by the Local Planning Authority for that part of the site. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. The works shall be carried out prior to the use of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Any trees or plants which, within a period of five years from the completion of development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

- 9. None.
- 10. No part of the development shall be first occupied until a site wide Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

11. No part of the South Park development shall be first occupied until secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

12. Works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement dated 30th October 2025.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policies DP37 and DP38 of the Mid Sussex District Plan 2014 - 2013.

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Botanical Walkover File Note - Ecological Walkover Addendum (Arbtech Ltd, August 2025), Biodiversity Enhancement Layout (Submitted 14th August 2024), Ecological Impact Assessment Issue 5 (Arbtech Consulting Ltd., January 2024) and Construction Ecological Management Plan and Ecological Enhancement and Management Plan (Arbtech Consulting Ltd., January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination'.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

14. Prior to the first use of any part of the development for either the South Park or Sugworth Farm, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Botanical Walkover File Note - Ecological Walkover Addendum (Arbtech Ltd, August 2025), Biodiversity Enhancement Layout (Submitted 14th August 2024) and Construction Ecological Management Plan and Ecological Enhancement and Management Plan (Arbtech Consulting Ltd., January 2023), shall be submitted to and approved in writing by the Local Planning Authority for that part of the site.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

15. Prior to the installation of any information or directional signage details including appropriate elevations of the information and land directional signage including details of their locations within the site, their appearance and materials shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

16. Notwithstanding the details set out in section 4 of the Design and Access Statement concerning the general lighting strategy, prior to the installation of the bollard lighting route between the northern kiosk and eco lodge, details of the timber bollard lighting in respect of the number, appearance, materials and lighting details including lux levels and controls to ensure that these are not in operation once the site is closed to the public shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

Post occupation / management

17. Notwithstanding the bollard lighting set out in the Design and Access Statement, no further external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

18. The buildings and land subject of this planning application at Sugworth Farm shall not be used except during the following hours of 9am to 5pm from 1st March - 31st October and 9am - 3pm from 1st November until the final day of February every year seven days per week.

The buildings and land subject of this planning application at South Park shall not be used except during the following hours of 7am to 8pm all year round.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. In order to ensure approval, we strongly recommend that the scheme of mitigation measures to improve air quality required by condition 4 is agreed in advance with the Council's Air Quality Officer.
4. **A legal agreement is required to be submitted with an application for the discharge of the Biodiversity Gain Plan condition to secure the monitoring fee for its management. The biodiversity gain plan condition will not be discharged until the monitoring fees have been secured within a completed legal agreement.**
5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	BHG-L001		03.12.2025
Site Plan	BHG-L100		03.12.2025
Landscaping	BHG-L101		03.12.2025
Landscaping	BHG-L102		03.12.2025
Landscaping	BHG-L103		03.12.2025
Landscaping	BHG-L104		03.12.2025
Landscaping	BHG-L105		03.12.2025
Landscaping	BHG-L106		03.12.2025
Landscaping	BHG-L107		03.12.2025

Proposed Floor Plans	ERA-402-22402-A-210-GA-PL	P09	03.12.2025
Proposed Roof Plan	ERA-402-22402-A-220-GA-PL	P06	03.12.2025
Proposed Floor and Elevations Plan	ERA-402-22402-A-271-GA-PL	P01	03.12.2025
Proposed Elevations	ERA-402-22402-A-300-GA-PL	P06	03.12.2025
Proposed Elevations	ERA-402-22402-A-310-GA-PL	P06	03.12.2025
Proposed Elevations	ERA-402-22402-A-320-GA-PL	P06	03.12.2025
Proposed Elevations	ERA-402-22402-A-330-GA-PL	P06	03.12.2025
Proposed Sections	ERA-402-22402-A-400-GA-PL	P04	03.12.2025
Proposed Sections	ERA-402-22402-A-410-GA-PL	P04	03.12.2025
Proposed Sections	ERA-402-22402-A-420-GA-PL	P04	03.12.2025
Proposed Sections	ERA-402-22402-L-400-GA-PL	P02	03.12.2025
Proposed Sections	ERA-402-22402-L-401-GA-PL	P01	03.12.2025
Proposed Sections	ERA-402-22402-L-402-GA-PL	1	03.12.2025
Landscaping	A1825-L-DR-1001	PL5	28.05.2024
Landscaping	A1825-L-DR-1002	PL3	28.05.2024
Landscaping	A1825-L-DR-1006	PL3	28.05.2024
Proposed Site Plan	22402-A-200-GA-PL	P03	02.12.2024
Proposed Floor and Elevations Plan	22402-A-270-GA-PL	P01	16.02.2024
Existing Site Plan	22402-A-200-EX-PL	P02	16.02.2024
Proposed Floor and Elevations Plan	2304SG_R0_100	00	21.02.2024
Proposed Sections	22402-L-410-GA	P04	02.12.2024



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

PECNDZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (8 weeks in the case of advertisements, 12 weeks in the case of householder or minor commercial development) of the date of this notice *(see exceptions below)

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.uk.

- * If this decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- * If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.*

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the replaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.