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REF: DM/25/2194  
DATE: 9th October 2025

Dear Sir/Madam

**Hatchgate Cottage Hatchgate Lane Cuckfield Haywards Heath**  
**Variation of condition nos 2 and 3 of planning application DM/23/3021 - to amend the details of Conditions 2 and 3 in order to facilitate a change to the specification and colour of external cladding materials on the dwelling designs approved for Plots 1 and 5.**

I advise that your application DM/25/2194 was **Granted Permission** on **9th October 2025**.

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



Ann Biggs  
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/25/2194

**DESCRIPTION:** VARIATION OF CONDITION NOS 2 AND 3 OF PLANNING APPLICATION DM/23/3021 - TO AMEND THE DETAILS OF CONDITIONS 2 AND 3 IN ORDER TO FACILITATE A CHANGE TO THE SPECIFICATION AND COLOUR OF EXTERNAL CLADDING MATERIALS ON THE DWELLING DESIGNS APPROVED FOR PLOTS 1 AND 5.

**LOCATION:** HATCHGATE COTTAGE, HATCHGATE LANE, CUCKFIELD, HAYWARDS HEATH

**DECISION DATE:** 9 OCT 2025

**CASE OFFICER:** KATHERINE WILLIAMS -  
KATHERINE.WILLIAMS@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 31st July 2027.  
Reason: To comply with Section 73 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 external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding hard and soft landscaping.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

5. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the Construction Management Plan.

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.

6. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the location of the fire hydrant.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

7. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the foul and surface water drainage and means of disposal.

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

8. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the non-licensed Precautionary Method Statement for bats.

Reason: To conserve 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).

9. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the Natural England license.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

10. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding vehicular parking spaces.

Reason: To provide adequate on-site car parking space for the development and in accordance and with DP21 of the Mid Sussex District Plan.

11. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding covered and secure cycle parking space.

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

12. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding ecological ecological mitigation and enhancement measures.

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).

13. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the biodiversity enhancement layout.

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).

14. The works shall be carried out in accordance with the details approved in application ref: DM/25/1021 regarding the lighting scheme.

Reason: To 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).

15. The works shall be carried out in accordance with the protection measures set out within the Tree Report submitted 24th November 2023.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031

16. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional

works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwellinghouse, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policies DP26 of the Mid Sussex District Plan 2014 - 2031.

### **Biodiversity Net Gain**

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

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

### **Informatives**

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. 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.

3. 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.

4. With regards to the Public Right of Way:

At no stage can the Public Bridleway adjacent to the site be blocked or restricted as part of this development. If the applicant is unclear of the legal width of the bridleway further advice on this can be sought by contacting WSCC's PRoW team on [prow@westsussex.gov.uk](mailto:prow@westsussex.gov.uk);

\* Any vehicular access along the public bridleway must be by way of private right. Without said private right any vehicular access along the public bridleway would be considered a criminal offence;

- It is an offence to disturb the surface of the public bridleway without prior consent from WSCC's PRoW team. If the surface is disturbed with consent then it must be reinstated to the same or better standard than prior to disturbance;
- It would be an offence to directly outflow any drainage from the proposed development site onto the public bridleway. Any drainage proposal that may impact the public bridleway will require consent from WSCC's PRoW team prior to works taking place;
- The proposed development will inevitably increase traffic along the public bridleway. This could potentially create conflict between public and private users therefore a commitment to install signage warning both vehicular users and lawful public users of the potential conflict. Any such signage should also warn vehicular users that they must give way to lawful path users and these will be the responsibility of the landowner to install and maintain;
- Finally if at any stage during the development the lawful public users of the route are at risk due to the works then it will be the applicants responsibility to take action to safeguard public users. If this cannot be achieved in the short term then the applicant can apply for a temporary path closure by contacting WSCC's PRoW team (there is a cost involved in this process).

5. If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

- o Stop all works immediately and leave the area
- o Inform an ecologist immediately who will provide further guidance / instructions
- o Do not try to handle or rescue a great crested newt
- o Do not resume construction works until advised it is safe to do so by an ecologist

### **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 |
|------------------------------------|---------------|---------|----------------|
| Proposed Site Plan                 | P01-R6        |         | 24.11.2023     |
| Existing Sections                  | P16-R1        |         | 24.11.2023     |
| Location Plan                      | P100-R1       |         | 24.11.2023     |
| Existing Site Plan                 | P101-R1       |         | 24.11.2023     |
| Existing Floor and Elevations Plan | P102-R1       |         | 24.11.2023     |
| Proposed Floor and Elevations Plan | P102-R5       |         | 24.11.2023     |
| Proposed Floor and Elevations Plan | P102-R1       |         | 24.11.2023     |
| Proposed Floor and Elevations Plan | P015-R1 PA045 |         | 24.11.2023     |
| Street Scene                       | 2724/VC/1     |         | 01.09.2025     |
| Proposed Floor and Elevations Plan | 2724/VC/2     |         | 01.09.2025     |



Ann Biggs  
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 of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and 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; or
- (ii) an enforcement notice is subsequently 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.

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 planning 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

### **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

The planning permission was granted on an application made under Section 73 of the Town and Country Planning Act 1990 and

- (i) The original planning permission to which the Section 73 planning permission relates\* was granted before 12th February 2024, or
- (ii) The application for the original planning permission\* to which the Section 73 planning permission relates was made before 12th February 2024.

\* "original planning permission means the permission to which the Section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are Section 73 planning permissions.

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.