

Mr And Mrs R Ohlson
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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

APPLICATION FOR DISCHARGE OF PLANNING CONDITION

REFERENCE: DM/25/0943

DESCRIPTION: DISCHARGE OF PLANNING CONDITIONS NOS 3, 4, 5, 6, 9, 10, 14 AND 17 TO DM/24/3126.

LOCATION: TOWNHOUSE FARM COTTAGES, CHURCH LANE, ARDINGLY, WEST SUSSEX

DECISION DATE: 21 MAY 2025

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

I refer to your application for approval of details reserved by condition received 4th April 2025.

The Authority has considered your application, and I can confirm the following:-

Conditions:

9. The details submitted in the Planning Statement dated March 2025 in relation to the post and rail fencing and timber 5 bar gate is considered acceptable. I hereby discharge condition 9 attached to planning reference DM/24/3126.
17. The details in respect of the cycle parking shown in drawing PL116 Rev A is considered acceptable. I hereby discharge condition 17 attached to permission reference DM/24/3126.

Unfortunately I am unable to formally discharge the following condition(s) for the reason(s) below:

3. I am awaiting the comments of the Council's Drainage Engineers in respect of the details submitted for condition 3. Once I have received these I will be in contact with you further.
4. I am awaiting the comments of the Council's Drainage Engineers in respect of the details submitted for condition 4. Once I have received these I will be in contact with you further.
14. The Council's Contaminated Land Officer has considered the submitted information and has provided the following comments:

'The report submitted by the applicant indicates that a kerosene heating oil spill occurred at No.1 and No.2 Townhouse Cottages, Ardingly, in 2021. Remediation efforts were completed in 2024, and validation samples from the remaining soils show contamination levels below laboratory detection limits.

Given the presence of a basement in the proposed development, the report recommends installing a hydrocarbon and gas protection membrane within the development. This measure is appropriate and aligns with best practices, providing an additional layer of protection against potential residual contamination and ground gases.

The applicant should submit a detailed plan for the installation of the hydrocarbon and gas protection membrane, including specifications and installation guidelines, as well as proposed verification. Upon completion of these steps, the applicant should submit a final report to the Local Planning Authority (LPA), including the details of the installed protection membrane, with photos of it installed and sign-off sheets.

Based on the information provided, the remediation efforts appear to be thorough, and the proposed additional protection measures are appropriate. As such, condition 14 can be discharged upon receipt and approval of the final verification documentation for the gas protection membrane by the LPA.'

Whilst a pre-verification report has also been submitted this condition cannot be fully discharged until the works are complete and a final verification report has been submitted for full consideration.

In light of the above, further information is required to be submitted as set out above and I am currently **unable** to discharge condition 14 attached to planning reference DM/24/3126.

I would appreciate your attention to the above matter, please submit the outstanding requirements as soon as possible, in order that this matter can be given further consideration.

A handwritten signature in black ink, appearing to read 'ABiggs'.

Ann Biggs
Assistant Director Planning and Sustainable Economy

SPDCOZ

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 for the Environment under Section 78 of the Town and Country Planning Act 1990.

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 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so using a form which you can get from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.