

Mr Grant And Mrs Delphine Horsfield
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Brewery Lane
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CONTACT: Anna Tidey
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REF: DM/25/2990
DATE: 15th January 2026

Dear Sir/Madam

Lydhurst Estate The Street Warninglid West Sussex
Variation of condition no 2 relating to planning application DM/25/1446 - to allow for design changes.

I advise that your application DM/25/2990 was **Granted Permission** on **15th January 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



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/25/2990

DESCRIPTION: VARIATION OF CONDITION NO 2 RELATING TO PLANNING APPLICATION DM/25/1446 - TO ALLOW FOR DESIGN CHANGES.

LOCATION: LYDHURST ESTATE, THE STREET, WARNINGLID, WEST SUSSEX

DECISION DATE: 15 JAN 2026

CASE OFFICER: ANNA TIDEY - ANNA.TIDEY@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 2nd October 2028.
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. Prior to the commencement of any works above slab level, a materials schedule to include all roofing and facing materials, window, door and eaves details, to include metal rainwater and other external pipework, and the proposed hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall then be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031.

4. Prior to the commencement of any works above slab level 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. The building 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 Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

5. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan, with electric vehicle charging provision. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with the aims of Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be 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 the aims of Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of the development, excluding the demolition works, plans and details shall be submitted to and approved in writing by the Local Planning Authority to show the site set up during construction. This shall include details of the intended access arrangements for all contractors vehicles, for the intended location on the site for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the method (including proposed times) for loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

8. Prior to the commencement of the development, excluding the demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: Hours of construction working; measures to control noise affecting nearby residents; dust control measures and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan (2014 - 2031).

9. The house on the site, known as Lydhurst, The Street, Warninglid, Haywards Heath, West Sussex, RH17 5SJ shall be demolished and all the debris removed from the site on occupation or substantial completion of the new house to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing.

Reason: In order to control the development in detail and to accord with the aims of Policies DP12 and DP15 of the Mid Sussex District Plan 2014 - 2031.

10. The development shall be carried out to accord with the submitted Tree Planning Report, dated May 2025, and received on 04.06.2025, by David Archer Associates unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention and protection of trees on the site and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

11. The retained trees and hedgerows shall be protected in accordance with the details in the submitted Tree Protection Plan in the Tree Planning Report for the duration of the development and the trees and hedgerows shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

12. Prior to the commencement of any works above slab level a scheme of hard and soft landscaping and boundary treatment for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall be submitted to and approved, in writing, by the Local Planning Authority to comply with the recommendations set out in the British

Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction.

The soft landscaping plan should include plant species, number, density, location and sizes of the proposed planting. The planting specification should provide details of tree planting pits, green roofs, planting preparation and establishment operations with perimeter protective fencing, where appropriate, or guards manufactured from 100% biodegradable materials.

The hard landscaping plan should include details of specific materials, colours and finishes of paved or otherwise hard surfaces, built features and street furniture. The plans should clearly show the position of any new fencing and hard surfaces in relation to existing and proposed planting.

The approved hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of the new dwelling.

Reason: In the interests of visual amenity and the character and appearance of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Phlorum, June 2025), the Ecological Impact Assessment (Phlorum, June 2025) and the Bat Emergence Activity Survey (Phlorum, June 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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. The development hereby permitted shall only be implemented in accordance with the Bat Licence details approved under condition discharge application DM/25/2773.

Reason: To enhance protected, priority and threatened species and allow the Local Planning Authority to discharge its duties under paragraph 187d of NPPF 2004 and s40 of the NERC Act 2006 (as amended).

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. 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. 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.
3. There is a low risk that great crested newts (GCN) may be present at the application site. Mid Sussex District Council considers it to be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies in the red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitable qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- Any building materials such as bricks, stone etc, should be stored on pallets to discourage GCN from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

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	215PA001		20.11.2025
Existing Block Plan	215PA002		20.11.2025
Proposed Site Plan	215PA002B	REV A	20.11.2025
Proposed Block Plan	215PA003	REV A	20.11.2025
Proposed Site Plan	215PA100	REV A	20.11.2025
Proposed Floor Plans	215PA101	Lower Floor REV A	20.11.2025
Proposed Floor Plans	215PA102	Upper Floor Plan REV A	20.11.2025
Proposed Roof Plan	215PA103	REV A	20.11.2025
Proposed Sections	215PA104	AA-BB REV A	20.11.2025
Proposed Sections	215PA105	CC-DD REV A	20.11.2025
Proposed Sections	215PA106	EE -FF REV A	20.11.2025
Proposed Sections	215PA107	GG -HH REV A	20.11.2025
Proposed Sections	215PA108	JJ REV A	20.11.2025
Proposed Elevations	215PA120	N and S REV A	20.11.2025
Proposed Elevations	215PA121	E and W REV A	20.11.2025
Proposed Elevations	215PA200	StudySouth Facade REV A	20.11.2025
Proposed Elevations	215PA201	StudyNorth Facade REV A	20.11.2025
Proposed Elevations	215PA202	StudySouth Facade2 REV A	20.11.2025
Illustration	215PA300	Aerial Sketch NE REV A	20.11.2025
Illustration	215PA301	South REV A	20.11.2025
Illustration	215PA302	West REV A	20.11.2025
Illustration	215PA303	North REV A	20.11.2025
Planning Statement			20.11.2025
Other	Cover Letter	MA+D Ltd	21.11.2025

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

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 (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

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.