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REF: DM/25/1666  
DATE: 12th September 2025

Dear Sir/Madam

**Ashwyn Business Centre Marchants Way Burgess Hill West Sussex**  
**Removal of condition No 8 relating to Planning Application BH/205/84 to allow for multiple occupation of units.**

I advise that your application DM/25/1666 was **Granted Permission** on **12th September 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/25/1666

**DESCRIPTION:** REMOVAL OF CONDITION NO 8 RELATING TO PLANNING APPLICATION BH/205/84 TO ALLOW FOR MULTIPLE OCCUPATION OF UNITS.

**LOCATION:** ASHWYN BUSINESS CENTRE, MARCHANTS WAY, BURGESS HILL, WEST SUSSEX

**DECISION DATE:** 12 SEP 2025

**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 parking spaces and turning facilities shown on the submitted plans shall be provided to the satisfaction of the Local Planning Authority before the buildings are first occupied. The areas of land so provided shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory Provision is made for the accommodation of vehicles clear of the highways and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

2. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

3. The burning of materials obtained by sight clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree all group of trees to be retained on the site or on land adjoining.

Reason: In the interest off the environment of the development and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

4. This permission relates to the amended plans submitted on the 29th November 1984 and not to the plans originally submitted.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

5. The screen fence is shown only approved drawings shall be erected before the building is first occupied and shall thereafter be maintained to the satisfaction of the local planning authority.

Reason: In the interests of amenity and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

6. Noise from operations conducted on the premises shall not exceed 44 DBA CNL, as measured at the boundaries of the application site between the hours of 7:00 am and 7:00 pm on Mondays to Fridays and 8:30am and 7:00 pm on Saturdays and 40 DBA CNL at any other time.

Reason: In the interests of residential amenity and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

7. The premises shall not be used other than for light industrial purposes falling within Class E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Unless written consent is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard local amenities and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

8. The premises shall not be occupied except between the hours of 7:00 am and 7:00 pm Mondays to Fridays and 8:30 am and 7:00 pm Saturdays and shall not be occupied on Sundays or public holidays.

Reason: In the interests of residential amenity and to comply with policy DP29 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. 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:

| <b>Plan Type</b> | <b>Reference</b> | <b>Version</b> | <b>Submitted Date</b> |
|------------------|------------------|----------------|-----------------------|
| Other            |                  |                | 27.06.2025            |
| Other            |                  |                | 27.06.2025            |



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.

As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** 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.