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TF11 9AA

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

## **REFUSAL**

**REFERENCE:** DM/25/0289

**DESCRIPTION:** AMENDED DESCRIPTION - VARIATION OF CONDITION 1  
RELATING TO PLANNING APPLICATION DM/23/0201 (AS  
AMENDED BY S.96A APPROVAL DM/25/0991) - TO AMEND THE  
APPROVED PLANS.

**LOCATION:** 5 SILVERDALE ROAD, BURGESS HILL, WEST SUSSEX, RH15  
0ED

**DECISION DATE:** 20 JUN 2025

The Council hereby notify you that they **REFUSE** to permit the above development as shown in the submitted application and plans.

The reasons for the Council's decision are:-

1. By virtue of its height and scale, the development is considered to be overbearing and cause significant harm to the amenities of numbers 7 and 9 Silverdale Road and to causes harm to the openness and appearance and character of the Silverdale Road / Birchwood Grove Road Conservation Area such as to be contrary to policies DP26 and DP35 of the Mid Sussex District Plan, policy H1 of the Burgess Hill Neighbourhood Plan and the contents of the NPPF.

## **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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
2. You are advised that the development subject to this application has already commenced and is therefore considered unauthorised and causes harm to amenity. Enforcement action to remedy the breach of planning control is therefore likely to commence.

### **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> |
|----------------------|------------------|----------------|-----------------------|
| Proposed Elevations  | 2210283          | E              | 05.02.2025            |
| Proposed Elevations  | 2210283          | E              | 05.02.2025            |
| Proposed Floor Plans | 2210283          | E              | 05.02.2025            |
| Sections             | 2210283          | E              | 05.02.2025            |
| Landscaping          | 2210283          | E              | 05.02.2025            |
| Landscaping          | 2210283          | E              | 05.02.2025            |
| Proposed Visual      | 2210283          | E              | 30.05.2025            |



Ann Biggs  
Assistant Director Planning and Sustainable Economy

RECNDZ

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

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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](http://www.gov.uk).