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CONTACT: Joanne Fisher  
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REF: DM/25/0292  
DATE: 4th April 2025

Dear Sir/Madam

**Land To The North Of Lyndon Reeds Lane Sayers Common West Sussex  
Full planning application for the retention of and further works for the erection of two  
residential dwellings (Use Class C3) with supporting infrastructure including access,  
parking and landscaping.**

I advise that your application DM/25/0292 was **Granted Permission** on **4th April 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/25/0292**

**DESCRIPTION: FULL PLANNING APPLICATION FOR THE RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF TWO RESIDENTIAL DWELLINGS (USE CLASS C3) WITH SUPPORTING INFRASTRUCTURE INCLUDING ACCESS, PARKING AND LANDSCAPING.**

**LOCATION: LAND TO THE NORTH OF LYNDON, REEDS LANE, SAYERS COMMON, WEST SUSSEX**

**DECISION DATE: 4 APR 2025**

**CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@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. **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.

2. No external materials shall be used other than those specified on the approved drawings 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 2014 - 2031.

3. The development shall be carried out in accordance with the landscaping scheme detailed in drwg DD556L07. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. No building shall be occupied until all the foul and surface water drainage works have been carried out in accordance with the listed approved details. Maintenance and management during the lifetime of the development should be in accordance with the approved details and maintenance set out within the Foul and Surface Water Maintenance and Management Plan.

Approved details:

- Foul Water Drainage Strategy: Charles & Associates, Drawing No: 23-130-011 Rev D, Feb 24
- Surface Water Drainage: Charles & Associates, Drawing No: 23-130-010 Rev F, Feb 24
- Foul and Surface Water Maintenance and Management Plan: Charles & Associates, 23-130-RPT-001 Rev - March 2024

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

5. The development shall be carried out in accordance with the details set out in the submitted Sustainability Statement (dated February 2022) and the Standard Assessment Procedure Calculations (dated July 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To achieve a high quality and sustainable development and to accord with Policies DP26 and DP39 of the Mid Sussex District Plan 2014 - 2031.

6. Prior to the occupation of each plot vehicle parking and turning spaces shall be constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the occupation of each plot covered and secure cycle parking shall be provided in accordance with plans and details 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 Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

8. The window serving the bathroom (as shown on drawings C9\_25\_02\_PL\_110 and C9\_25\_02\_PL\_111) on the northern elevation at first floor level shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining properties and to accord with Policy DP26 of the District Plan 2014 - 2031

9. The obligations under the planning obligation by way of Agreement dated 15th December 2022 pursuant to the previous application DM/22/0640 and any subsequent deed approved will be equally applied to and satisfy the requirements necessitated under this application DM/25/0292.

Reason: To ensure appropriate infrastructure provision is secured to mitigate the impacts of the development and to accord with policy DP20 of the Mid Sussex District Plan.

### **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. 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.
3. A deed of variation to the legal agreement under DM/22/0640 may need to be submitted to remove reference to the self and custom build plots to plots 10 and 11 within the development.
4. 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>
Drainage Details	23-130-RPT-001		05.02.2025
Location and Block Plan	C9_25_02_PL_1 00_A		12.02.2025
Proposed Floor and Elevations Plan	C9_25_02_PL_1 10		05.02.2025
Proposed Floor and Elevations Plan	C9_25_02_PL_1 11		05.02.2025
Landscaping Details	DD556L07		05.02.2025
Drainage Details	23-130-026	-	05.02.2025
Drainage Details	23-130-011	D	05.02.2025
Drainage Details	23-130-010	F	05.02.2025



Ann Biggs  
Assistant Director Planning and Sustainable Economy

PEFULZ

## 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

Development below the de-minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under Section 41 of the Natural Environment and Rural Communities Act 2006), and
- (ii) impacts less than 25sq m of onsite habitat that has biodiversity value greater than zero and less than 5m in length of onsite linear habitat (as defined in the statutory metric).

#### 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 irreplaceable 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.