

Dr John Silberbauer
Mr Phillip Taylor
Planning Edge
Crossways
Horsham Road
Dorking
RH4 2HY

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 96A)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFERENCE: DM/25/0994

DESCRIPTION: NON-MATERIAL AMENDMENT RELATING TO DM/20/0965 TO AMEND THE WORDING OF CONDITION 5 TO ALLOW LAWFUL COMMENCEMENT WORKS PRIOR TO PROVIDING RESULTS OF THE DUSK EMERGENCE BAT SURVEY THAT RELATE TO THE DETACHED OUTBUILDING.

LOCATION: BRAYDELLS, HURSTWOOD LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 25 APR 2025

CASE OFFICER: STUART MALCOLM - STUART.MALCOLM@MIDSUSSEX.GOV.UK

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **APPROVE** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 11 April 2025 for the following reason(s):

1. The applicant is proposing to amend condition 5 of planning permission DM/20/0965. The original wording of condition 5 of this consent reads:

"5. The development shall proceed in accordance with the recommendations and enhancement measures identified within the Preliminary Ecological Appraisal (Ecology Partnership December 2020), including the Dusk Emergence Survey (to be submitted to and approved in writing by the local planning authority prior to commencement of development) and any subsequently required mitigation measures shall be incorporated into the development.

Reason: In the interests of biodiversity and to accord with Policy DP38 of the District Plan and the NPPF."

The applicant's justification for the proposed amendment to this condition includes the following:

"This application seeks to amend the wording of condition 5, to allow for other commencement works to take place prior to the bat emergence survey information - which pertains to a detached outbuilding - being discharged.

In terms of the phasing of works, it is not intended to demolish the detached outbuilding until after other works are commenced relating to the diversion of the drainage ditch. The demolition of the outbuilding will eventually be required to enable construction of the new house, but that phase of works is not planned until next year [circa mid 202y, or early 2027]. The intention is to discharge the other required pre-commencement conditions and to make a material start on implement the planning permission.

Amending the condition wording will have no bearing on compliance with the recommendations and enhancement measures of the Preliminary Ecological Appraisal, which will ensure that development is undertaken and completed properly.

The driver for this NMA application is the timing of the required bat emergence surveys which now cannot be undertaken until the start of the 2025 survey season [circa 1st May to 31st August] which would not leave sufficient time to guarantee discharge of the survey information before the expiration of the planning permission on 13th June 2025.

If the revised wording is accepted, the intended commencement of other works - namely to the drainage ditch diversion - would not materially impact on the integrity of the detached outbuilding and thus would not impact on the any bats - should they be present.

As such, the variation to the wording of condition 5 would allow for other commencement works to occur (e.g. to reconfigure the drainage ditch) that would not involve the demolition of the detached outbuilding where there is potential for bats to be detected."

The original delegated report for DM/20/0965 noted that the submitted ecological survey suggested that the dusk emergence survey was a precautionary measure that would need to take place prior to the demolition of the outbuilding in question:

"The applicant has submitted a Preliminary Ecological Appraisal which concludes that protected species are unlikely to be affected but recommends a number of enhancement and mitigation measures within the report. These can be secured via condition. One of the recommendations is that a Dusk Emergence Survey is carried out prior to the outbuilding being removed. Whilst additional ecological survey work would not always be subject of a condition (often secured before an application is determined), it is reasonable to do so in this case given that the report is essentially suggesting this as a cautious approach having already found no evidence of bats using the outbuilding in question."

As such an amendment to the condition in line with the applicant's request is consistent with the ecological information submitted with the planning application.

Overall, this change is so minor that there would be no affect on any other person. Therefore in this instance the revisions detailed in the applicant's submissions

received 11th April 2025 can be considered as a non-material amendment to planning permission DM/20/0965.

Condition 5 of DM/20/0965 should therefore be updated to read as follows:

"5. The development shall proceed in accordance with the recommendations and enhancement measures identified within the Preliminary Ecological Appraisal (Ecology Partnership December 2020), including the Dusk Emergence Survey (to be submitted to and approved in writing by the local planning authority prior to the demolition of the detached outbuilding) and any subsequently required mitigation measures shall be incorporated into the development.

Reason: In the interests of biodiversity and to accord with Policy DP38 of the District Plan and the NPPF."

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.

Please note that the existing planning permission still stands, and that the conditions imposed upon it continue to apply, except that the plans listed below can be substituted for the originally approved plans.



Ann Biggs
Assistant Director Planning and Sustainable Economy

PENONMZ

