

Mr And Mrs Boardman
c/o Katherine Andrews
KLA Architects Ltd
57 Penland Road
Haywards Heath
RH16 1PJ

CONTACT: Catherine Cardin
PHONE: 01444 477340
E-MAIL: Catherine.Cardin@midsussex.gov.uk
REF: DM/26/1716
DATE: 7th October 2026

Dear Sir/Madam

39 Oathall Road Haywards Heath West Sussex RH16 3EG
Upgrade/re-model existing conservatory, ground floor re-configuration, fenestration and roof works with balcony together with associated internal and external alterations.

I advise that your application DM/26/1716 was **Granted Permission** on **7th October 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



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

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

PERMISSION

REFERENCE: DM/26/1716

DESCRIPTION: UPGRADE/RE-MODEL EXISTING CONSERVATORY, GROUND FLOOR RE-CONFIGURATION, FENESTRATION AND ROOF WORKS WITH BALCONY TOGETHER WITH ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS.

LOCATION: 39 OATHALL ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 3EG

DECISION DATE: 7 OCT 2026

CASE OFFICER: CATHERINE CARDIN -
CATHERINE.CARDIN@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 the expiration of 3 years from the date of this permission.

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. The external frames of all new and replacement windows and doors hereby approved shall match the existing windows and doors in terms of material, colour and finish. The windows and doors shall be installed in accordance with the design and glazing-bar details shown on the approved drawings and shall thereafter be retained as such.

Reason: To preserve the character and appearance of the Conservation Area, in the interests of visual amenity, and to accord with Policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031, the Mid Sussex Design Guide and Policy HE9 of the NPPF.

4. New brickwork shall match the existing adjacent brickwork in colour, texture and bonding pattern, and colour, texture and style of pointing.

Reason: To preserve the character and appearance of the Conservation Area, in the interests of visual amenity, and to accord with Policies DP26 and DP35 of the Mid Sussex District Plan 2014-2031, the Mid Sussex Design Guide and Policy HE6 of the NPPF.

5. The use of the roof areas of the extension for purposes as a balcony shall be limited solely to the balcony area hereby approved and identified on Drawing No. 319.PL.02/A. No other part of the roof shall be used for such purposes without the prior written consent of the Local Planning Authority.

Reason: To protect neighbouring residential amenity by preventing additional overlooking, loss of privacy and perceived overlooking from unapproved roof terrace areas and to accord with Policy DP26 of the District Plan and Policy P3 of the NPPF.

6. Prior to the first use of the balcony hereby approved, the privacy screening identified on Drawing 319.PL.03 shall be installed and maintained thereafter.

Reason: To protect neighbouring residential amenity by preventing additional overlooking, loss of privacy and perceived overlooking from unapproved roof terrace areas and to accord with Policy DP26 of the District Plan and Policy P3 of the NPPF.

7. The submitted Tree Protection Plan, submitted on 2nd October 2026, should be adhered to and implemented in full for the duration of the development.

Reason: To ensure that the work is carried out to a satisfactory standard and to accord with Policy DP37 of the Mid Sussex District Plan and Policy N2 of the NPPF.

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 begun** because it is considered that one 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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:

Plan Type	Reference	Version	Submitted Date
Location Plan	319.PL.01/A	rev A	11.09.2026
Block Plan	319.PL.01/A	rev A	11.09.2026
Proposed Floor Plans	319.PL.01/A	rev A	11.09.2026
Proposed Sections	319.PL.02.A	rev A	10.09.2026
Other	319.PL.03		28.08.2026
Existing Elevations	319.EXG.02		14.07.2026
Existing Floor Plans	319.EXG.01		14.07.2026
Existing Roof Plan	319.EXG.02		14.07.2026
Existing Sections	319.EXG.02		14.07.2026
Existing Block Plan	319.EXG.01		14.07.2026
Proposed Elevations	319.PL.02.A	rev A	10.09.2026



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

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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

Development which is subject to a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within a curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application to change the number of dwellings in a building.

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.