

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1868	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Proposed tennis court to rear garden.		
Site:	50 Hurst Road, Hassocks, West Sussex, BN6 9NL, , , ,		
Validation Date	23 Jul 2025	Overall Expiry Date:	18 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Oct 2025
Target Date:	17 Sep 2025	Recommending Officer Signature:	<i>Anna Tidey</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1868

**50 Hurst Road, Hassocks, West Sussex, BN6 9NL, , ,
Proposed tennis court to rear garden.
Wooj Property Ltd**

SUMMARY OF REPRESENTATIONS

One representation received from joint owner, which contains the following points, in summary:

- Harm to Residential Amenity: significant harm to the peaceful, residential character of the area. Noise from ball strikes when the court is in use (potentially from a tennis ball machine) will disturb neighbouring properties and domestic animals.
- Harm to Local Wildlife and Protected Species: disturbance to local wildlife (and potentially protected species) in close proximity to the tennis court.
- Highway Safety and Traffic: Hurst Road already experiences significant traffic congestion, exacerbated during construction projects. The proposed works would have a negative impact on the local highway network, affecting traffic flow and road safety during the construction and operational phases of the development.
- The applicant requires express written consent from the joint owner to undertake any works on the property.

SUMMARY OF CONSULTEES

Flood Risk and Drainage:

Having reviewed the Flood Risk Assessment provided we have no objection on flood risk grounds, subject to the mitigation measures being implemented as stated including, no ground raising and the use of permeable materials only.

Any amendments to the drainage on site can be managed via building regulations and building control as necessary

Tree Officer:

I have reviewed the Arboricultural Impact Assessment (AIA) for this application. I note that some of the trees are being relocated to facilitate this development, but that these are category C and not a constraint to development. Further the two category B trees, which could be a constraint to development will be adequately protected during construction and the proposal is to be constructed outside of the Root Protection Area of these trees. Provided that the measures presented in the Tree Protection Plan (TPP) are adhered to, these trees should remain unharmed. I have no objection to the proposal, but please do condition the AIA and TPP.

Naturespace/Newt Officer:

The applicant has provided a Precautionary Working Methods Statement within their Ecological report (CT Ecology, January 2025), this is deemed suitable for the proposed development and should be secured via condition if you are minded to approve the application.

MSDC Environmental Protection:

I note that there will be no importation of soils to undertake the ground levelling necessary for the construction of the tennis courts. I would recommend that activities for the implementation of the scheme, which is likely to require plant and machinery, is restricted to 0800-1800 Monday to Friday and 0800-1300 on Saturdays, with no work using plant and machinery on Sundays or bank holidays.

I have no objection to this application.

Archaeological Adviser:

It has been confirmed to me that the fieldwork element of an archaeological investigation has been completed, in accordance with an approved Written Scheme of Investigation associated with the previous application (under DM/24/2505).

Accordingly, all that remains is the submission and approval of an appropriate report detailing the results of the archaeological work. A condition is recommended in accordance with the National Planning Policy Framework, paragraph 218 and Mid Sussex District Plan Policy D34 to require the applicant to submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Further comments: Given the submitted report I am happy to recommend that no archaeological condition is now required on the new application (DM/25/1868), and that Condition 7(ii) can be discharged on the previous application (DM/24/2505).

Ecologist:

We have reviewed Figure 1 50 Hurst Road Biodiversity Enhancement Layout (CT Ecology, May 2025) which has been submitted in order to discharge Condition 9 of DM/24/2505, under Discharge of Conditions application DM/25/1297.

We are satisfied that the submitted information includes the detail required for this condition.

Recommend, subject to implementation in full of the submitted details, we recommend discharge of Condition 9.

PARISH COUNCIL OBSERVATIONS

Hassocks Parish Council: Recommend Approval is granted.

INTRODUCTION

This application seeks planning permission to construct a tennis court in the rear garden of a domestic property located at 50 Hurst Road, Hassocks.

The application follows the approval for the same development proposal, which was submitted and approved under planning reference DM/24/2505, and was approved in March this year. The reason for the resubmission is to ensure that the correct owner notification procedure has been followed.

RELEVANT PLANNING HISTORY

DM/25/2104. Retrospective application for the erection of a new front boundary wall and entry gate. (Amended Notice 1 served 09/09/2025). Yet to be determined.

DM/24/2505. Proposed tennis court to rear garden. Approved March 2025.

DM/24/2504. Two three-storey rear extensions, a single storey rear extension, two hip to gable enlargements, a rear dormer, a single storey side extension, solar panels within south, east and west facing roof slopes, new timber front gates, render to walls and replacement window and doors frames. Approved March 2025.

SITE AND SURROUNDINGS

No 50 Hurst Road is a detached house, located on an established residential road of mixed house types which links Hurstpierpoint to Hassocks. The property is located in the countryside area between the Built Up Area boundaries of the two villages.

The site is located within a Red Grade Archaeological Notification Area close to the line of a Roman Road.

APPLICATION DETAILS

This application seeks planning permission for a tennis court with an asphalt surface, as previously approved under DM/24/2505. Some groundworks have been undertaken on the land to address condition 7 of DM/24/2505.

The court is to be located within an 18.2m wide by 36.5m long enclosure, surrounded by 2.75m high green pvc coated mesh fencing, with metal posts. A pedestrian access gate is located at the north eastern corner of the court, through the perimeter fence.

The submitted plans show that the sloping land will need to be levelled to provide a level surface for the tennis court and at the southern end of the court this will require the construction of a 2.75m high retaining wall.

The plans show the tennis court playing surface will be finished in green and dark green colours. The court will be positioned approx. 4.7m from the western side boundary and approx. 3m from the eastern garden boundary. The submitted plans show the provision of new landscaping between the perimeter court fencing and the side garden boundaries, consisting of cherry laurel shrubs.

During the course of determining the former application the applicant's agent confirmed that the applicant would be agreeable to planting some native species. The submitted Biodiversity Enhancement Layout shows a mix of Holly and Cherry Laurel planting partially along the eastern and western boundaries of the tennis court.

The application was accompanied by a Planning statement, which confirms the following points:

- The proposed tennis court includes levelling out of the site at the proposed location. This will be done by cut and fill only (no importation of soils),
- The use of the proposed tennis court will be for private use only.
- the tennis would be permitted development under Part 1, Class E of the General Permitted Development Order, but for the excavation required to level the land and the perimeter fencing, which is over 2 metres high, to prevent balls straying outside the court.
- We propose to plant to the east and west boundaries to assist with screening.

The application has also been supported with the following documents:

- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Biodiversity Enhancement Layout
- Heritage Statement
- Archaeological Evaluation Report
- Written Scheme of Investigation for an Archaeological Evaluation Excavation
- Additional supporting Archaeological Information
- Arboricultural Implications Assessment
- Planning Statement

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Hassocks Neighbourhood Plan and Site Allocations DPD.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 Protection and Enhancement of Countryside
DP26 Character and design
DP29 Noise, Air and Light Pollution
DP34 Listed Buildings and Other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

Neighbourhood Plan

Hassocks Neighbourhood Plan -made 24 June 2020.

Policy 1 Local Gaps
Policy 4 Managing Surface Water
Policy 9 Character and Design

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction
DPS4 Flood Risk and Drainage
DPN4 Trees, Woodland and Hedgerows
DPN1 Biodiversity, Geodiversity and Nature Recovery
DPN7 Noise Impacts
DPC1 Protection and Enhancement of the Countryside
DPB1 Character and Design
DPB2 Listed Buildings and other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and

sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The Principle of Development
- Design
- Impact on residential amenities
- Impact upon trees
- Archaeological impact
- Flooding and Drainage
- Ecology
- BNG

The Principle of Development

The principle of the development of a tennis court on this site was recently approved under DM/24/2505.

The site lies in an area of countryside, outside the built up areas of Hurstpierpoint and Hassocks, within a Local Gap between those settlements, as defined in the Hassocks Neighbourhood Plan.

Public views of the site are limited. The nearest public right of way is Bridleway HAS/8C/4, which runs north to south along Belmont Lane to the west of the site. The curtilage and dwelling at Crossways are located between the line of that path and the proposed tennis court site.

The primary objective of the MSDC District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development that does not need to be there. Policy DP12 is relevant. The policy seeks to protect the countryside from inappropriate development. Rural development will be permitted where it maintains, or where possible enhances, the quality of the rural and landscape character of the District, and/or is necessary for the purposes of agriculture, or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

The site of the proposed tennis court is within an established garden at the rear of No 50 Hurst Road. The site is within a Local Gap, as defined in the Hassocks Neighbourhood Plan. Neighbourhood Plan Policy 1 - Local Gaps states:

'Local Gaps have been defined and will be safeguarded between:

- a. Keymer/Hassocks and Ditchling;*
- b. Keymer/Hassocks and Hurstpierpoint;*
- and c. Keymer/Hassocks and Burgess Hill.*

As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Local Gap where:

- 1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or*
- 2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not*

compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'

The proposed plans show the tennis court to be of a standard double court size, with the perimeter fencing set outside the marked out playing court area. The proposed tennis court is physically separated from the house, over 60 metres from the dwelling at No 50 Hurst Road, at the bottom end of the garden,.

The proposed tennis court is for private use only, incidental to the use of the house. As such it is considered appropriate to impose a planning condition to limit the use accordingly for private domestic use by the occupants of the property.

Given the overall scale and siting of the proposed development within an established residential curtilage, the proposed private use for the occupants, and the siting of the development within a garden surrounded by other residential gardens, it is considered that the tennis court development will not create a harmful impact upon the rural setting of the property or the wider landscape.

The proposal will therefore accord with District Plan Policy DP12 and Policy 1 of the Hassocks Neighbourhood Plan.

Design

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. The wording of Policy DP26 states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- * is of high quality design and layout and includes appropriate landscaping and greenspace;*
- * contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- * creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- * protects open spaces, trees and gardens that contribute to the character of the area;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- * optimises the potential of the site to accommodate development.'*

As the site is located in Hassocks the development plan in this part of Mid Sussex consists of the District Plan and the Hassocks Neighbourhood Plan. The Neighbourhood Plan contains Policy 9. This states:

'Policy 9: Character and Design

Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

1. *Is of high quality design and layout;*
2. *Contributes positively to the private and public realm to create a sense of place;*
3. *Respects the character and scale of the surrounding buildings and landscape;*
4. *Protects open spaces and gardens that contribute to the character of the area;*
5. *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
6. *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
7. *Creates safe, accessible and well connected environments;*
8. *Protects existing landscape features and contributes to the village's Green Infrastructure network;*
9. *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
10. *Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The proposed tennis court is of a standard design with a traditional green surface and green perimeter fencing. Such a development for personal recreational use is not unusual in such a large garden. The tennis court can be accommodated without significantly impacting upon the amenity space available to the residents.

The overall design of the proposal is considered acceptable. As the court is located to the rear of the property it will not harmfully affect the overall character and appearance of the area or public views from the street.

Consequently the appearance of the proposed works are considered to accord with Policy DP26, Policy 9 of the Hassocks Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 requires that development *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties are Nos 46 and 52 Hurst Road, and to the rear of the site, Crossways, off Belmont Lane.

The eastern garden boundary with No 46 is open with traditional post and rail fencing and some shrub planting at the bottom end of the garden adjacent to the site of the proposed tennis court. The rear garden at No 46 is open lawn.

The western garden boundary which adjoins the garden with No 52 is screened by evergreen hedges.

At the lower end of the garden, forming the boundary with Crossways, there are a number of hornbeam trees and low hedges growing on the western side of a post and rail fence, which extends to the north western corner of the plot. The rear garden at Crossways contains a greenhouse and associated structures, sited within a post and rail enclosure. The rear garden boundary is an established field hedgerow.

Given the detail of the proposal and the relationship with the neighbouring properties, it is deemed that no significant harm will be caused by the proposed development to the privacy, outlook, daylight and sunlight of the immediate residents.

A number of representations were made by an immediate neighbour to the previous application under DM/24/2505 with regards to the potential noise disturbance from people using the court to play tennis, including the noise from hitting the balls, and possible damage that might result to the neighbour's

greenhouse from stray balls. There has been an objection on the grounds of noise under the current application.

Advice was previously sought from Environmental Protection Officers with regards to potential noise disturbance as a result of tennis court use. Whilst there could be potential stray tennis balls from players using the court, it is considered that the surrounding 2.75m high fencing, and the distance between the court and the neighbouring gardens, with intervening new planting, and the existing planting and boundary fences, will mitigate any potential significant impacts.

Given the relationship and spacing of the adjacent residential properties it is considered that the proposal would not cause significant harm to the amenities of existing nearby residents and therefore the proposal accords with the requirements of Policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan and the relevant principles of the Design Guide.

Impact upon trees

The application has been supported by the submission of an Arboricultural Impact Assessment (AIA). This examines the impact of the proposed tennis court construction upon trees growing on and near the site.

Five small, young trees that are growing within the area of the proposed tennis court on the site are identified as being suitable to be relocated by replanting. The AIA report comments upon the potential impact of the proposal upon retained trees. It concludes that there would be no adverse impacts on tree root protection areas, and that there will be no adverse impact upon trees growing both within, and those adjoining, the site, provided the trees are appropriately protected during the works, as shown on the Tree Protection Plan.

It is considered that provided the works are carried out to accord with the submitted AIA the trees growing on and adjacent to the site will be appropriately protected.

The application is therefore recommended for approval, subject to the imposition of a planning condition to require the development to accord with the measures in the Arboricultural Impact Assessment. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

Archaeological impact

The site falls within a WSCC red grade archaeological designation, which covers an area around the route of a Roman Road.

Policy DP34 of the Mid Sussex District Plan is relevant in the determination of this application and states (in part):

'Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Paragraph 207 of the NPPF is also relevant and states:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

The NPPF contains policy advice for Conserving and Enhancing the Historic Environment. At Paragraph 218 the NPPF states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The Council's Archaeology Consultant has reviewed the details contained in the submitted Heritage Statement and considered the details of the construction of the proposed tennis court.

It is considered that the proposed tennis court can be constructed with appropriate mitigation measures to protect any potential historic remains. A Written Scheme of Investigation, as required by condition 7 of DM/24/2505, has been submitted and approved under Discharge of Conditions application DM/25/1297. An Evaluation Report has been submitted to address the second part of the condition on the original approval and this has been reviewed by the Archaeological Adviser. He has recommended that no archaeological condition is now required on the new application (DM/25/1868), and that Condition 7(ii) can be discharged on the previous application (DM/24/2505). As such the proposal would comply with the aims of District Plan Policy DP34 and the relevant NPPF guidance.

Flooding and Drainage

The site lies within a 1 in 1000 year Surface Water Flooding area. The application has been supported by the submission of a Flood Risk Assessment (FRA). The FRA details measures to limit surface water flooding, which include: additional planting around the perimeter of the court, the construction of the surface of the tennis court with a permeable surface, swales to direct surface water away from the court and a rainwater harvesting system to be used for irrigation.

The Council's Drainage Engineers have reviewed the submitted Flood Risk Assessment. No objection has been raised on flood risk and surface water drainage grounds, subject to the stated mitigation measures. The Engineers have advised that any amendments to the drainage can be managed via Building Regulations and Building Control.

With the FRA measures in place it is considered that the proposal will not exacerbate local surface water runoff or create drainage issues. The proposal therefore accords with District Plan Policy DP41.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Paragraphs 192 to 195 of the NPPF relate to habitats and biodiversity. Paragraph 193 states:

'When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

To support the application a Preliminary Ecological Appraisal has been undertaken and this concludes the following:

- The application site comprises an area of managed grassland with a small number of recently planted trees.
- The site is not subject to any statutory or non-statutory designations.
- The survey area is of value within the immediate vicinity of the site, with the grassland having some, albeit limited, potential to support small numbers protected species including foraging bats and badger with the wider garden boundaries providing some connectivity for more mobile species including bats, great crested newts and badger to pass between residential gardens and grassland in the immediate surrounds of the site.
- a precautionary approach for different elements of the works in relation to badger is considered sufficient to fully safeguard this species group.
- mitigation measures to include precautionary working practices together with habitat enhancement measures are provided.
- based on the survey results habitats are considered to be of importance within the immediate vicinity of the site, providing habitats to support small numbers of protected species, including foraging bats and badger.
- No further surveys are required to inform the planning application, based on the current scope of works, instead adopting a precautionary approach for different elements of the works in relation to badger is considered sufficient to fully safeguard this species group.

The application affects land that is in use as manicured garden lawn, associated with an established residential property. Under the previous application (DM/24/2505) the Council's Ecological Adviser recommended a pre commencement planning condition to require the submission (prior to the commencement of works above slab level) of a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (CT Ecology, January 2025),.

A Biodiversity Enhancement Layout Plan has been submitted to accompany the current application and has been recently approved under Discharge of Conditions application DM/25/1297, to discharge Condition 9 of DM/24/2505.

The site is within a red Impact Risk Zone for Great Crested Newts. The Newt Officer has changed their comments on this application from those on the previous application under DM/24/2505, in which they recommended an Informative was attached to an approval for the proposed development to remind the applicant of their responsibilities under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), ie. that it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place.

The Newt Officer's request that the works are carried out to accord with the Precautionary Working Methods Statement contained within the submitted Ecological report will be secured by the wording of Conditions 7 and 8. On this basis the application complies with Policy DP38 of the District Plan and the relevant NPPF guidance.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed tennis court is located at the rear of the property and will not adversely affect the character and appearance of the property within the street scene of Hurst Road, the rural setting or impact harmfully upon the Local Gap.

The neighbouring residents amenities can be protected with appropriate planning conditions. The proposal accords with the aims of District Plan Policy DP26, Neighbourhood Plan Policy 9 and the relevant principles of the Design Guide.

The application is recommended for approval, subject to a planning condition to ensure that the development accords with the submitted Arboricultural Impact Assessment, with additional planting. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

The proposed tennis court can be constructed with appropriate mitigation measures to protect any potential historic remains, to address the policy aims of District Plan Policy DP34.

Consideration has been given to local flooding and drainage issues to accord with the aims of District Plan Policy DP41.

The development of the tennis court will be subject to the mitigation measures contained on the Biodiversity Enhancement Layout to accord with the aims of District Plan Policy DP38 and the relevant NPPF guidance.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey