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c/o Mr Chris Barker
ECE Planning Ltd
64-68 Brighton Road
Worthing
BN11 2EN

CONTACT: Hamish Evans
PHONE: 01444 477228
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REF: DM/25/1040
DATE: 29th August 2025

Dear Sir/Madam

Earthingleigh College Road Ardingly Haywards Heath
Retrospective application for the erection of two new residential dwellings with detached garages, to regularise the proposal following construction changes to what was approved under DM/22/3241.

I advise that your application DM/25/1040 was **Granted Permission** on **29th August 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/25/1040

DESCRIPTION: RETROSPECTIVE APPLICATION FOR THE ERECTION OF TWO NEW RESIDENTIAL DWELLINGS WITH DETACHED GARAGES, TO REGULARISE THE PROPOSAL FOLLOWING CONSTRUCTION CHANGES TO WHAT WAS APPROVED UNDER DM/22/3241.

LOCATION: EARTHINGLEIGH, COLLEGE ROAD, ARDINGLY, HAYWARDS HEATH

DECISION DATE: 29 AUG 2025

CASE OFFICER: HAMISH EVANS - HAMISH.EVANS@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 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 plans and application form 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. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the submitted Proposed floor plans of garages DWG no 109 Rev F.

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 District Plan (2014 - 2031).

4. No part of the development shall be first occupied until the access road widening and vehicle parking and turning areas serving the development have been constructed, surfaced and drained in accordance with Plan 11109_114_P5 Access Improvements, Plan 11109_2200_P1_Vehicle Tracking and Proposed Site Plan DWG no 101 Rev I.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the District Plan (2014 - 2031).

5. No part of the development shall be first occupied until visibility splays of 2.4 metre by 60 metres have been provided at the proposed site vehicular access onto College Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan (2014 - 2031).

6. The development shall be delivered in accordance with the site set up during construction details as submitted and approved under application DM/21/3902 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the District Plan (2014 - 2031).

7. No part of the development shall be first occupied until the bin hardstanding collection areas have been constructed in accordance with the Proposed Floor Plans of Garages DWG no 109 Rev F, .

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan (2014 - 2031).

8. The development shall be delivered in accordance with the proposed foul and surface water drainage and means of disposal details as submitted and approved under application DM/21/3902 unless otherwise agreed in writing with the Local Planning Authority.

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

9. The development shall be delivered in accordance with the hard and soft landscaping details as set out within Detailed Planting Plan DWG no LLD3487-LAN-DWG-201 Rev 02, Infrastructure Planting Plan DWG no LLD3487-LAN-DWG-200 Rev 02 and Hard and Soft Landscape plan DWG no LLD3487-LAN-DWG-100 Rev 02, which includes indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. The works shall be carried out

prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 District Plan (2014 - 2031).

10. The proposed first floor window on the south western (side) elevation serving the ensuite shall be glazed with obscured glass and be non-opening unless any opening parts are at least 1.7m in height above the floor of the room in which the window is installed and shall be permanently retained as such

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

11. The proposed first floor window on the north eastern (side) elevation serving the ensuite shall be glazed with obscured glass and be non-opening unless any opening parts are at least 1.7m in height above the floor of the room in which the window is installed and shall be permanently retained as such.

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

12. The glazed privacy screens (as shown on drawings P112, P113, P114 and 104) located on the sides and between the new balconies shall be erected prior to occupation of the dwellings and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property and to accord with DP26 of the District Plan (2014 - 2031).

13. The obligations under the planning obligation by way of Unilateral Undertaking dated 30 January 2019 as amended by the Deed of Variation dated 8 September 2021 pursuant to the previous applications DM/17/2458, DM/19/3477 and DM/21/3176 and DM/22/3241 will be equally applied to and satisfy the requirements necessitated under this application DM/25/1040.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

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. 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.
3. 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 or by phone on 01444 477175.

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
Access Plan	11109_2200	P1	24.07.2025
Visibility Plans	11109_114	P5	22.08.2025
Proposed Floor Plans	103	C	19.05.2025
Location Plan	563-001		19.05.2025
Proposed Block Plan	101	I	19.05.2025
Proposed Floor Plans	104	C	19.05.2025
Proposed Elevations	P112		19.05.2025
Proposed Elevations	P113		19.05.2025
Proposed Elevations	P114		19.05.2025
Proposed Floor Plans	109	F	19.05.2025
Proposed Elevations	115	C	19.05.2025
Proposed Elevations	116		19.05.2025
Proposed Sections	107	E	19.05.2025
Proposed Sections	106	F	19.05.2025

Proposed Elevations	111	I	22.05.2025
Proposed Roof Plan	105	N	22.05.2025
Landscaping Details	LLD3487-LAN-DWG-100	01	17.04.2025
Landscaping Details	LLD3487-LAN-DWG-200	02	11.07.2025
Landscaping Details	LLD3487-LAN-DWG-201	02	11.07.2025



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) 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

The planning permission relates to development to which Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

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.