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2 Lucastes Mews  
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REF: DM/24/3050  
DATE: 22nd July 2025

Dear Sir/Madam

**Land Adjacent To Loxley (Riverside) Bolney Chapel Road Twineham Haywards Heath  
Demolition of existing detached dwelling □ tennis court. Construction of replacement  
dwelling with lower ground floor to be concealed from Bolney Chapel Rd. New access  
onto Bolney Chapel Rd, new driveway with associated hard and soft landscaping works.  
Construction of single storey outbuildings at lower ground floor level, concealed from  
Bolney Chapel RD.**

I advise that your application DM/24/3050 was **Granted Permission** on **22nd July 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/24/3050

**DESCRIPTION:** DEMOLITION OF EXISTING DETACHED DWELLING □ TENNIS COURT. CONSTRUCTION OF REPLACEMENT DWELLING WITH LOWER GROUND FLOOR TO BE CONCEALED FROM BOLNEY CHAPEL RD. NEW ACCESS ONTO BOLNEY CHAPEL RD, NEW DRIVEWAY WITH ASSOCIATED HARD AND SOFT LANDSCAPING WORKS. CONSTRUCTION OF SINGLE STOREY OUTBUILDINGS AT LOWER GROUND FLOOR LEVEL, CONCEALED FROM BOLNEY CHAPEL RD.

**LOCATION:** LAND ADJACENT TO LOXLEY (RIVERSIDE), BOLNEY CHAPEL ROAD, TWINEHAM, HAYWARDS HEATH

**DECISION DATE:** 22 JUL 2025

**CASE OFFICER:** RACHEL RICHARDSON -  
RACHEL.RICHARDSON@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. No building shall be occupied until all the foul and surface water drainage works have been carried out in accordance with the approved details (submitted on 15th July 2025) and these must be adhered to for maintenance and management during the lifetime of the development. There shall be no land raising or built structures below 10.08m AOD.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and national guidance within the National Planning Policy Framework.

4. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving the development have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide adequate access space for the development in accordance with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and national policy contained within the National Planning Policy Framework.

5. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide adequate on-site car parking space for the development in accordance with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and national policy contained within the National Planning Policy Framework.

6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and national policy contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to accord with Policy ..... 'y' ..... of the Mid Sussex District Plan 2014 - 2031 and Policy ... 'z' ... of the Neighbourhood Plan.

8. No external materials shall be used other than those specified on the approved drawing PL 207A and Appendix A of the design and access statement Rev A - April 2025, without the prior written 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 and Policy TNP2 of the Neighbourhood Plan.

9. The landscaping details as illustrated on drawing no. 1177.101 Rev I (received on 17.06.2025) shall be implemented and thereafter maintained in perpetuity.

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 and Policy TNP4 of the Neighbourhood 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. 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.
2. 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.

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](http://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 |
|----------------------|-------------------------|----------|----------------|
| Topographical Survey | 016 10 20               |          | 13.12.2024     |
| Sections             | GH652 DOC 11            |          | 13.12.2024     |
| Sections             | GH652 DOC 12            |          | 13.12.2024     |
| Sections             | GH652 DOC 13            |          | 13.12.2024     |
| Location Plan        | PL-201                  |          | 13.12.2024     |
| Block Plan           | PL-202                  |          | 13.12.2024     |
| Drainage Details     | CGS_CAD_RH_<br>POST DEV | 2.1-FL05 | 09.07.2025     |
| Drainage Details     | 23-040-51               | P9       | 15.07.2025     |
| Landscaping          | 1177.101                | I        | 17.06.2025     |
| Site Plan            | PL-203                  | C        | 17.06.2025     |
| Proposed Floor Plans | 204                     | B        | 17.06.2025     |
| Proposed Floor Plans | 205                     | B        | 17.06.2025     |
| Proposed Roof Plan   | 206                     | B        | 17.06.2025     |
| Sections             | 208                     | C        | 17.06.2025     |
| Proposed Elevations  | 207                     | A        | 02.04.2025     |



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

Self and Custom Build development, meaning development which:

- (i) consists of no more than 9 dwellings,
- (ii) is carried out on a site which has an area no larger than 0.5 hectares, and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in Section 1(A1) of the Self Build and Custom Housebuilding Act 2015).

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.