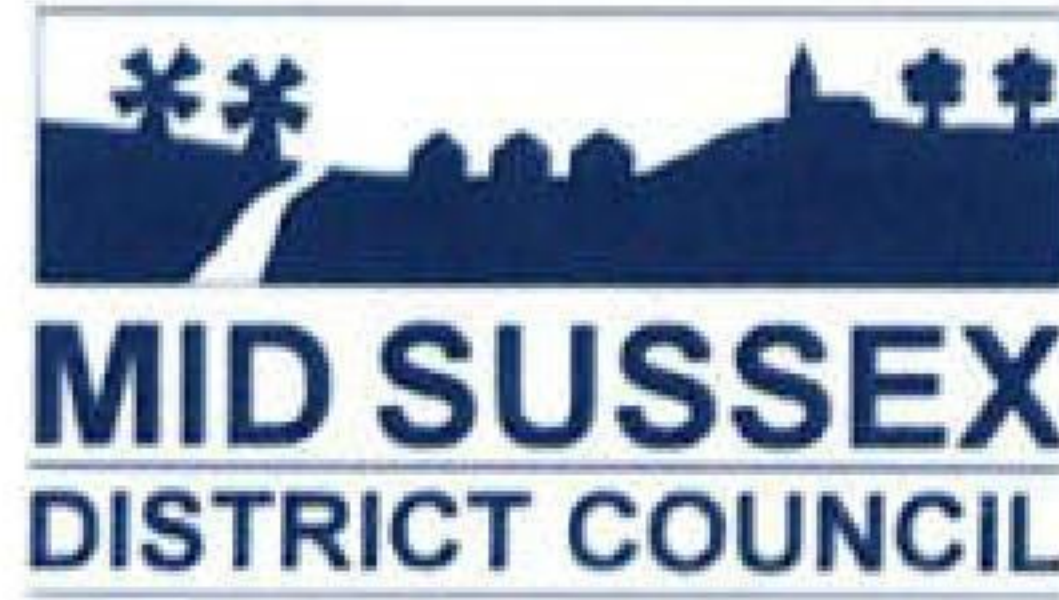




DATED 07th July 2026

MID SUSSEX DISTRICT COUNCIL (1)

AND

WEST SUSSEX COUNTY COUNCIL (2)

AND

EDEN (DOWNLANDS) LIMITED (3)

AND

9Y CAPITAL LIMITED (4)

**DEED OF VARIATION
OF PLANNING OBLIGATION**

pursuant to Sections 106 and 106A of the
Town and Country Planning Act 1990 (as amended)
relating to land at Downlands Park Care Home, Bolnore Farm Lane, Haywards Heath, West
Sussex
DM/25/2452

Julie Galvin
Assistant Director, Governance and Monitoring Officer
Mid Sussex District Council
'Oaklands' Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

IKEN REF 8500

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THIS DEED is dated the

07th

day of

July

2026

BETWEEN

- (1) **MID SUSSEX DISTRICT COUNCIL** of Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS ("the District Council")
- (2) **WEST SUSSEX COUNTY COUNCIL** of County Hall, West Street, Chichester, West Sussex, PO19 1RQ ("the County Council")
- (3) **EDEN (DOWNLANDS) Limited** incorporated and registered in England and Wales with company number 11653917 whose registered office is at 12 Conqueror Court, Sittingbourne, Kent, England, ME10 5BH ("the Owner")
- (4) **9Y CAPITAL LIMITED** incorporated and registered in England and Wales with company number 14864131 whose registered office is at Stag House, Old London Road, Hertford, SG13 7LA ("the Mortgagee")

BACKGROUND

- (A) The Owner is the freehold owner of the Land under Land Registry title number WSX101160.
- (B) The District Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (C) The County Council is the local authority responsible for education, libraries and transport infrastructure in the area in which the Land is situated.
- (D) The Mortgagee has an interest in the Land by way of a charge dated 5 March 2026 against Title Number WSX101160. The application is pending registration with the Land Registry.
- (E) By the Original Obligation the Planning Obligations were given to the District Council and the County Council in respect of the Development and the use of the Land.
- (F) Pursuant to Section 106A of the Act the Owner has requested that the Original Obligation be varied to amend the mix of dwellings and the County Council Contributions in accordance with application reference DM/25/2452.
- (G) The District Council, the County Council, the Owner and the Mortgagee have agreed to enter into this Deed to vary the Original Obligation in the manner hereinafter appearing.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1. INTERPRETATION AND DEFINITIONS

For the purposes of this Deed:

Existing Definitions

- 1.1. The expressions defined in the Original Obligation shall have the same meaning herein (including the Background) unless they differ from the new definitions below ("the New Definitions") in which case the New Definitions shall prevail.

New Definitions

- 1.2. In this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:

Deed of Variation	means this deed of agreement (also referred to as the "Deed");
Implementation	means the carrying out of a material operation as set out at Section 56(4) of the Act pursuant to the planning permission granted in accordance with the Variation Application;
Original Obligation	means the agreement dated 28 th of April 2022 between MID SUSSEX DISTRICT COUNCIL (1), WEST SUSSEX COUNTY COUNCIL (2) and EDEN (DOWNLANDS) LIMITED (3) made pursuant to, inter alia, section 106 of the Act relating to the Land;
Planning Obligation	means any obligation by any party to the Original Obligation and or this Deed as the context requires and "Planning Obligations" shall be construed accordingly.
Variation Application	means the application submitted to the District Council under Section 73 of the Act dated 29 September 2025 and given reference number DM/25/2452 seeking to vary condition 24 relating to planning permission reference DM/20/4159 to substitute amended plans;

- 1.3. This Deed shall be construed and interpreted as a modification of the Planning Obligations in the Original Obligation and the Original Obligation shall be read and construed accordingly but for the avoidance of doubt shall remain in full force and effect other than as modified by this Deed.
- 1.4. All provisions of the Original Obligation regarding or relating to the interpretation or construction of the Original Obligation shall apply to the Original Obligation as varied in this Deed.
- 1.5. Unless otherwise specifically stated in this Deed, the modifications herein shall not absolve any party from any liability for any act or omission constituting a breach of any provisions of the Original Obligation occurring before the date of this Deed notwithstanding that the effects hereof render such act or omission lawful if they occur after the date of this Deed.

2. LEGAL BASIS

2.1. This Deed is made pursuant to:

2.1.1. Section 106A of the Act insofar as it modifies or discharges any Planning Obligation in the Original Obligation;

2.1.2. Section 106 of the Act insofar as any new planning obligations are given by any party hereto; and

2.1.3. Sections 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other powers enabling the District Council as local planning authority and the County Council to enter into it.

2.2. Any covenants, restrictions and requirements imposed upon the Owner under this Deed are planning obligations pursuant to Section 106 of the Act and are enforceable by the District Council as local planning authority and the County Council against the Owner.

2.3. The parties hereto acknowledge and confirm that the Planning Obligations in the Original Obligation as modified hereby remain in compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2.4. The obligations contained in this Deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Land and their respective successors and assigns.

3. COMMENCEMENT

This Deed shall come into effect on the date of this Deed SAVE THAT the provisions of clause 4 and the FIRST SCHEDULE shall come into effect upon Implementation.

4. VARIATION TO THE ORIGINAL OBLIGATION

The District Council, the County Council, the Owner and the Mortgagee agree that:

4.1. the Original Obligation shall be varied and supplemented as set out in the Schedule hereto; and

4.2. the Original Obligation shall be varied and read and construed as being subject to the terms of this Deed and as having been amended by the terms of this Deed; and

4.3. the terms of the Original Obligation shall otherwise continue in full force and effect.

5. COSTS

5.1. The Owner shall pay to the District Council on or before the date of this Deed the District Council's reasonable legal costs of One Thousand Five Hundred pounds (£1,500) together with all disbursements incurred in connection with the preparation, negotiation and completion of this Deed.

5.2. The Owner shall pay to the County Council on or before the date of this Deed the County Council's reasonable legal costs together with all disbursements incurred in connection with the preparation, negotiation and completion of this Deed.

6. LOCAL LAND CHARGE

This Deed is a local land charge and shall be registered as such by the District Council.

7. OWNERSHIP

The Owner warrants that no person other than the Owner and the Mortgagee has any legal or equitable interest in the Land.

8. NO FETTER OF DISCRETION

Nothing (contained or implied) in this Deed shall fetter or restrict the District Council or the County Council's statutory rights, powers, discretions and responsibilities.

9. THIRD PARTY RIGHTS

It is agreed that nothing in this Deed shall be construed as expressly providing a right for any third party within the meaning of the Contract (Rights of Third Parties) Act 1999 and nothing in this Deed is intended to confer on any third party (whether referred to herein by name class description or otherwise) any benefit or any right to enforce any provision of this Deed.

10. GOVERNING LAW

This Deed shall be governed by and interpreted in accordance with the law of England.

11. MORTGAGEE CONSENT

The Mortgagee acknowledges that this Deed has been entered into with its consent and that the Land subject to the Mortgagee's charge shall be bound by the obligations contained in this Deed and that the security of its charge over the Land shall take effect subject to this Deed PROVIDED THAT the Mortgagee (including any future chargee or mortgagee) shall have no liability for any breach of this Deed prior to it taking possession of the Land, but shall be liable for compliance with the obligations contained in this deed during any period in which it is a mortgagee in possession of the Land as if it were a person deriving title from the Owner. Furthermore, the Mortgagee (including any future chargee or mortgagee) will not be liable for any breach of the provisions of this Deed after it has parted with its interest in the Land other than in respect of any breach arising during such period of possession

IN WITNESS whereof the parties hereto have duly executed this Deed on the day and year first before written.

FIRST SCHEDULE

The parties hereto agree that the Original Obligation shall be varied as follows:

1. The definition of **Development** shall be deleted and replaced with the following:

"Development" means the development of the Land by the erection of part two, part three and part four storey building of apartments with community hub together with 15 cottages, to provide extra care facilities, following the demolition of existing care home."

2. The definition of **Library Contribution** shall be amended by deleting the following words "Thirteen Thousand Six Hundred and Fifty One Pounds (£13,651)" and replacing them with "Seventeen Thousand Four Hundred and Sixty pounds (£17,460)", by deleting reference to "paragraph 3 of the Third Schedule" and replacing it with "paragraph 2 of the SECOND SCHEDULE", by deleting the word "stock " and replacing it with "facilities" and deleting the words "PROVIDED THAT should commencement of development take place after 31st March 2021, the sum shall be recalculated using the latest published census statistics published by the Office for National Statistics" so that the definition of **Library Contribution** reads as follows:

"**Library Contribution**" means the financial contribution of Seventeen Thousand Four Hundred and Sixty Pounds (£17,460) subject to adjustment in accordance with the provision of paragraph 2 of the SECOND SCHEDULE and which is calculated using current occupancy rates from census statistics published by the Office for National Statistics and payable in accordance with this Deed being a financial contribution towards the costs of providing the additional library infrastructure required to accommodate the extra demands for library services that would be generated by the Development and to be used towards providing additional facilities at Haywards Heath Library."

3. The definition of **Total Access Demand Contribution** shall be amended by deleting the following words "One Hundred and Five Thousand Nine Hundred and Four Pounds (£105,904)" and replacing them with "One Hundred and Thirty One Thousand Three Hundred and Seventy pounds (£131,370)" and deleting the words "PROVIDED THAT should

commencement of the Development take place after 31st March 2021, the sum shall be re-calculated using the latest published census statistics published by the Office for National Statistics" so that the definition of **Total Access Demand Contribution** reads as follows:

"**Total Access Demand Contribution**" means the financial contribution of One Hundred and Thirty One Thousand Three Hundred and Seventy Pounds (£131,370) subject to adjustment in accordance with the provision of paragraph 1.1 of the SECOND SCHEDULE calculated using current occupancy rates from census statistics published by the Office for National Statistics payable in accordance with this Deed and is calculated in accordance with the Total Access Demand Methodology and to be used towards the Scheme."

4. The definition of **Index Linked** shall be amended by deleting the words "the date of this Deed" for the letter D in the formula and replacing it with "the 19 November 2025" so that the definition of **Index Linked** reads as follows:

"**Index Linked**" means in relation to the County Council Contributions, that the County Council Contributions payable by the Owner under this Deed shall be increased by the application of the following formula:

$A = B \times C/D$ where C/D is equal to or greater than 1

A is the sum actually payable on the date of payment

B is the original sum mentioned in this Deed

C is the BCIS Index for the quarter preceding the date of payment

D is the BCIS Index for the quarter preceding the 19 November 2025

and **Indexation** shall be construed accordingly

SECOND SCHEDULE
REPLACEMENT APPENDIX 1
DRAFT PLANNING PERMISSION

George Dhillon
c/o Mr John Montgomery
Tanner & Tilley Development Consultants
47 Oak Tree Drive
Emsworth
PO10 7UJ

CONTACT: Steven King
PHONE: 01444 477556
E-MAIL: steven.king@midsussex.gov.uk
REF: DM/25/2452
DATE: 22nd January 2026

Dear Sir/Madam

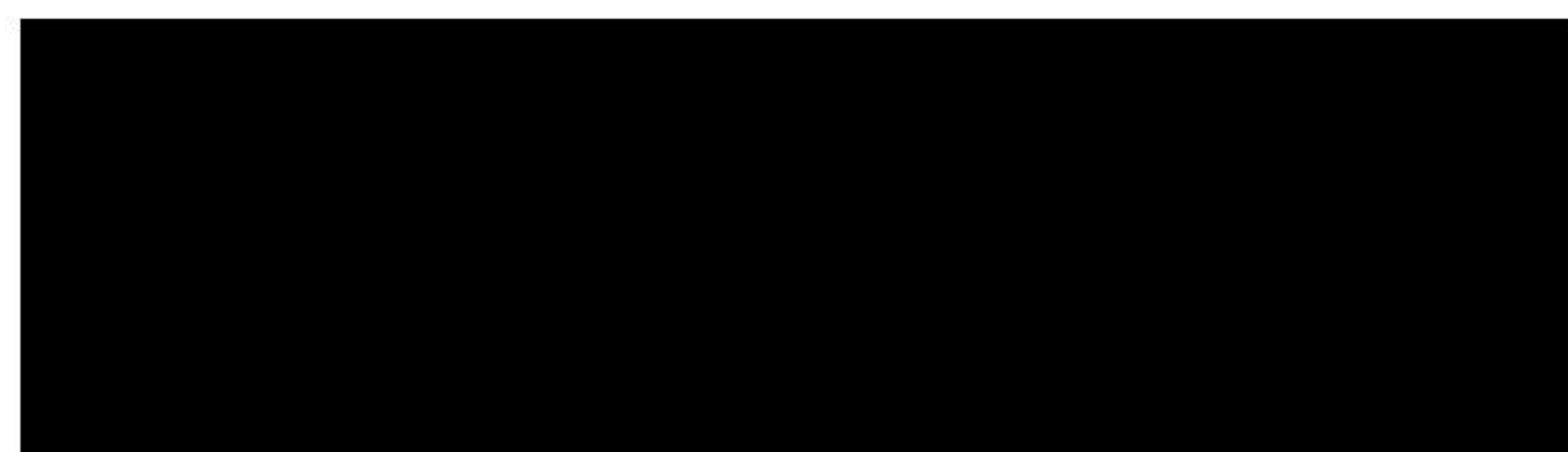
Downlands Park Care Home Bolnore Farm Lane Haywards Heath West Sussex
Vary condition 24 relating to planning reference DM/20/4159 to substitute amended plans.

I advise that your application DM/25/2452 was **Granted Permission** on **22nd January 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



Ann Biggs
Assistant Director Planning and Sustainable Economy

George Dhillon
Mr John Montgomery
Tanner & Tilley Development Consultants
47 Oak Tree Drive
Emsworth
PO10 7UJ

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

PERMISSION

REFERENCE: DM/25/2452

DESCRIPTION: VARY CONDITION 24 RELATING TO PLANNING REFERENCE DM/20/4159 TO SUBSTITUTE AMENDED PLANS.

LOCATION: DOWNLANDS PARK CARE HOME, BOLNORE FARM LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 22 JAN 2026

CASE OFFICER: STEVEN KING - STEVEN.KING@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.

Conditions

1. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sunday Bank/Public Holidays or at any time other than between the hours 8 am and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

2. The development shall be implemented in accordance with the following drainage details:

-Drainage Design Validation Report. 21279-SYM-XX-XX-RP-C-0100 received 2nd June 2025

-E mail and attachments received 19th June 2025 from Symmetrys

-Plan number 0300 Rev P5. Surface Water Drainage General Arrangement

Prior to the first occupation of any of the accommodation permitted by this planning permission, the applicant shall provide a report/statement confirming that the approved drainage details have all been constructed on site, which shall be approved in writing by the Local Planning Authority before first occupation of any of the accommodation permitted by this planning permission.

Prior to the first occupation of any of the accommodation permitted by this planning permission, the applicant shall provide details of the maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details, which shall be approved in writing by the Local Planning Authority before first occupation of any of the accommodation permitted by this planning permission.

Reason: To ensure that the site is properly drained and to comply with policy DP41 of the Mid Sussex District Plan 2014-3031.

Note: For avoidance of doubt, the latest iteration of each piece of submitted drainage information should be utilised. This is the information that was submitted with application DM/23/3195.

3. The development shall be implemented in accordance with the details that were approved under condition 3 of planning permission reference DM/20/4159 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 187 of the NPPF.

4. The development shall be implemented in accordance with the details that were approved under condition 4 of planning permission reference DM/20/4159 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

5. No development (other than demolition) above slab level shall be carried out unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed hard and soft landscaping plans including: (a) boundary treatment that show the site's perimeter and demonstrate how the security of the rear of the cottages is achieved; (b) cross sections through the attenuation pond.

- Detailed 1:20 scale sections and elevations (vignettes) of the: (a) front entrance/canopy/roof to the communal building serving the apartments; (b) a typical bay of the apartment building that show the windows/reveals and balustrading; (c) the frontage of a cottage that show the windows/reveals and front entrance/canopy.

- Drawings that show how the rainwater discharge arrangements will be provided and accommodated on the buildings.

- Details of the facing materials.
- Sections and roof plans that show how the solar panels will be accommodated on the roof of the apartment block and cottages.
- The design of the substation.

Any trees or plants which, within a period of five years from the completion of 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: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

6. The development shall be implemented in accordance with the details that were approved under condition 6 of planning permission reference DM/20/4159 unless otherwise agreed in writing by the Local Planning Authority.

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 E9 of the Neighbourhood Plan.

7. No development (other than demolition) above slab level shall be carried out until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

8. No development (other than demolition) above slab level shall be carried out until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

9. The use hereby permitted shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_Ar,T_r) of plant and machinery within the build shall be at least 5dB below the background noise level (L_A90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

Pre Occupation

10. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

11. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

12. The development shall be implemented in accordance with the details that were approved under condition 12 of planning permission reference DM/20/4159 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

13. Prior to the occupation of any building subject of this permission, details of proposed screen walls/fences and/or hedges shall have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

14. The buildings shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

15. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

16. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

17. No part of the development hereby permitted shall be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:

- details of the proposed entry system for the flats (including a schedule for their implementation)
- Details of the means of access control and compartmentalisation between the residential element of the scheme and the facilities available to both residents and non residents

The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the building is secure and to prevent opportunities for crime in and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

18. Details of the proposed footpath on the western side of Bolnore Farm Lane shall be submitted to the Local Planning Authority. The development shall not be occupied until these details have been approved in writing by the Local Planning Authority and completed on site.

Reason: To ensure that there is a satisfactory pedestrian access to the site and to comply with Policy DP26 of the District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

Compliance Conditions

19. The car parking spaces shall be provided with Electric Vehicle Charging Points and electric vehicle charging infrastructure as set out in paragraph 4.4.8 of the Transport Statement dated 27 August 2020 submitted with application DM/20/4159 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

20. During the operational phase of the development, deliveries of goods to and waste collections from the premises shall only be carried out between the following hours:

Monday to Saturday 07.00hrs to 21.00hrs;
Sundays and Bank Holidays 09.00hrs to 15.00hrs.

Reason: To safeguard the amenity of adjacent and future occupiers and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

Construction Phase

21. If during demolition or construction works, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by

the LPA), shall be carried out. A method statement identifying pollutant linkages, assessing the risk and proposing remediation measures, together with a remediation programme, shall be submitted to and approved in writing by the LPA prior to continuation of works. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

22. Excluding main sewer connections, no part of any concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse or pond unless approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment.

23. The development shall be implemented in accordance with the details contained within the Construction Management Plan (07.04.2021 C.M.P REV B) received on 16th June 2021 that was submitted with application DM/20/4159.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

24. **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.

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. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.
4. You are advised that in relation to the landscaping requirements of condition 5, British native trees should be selected in accordance with Policy DP37 of the Mid Sussex District Plan 2014 -2031.
5. I wish to inform you that the Council has a legal interest in the part of the site (area of open space to the west of Bolnore Farm Lane) which is the subject of your planning application, and wish to advise you that this permission does not convey the consent of the Council as owners. You should, therefore, apply separately to the Secretary and Solicitor to the Council if you have not already done so, for a consent or grant of a right that is necessary to enable the planning permission to be implemented.

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
Existing Floor Plans	293-ACG-XX-OO-DR-A-0001	P1	27.11.2025
Existing Elevations	293-ACG-XX-XX-DR-A-0101	P1	27.11.2025
Topographical Survey	293-ACG-XX-ZZ-DR-A-1052	P1	27.11.2025
Location Plan	293-ACG-XX-ZZ-DR-A-1000	P2	27.11.2025
Sections	293-ACG-XX-XX-DR-A-1055	P1	27.11.2025
Tree Survey	PR122477-03		27.11.2025
Proposed Floor Plans	DLP-BOX-MB-00-DR-A-0341	P01	29.09.2025
Proposed Floor Plans	DLP-BOX-MB-00-DR-A-0342	P01	29.09.2025
Proposed Floor Plans	DLP-BOX-MB-00-DR-A-0343	P01	29.09.2025
Proposed Floor Plans	DLP-BOX-MB-00-DR-A-0344	P01	29.09.2025
Proposed Floor Plans	DLP-BOX-MB-00-DR-A-0340	P01	29.09.2025

Proposed Elevations

DLP-BOX-MB-00-
DR-A-0350

P01

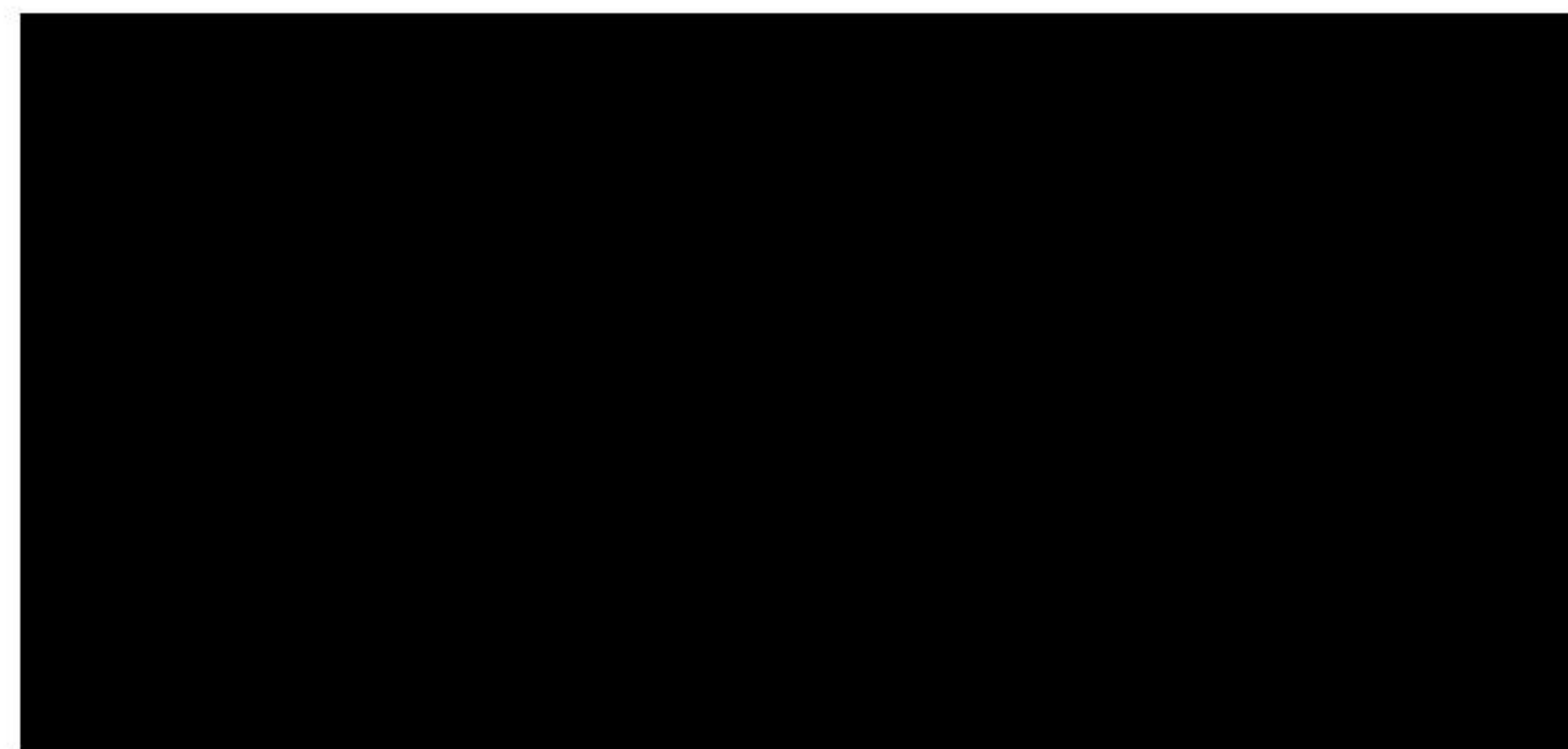
29.09.2025

Proposed Elevations

DLP-BOX-MB-00-
DR-A-0351

P01

29.09.2025



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 (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

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.

Executed as a Deed by
affixing the Common Seal of
MID SUSSEX DISTRICT COUNCIL
in the presence of:-

Authorised Officer

Executed as a Deed by
affixing the Common Seal of
WEST SUSSEX COUNTY COUNCIL
in the presence of:-

Authorised Officer



Executed as a Deed by
EDEN (DOWNLANDS) LIMITED
acting by a director
in the presence of a witness:

Director signature
Name (in BLOCK CAPITALS)

Witness signature
Name (in BLOCK CAPITALS)
Address

Occupation

Executed as a Deed by
9Y CAPITAL LIMITED
acting by its attorney
in the presence of a witness:

Attorney signature
Name (in BLOCK CAPITALS)

Witness signature
Name (in BLOCK CAPITALS)
Address

Occupation

