

Mr Ian Hann
c/o Mr Ian Hann
The Planning Bureau
Prospect House
85 Great North Road
Hatfield
Hertfordshire
AL9 5DA

CONTACT: Joanne Fisher
PHONE: 01444 477330
E-MAIL: joanne.fisher@midsussex.gov.uk
REF: DM/25/2462
DATE: 23rd December 2025

Dear Sir/Madam

**Site Of Former Maxwellton House 41 - 43 Boltro Road Haywards Heath West Sussex
Variation of condition no 2 relating to planning application DM/22/2218 - to enable the
substitution of plans to allow for changes to the material finish of the building elevation -
primarily the change from glazed balcony balustrades to railings**

I advise that your application DM/25/2462 was **Granted Permission** on **23rd December 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/25/2462

DESCRIPTION: VARIATION OF CONDITION NO 2 RELATING TO PLANNING APPLICATION DM/22/2218 - TO ENABLE THE SUBSTITUTION OF PLANS TO ALLOW FOR CHANGES TO THE MATERIAL FINISH OF THE BUILDING ELEVATION - PRIMARILY THE CHANGE FROM GLAZED BALCONY BALUSTRADES TO RAILINGS

LOCATION: SITE OF FORMER MAXWELTON HOUSE, 41 - 43 BOLTRO ROAD, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 23 DEC 2025

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@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 25th July 2026.
Reason: To comply with Section 73 of the Town and Country Planning Act 1990.
2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The development shall be carried out in accordance with the details of the proposed foul and surface water drainage and means of disposal discharged under reference DM/23/2242. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan.

4. The development shall be carried out in accordance with the method statement and plan setting out the practical implementation of mitigation and enhancement recommendations discharged under reference DM/23/2002. The approved method statement shall be implemented in full and a statement of compliance prepared by the project ecologist shall be submitted to the Local Planning Authority for approval prior to occupation of any apartment.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and para 175 of the NPPF.

5. The development shall be carried out in accordance with the details discharged under reference DM/23/2002 in relation to details set out in the remediation strategy dated July 2023 (report no. CCL03446.CS74).

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors.

6. The development shall be carried out in accordance with the schedule of materials and finishes to be used for external walls and roofs as well as the balconies of the proposed building discharged under reference DM/25/0465.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

7. The development shall be carried out in accordance with the details of the 1:100 scale front elevation showing the position of the light brick panels discharged under reference DM/25/0465.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

8. The development shall be carried out in accordance with the plans submitted on the 20th November 2025 as part of this application in respect of the following details:
- Recess brickwork panels,
 - Top floor balustrading,
 - The front entrance canopy,
 - The solar panels in relation to the parapet upstand on the roof,
 - A projecting balcony on the front façade featuring the vertical fins and the brickwork frame.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

9. The development shall be carried out in accordance with the hard and soft landscaping scheme discharged under reference DM/23/2004. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. 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: 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.

10. **Construction Phase**

Works for the entire construction period including demolition shall be carried out in accordance with the details set out in the Construction Method Statement (Rev 29/11/22 Rev A), the Site Set Up and Hazard Plan (ref LSE-0464-03-A-0105) and the Surface Water Management Plan (ref IDL/1141/DS/010) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to protect the amenity of local residents from noise and dust emissions during construction, and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

11. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

12. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs
Saturday: 09:00 - 13:00 hrs
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

13. The works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (dated 23rd July 2020).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

14. If during construction, 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 until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. 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: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15. **Pre-occupation conditions**

No part of the development shall be first occupied until the electric vehicle charging vehicle points have been installed in accordance with the details discharged under reference DM/23/2004. These spaces shall thereafter be retained for its designated use.

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 Mid Sussex District Plan 2014 - 2031.

16. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

17. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the details discharged under reference DM/25/0465.

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 Mid Sussex District Plan 2014 - 2031.

18. No part of the development shall be first occupied until the solar panel have been installed in accordance with the details discharged under reference DM/25/0465.

Reason: To ensure that this aspect of the development is consistent with the appearance of the area and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

19. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. The windows on the northern (side) elevation (as shown on drawings LSDE-0464-03-A-0401 Rev P10 and LSE-0464-03-A-0403 Rev P08) at first to fourth floor level shall at all times be glazed with obscured glass fixed to be top vent opening only.

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

21. **Post construction**

Glazing and ventilation installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Phlorum (ref: 9567 NV_ v1 final), dated the 24th September 2020.

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

22. The development hereby permitted shall only be occupied by persons of 60 years of age and over, or in the case of a couple, that one of the occupants is over the age of 60 years and the other is over 55 years, or a widow or widower of such a resident unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal provides sheltered housing for older persons in order to meet the identified need and to accord with Policy DP30 of the District Plan 2014 - 2031.

23. The obligations under the planning obligation by way of Agreement dated 21st July 2023 pursuant to the previous application DM/22/2218 will be equally applied to and satisfy the requirements necessitated under this application DM/25/2462.

Reason: To ensure appropriate infrastructure provision is secured to mitigate the impacts of the development and to accord with policy DP20 of the Mid Sussex District 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.

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
Sections	LSE-2780-04-A-2202	P04	20.11.2025
Other	LSE-2780-04-A-2121	P03	20.11.2025
Other	LSE-2780-04-A-2120	P03	20.11.2025
Other	LSE-2780-04-A-2119	P03	20.11.2025
Other	LSE-2780-04-A-2118	P03	20.11.2025
Sections	LSE-2780-04-A-0520	P02	20.11.2025
Other	LSE-2780-04-A-0251	P01	20.11.2025
Other	LSE-2780-04-A-2205	P05	20.11.2025
Location Plan	0464-RFT-02-ZZ-DR-A-0006	P03	13.07.2022
Block Plan	LSE-0464-03-A-0120	P03	13.12.2022
Site Plan	LSE-0464-03-A-0101	P10	13.12.2022
Site Plan	LSE-0464-03-A-0102	P02	13.12.2022
Existing Elevations	20001/PA/025		13.07.2022
Proposed Elevations	LSE- 0464-03-A-0403	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0404	P07	13.12.2022
Proposed Elevations	LSE-0464-03-A-0412	P05	13.12.2022
Proposed Elevations	LSE-0464-03-A-0413	P05	13.12.2022
Proposed Elevations	LSE-0464-03-A-0414	P05	13.12.2022
Proposed Floor Plans	LSE-0464-03-A-	P10	13.12.2022

Proposed Floor Plans	0200 LSE-0454-03-A-0201	P12	13.12.2022
Proposed Floor and Elevations Plan	LSE-0464-03-A-0203	P07	13.12.2022
Proposed Roof Plan	LSE-0464-03-A-0204	P02	13.12.2022
Proposed Sections	LSE-0464-03-A-0300	P08	13.12.2022
Proposed Sections	LSE-0464-03-A-0301	P05	13.12.2022
Street Scene	0464-RFT-03-ZZ-DR-A-0405		13.12.2022
Other	LSE-0464-03-A-0900	P05	13.12.2022
Other	LSE-0464-03-A-0450	P04	13.12.2022
Other	LSE-0464-03-A-0600	P04	13.12.2022
Other	LSE-0464-03-A-0602	P04	13.12.2022
Drainage Details	LSE-2780-03-DE-100		13.07.2022
Drainage Details	LSE-2780-03-DE-101		13.07.2022
Landscaping Details	MCS23386 12 DR		13.07.2022
Proposed Elevations	LSE- 2780 -03-A-0400	P08	30.09.2025
Proposed Elevations	LSE- 2780 -04-A-0401	P10	30.09.2025
Proposed Elevations	LSE- 2780 -03-A-0402	P12	30.09.2025



Ann Biggs
Assistant Director Planning and Sustainable Economy

PECNDZ

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

The planning permission was granted on an application made under Section 73 of the Town and Country Planning Act 1990 and

- (i) The original planning permission to which the Section 73 planning permission relates* was granted before 12th February 2024, or
- (ii) The application for the original planning permission* to which the Section 73 planning permission relates was made before 12th February 2024.

* "original planning permission means the permission to which the Section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are Section 73 planning permissions.

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 replaceable 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.