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CONTACT: Martin Dale
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REF: DM/25/1630
DATE: 23rd December 2025

Dear Sir/Madam

Land At Hurst Farm Hurstwood Lane Haywards Heath West Sussex
Variation of Condition no 2 and 32 relating to planning application DM/22/2272 - amended drawings to allow a revised access point from Hurstwood Lane into Parcel 2 of the site.

I advise that your application DM/25/1630 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/25/1630

DESCRIPTION: VARIATION OF CONDITION NO 2 AND 32 RELATING TO PLANNING APPLICATION DM/22/2272 - AMENDED DRAWINGS TO ALLOW A REVISED ACCESS POINT FROM HURSTWOOD LANE INTO PARCEL 2 OF THE SITE.

LOCATION: LAND AT HURST FARM, HURSTWOOD LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 23 DEC 2025

CASE OFFICER: MARTIN DALE - MARTIN.DALE@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. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 29th May 2028.

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing nos C5116_0000-01 Rev K, C5116_0000-02 Rev F, C5116_0000-03 Rev D, C5116_0000-07 Rev D).

Reason: In the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan and policy H1 of the Neighbourhood Plan.

Pre commencement

3. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.

Reason: In the interests of managing the implementation of the development and to comply with policies DP21 and DP26 of the Mid Sussex District Plan.

4. Prior to any works commencing (including site clearance/preparation and/or demolition, but excluding archaeological work), a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with WSCC. The submitted construction management plan shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. Thereafter the applicant and contractors shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:

- a) the phased programme of construction works;
- b) the means of access and road routing for all construction traffic associated with the development;
- c) details of a scheme for the monitoring of noise, dust and vibration (including any piling) in accordance with the appropriate British Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;
- d) provision of wheel washing facilities and details of their operation and location;
- e) construction work including delivery times;
- f) details of a means of suppressing dust arising from the development and site boundary fencing;
- g) details of all proposed external lighting to be used during construction;
- h) details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- i) details of areas to be used for the storage of plant and materials associated with the developments;
- k) details of the temporary construction site enclosure to be used throughout the course of construction;
- l) details of any construction accesses to be used;
- m) details of the appropriate public consultation that will be required;

n) details of scheme to protect residential properties from the noise sources during construction

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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 DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan

5. No development shall commence until a delivery schedule for the proposed highway works has been submitted and approved in writing by the Local Planning Authority. The delivery schedule shall define a clear trigger for the provision of the related scheme of highway works. The delivery schedule shall include the following approved highway works,

- Old Farm Close/A272 Proposed Signalised Junction, drawings 70081355-WSP-XX-XX-DR-CV-0003 Revision P04 and 70081355-WSP-XX-XX-DR-CV-0004 Revision P04
- Fox Hill Proposed Pedestrian Crossing, drawing 70081355-WSP-XX-XX-DR-CV-0007 Revision P04
- Southern Site Access and Footway Provision, drawing 70081355-WSP-XX-XX-DR-CV-0002 Revision P03
- A272 Rocky Lane/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing 70081355-WSP-XX-XX-DR-CV-0005 Revision P03
- Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing 70081355-WSP-XX-XX-DR-CV-0006 Revision P03
- Hurstwood Grange and Central Access Junction Forward Visibility, drawing 70081355-WSP-XX-XX-DR-CV-0061 Revision P01
- The closure of Hurstwood Lane to vehicular traffic as shown on drawing number C5116_0000-05 Revision K

Once approved, the highway works shall thereafter be provided prior to the agreed trigger unless agreed in writing by the Local Planning Authority.

Reason: To ensure the necessary highway works are delivered in a timely way to ensure the development provides safe and suitable transport infrastructure and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

8. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to any works commencing (including site clearance/preparation and/or demolition). The submitted CEMP shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

9. Prior to the commencement of development on any reserved matters phase, further supplementary ecological surveys for protected species for that phase shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before any development above slab level on any phase of the development.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and 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.

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

12. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of [the watercourse/pond/trees or other relevant thing that needs protection] shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the features to be retained and protected during construction works in that phase; and
 - b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and Policies DP38 and DP41 of the Mid Sussex District Plan 2014 - 2031.

13. The development, in any particular phase (as defined on the approved 'phasing plan') hereby permitted, shall not commence until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

14. Prior to any works commencing on the pedestrian/cycle route from parcel 3 to the Fox Hill roundabout, details of the method of construction and proposed materials for this route shall be submitted to the LPA for its written approval. The pedestrian/cycle route shall then be implemented in accordance with the approved details.

Reason: To ensure the protection of Ancient Woodland and to comply with policy DP38 in the District Plan 2014 - 2031.

15. (i) No development or preliminary groundworks of any kind shall take place within a reserved matters area until a programme of archaeological trial-trenching evaluation has been secured in accordance with a Written Scheme of Investigation which has

been submitted by the applicant, and approved in writing by the local planning authority.

(ii) No development or preliminary groundworks of any kind shall take place within a reserved matters area until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.

(iii) A mitigation strategy detailing the excavation / preservation strategy for each reserved matters area shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those reserved matters areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

(v) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

16. 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
- a) A site investigation scheme, based on the preliminary risk assessment by WSP dated August 2021, ref: 70081355-PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- and, unless otherwise agreed in writing by the LPA,
- b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
- 2) 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 (common to all): 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 and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

17. The development, in any particular phase (as defined on the approved 'phasing plan') hereby permitted, shall not commence until a scheme for the protection of trees and hedgerows within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented as approved. No development beyond slab level shall take place until details of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

18. The development, in any particular phase (as defined on the approved 'phasing plan') hereby permitted, shall not commence above slab level until the developer has submitted a scheme to the LPA for approval, showing the exact level of glazing and/or ventilation needs for each home, based on the noise levels for the site outlined in, Chapter 12 - Noise and Vibration, of the Environmental Statement by WSP, dated July 2022. Each property identified as requiring specific glazing and / or ventilation shall not be occupied unless the relevant glazing and / or ventilation has been installed.

Reason: To protect the amenity of future residents with regard to external noise and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

19. The development, in any particular phase (as defined on the approved 'phasing plan') hereby permitted, shall not commence above slab level unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

20. The development, in any particular phase (as defined on the approved 'phasing plan') hereby permitted, shall not commence until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; boundary treatments; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

21. The development hereby permitted may not commence until such time as a scheme to secure de-watering of the site if found necessary and a detailed drainage strategy to prevent waterlogging has been submitted to, and approved in writing by, the Local Planning Authority.

Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development, including the burial ground, does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework (NPPF) and Position Statement L3 of the 'The Environment Agency's approach to groundwater protection and to accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

Pre-occupation

22. No part of the development accessed from the B2112 Fox Hill/Hurstwood Lane shall be first occupied until a scheme of speed management measures for the B2112 between the A272 Wivelsfield Road Roundabout and the B2112 Fox Hill/Hurstwood Lane junction have been submitted to and approved in writing by the Local Planning Authority. The approved speed management works shall be implemented prior to the first occupation of any part of the development.

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

23. Prior to the first occupation of any dwelling or any other use forming part of this planning permission first commencing, plans and details and timetable for the delivery of the works showing the proposed measures to close Hurstwood Lane to vehicular traffic and downgrade the closed section of road for the use by pedestrians and cyclists. The measures once agreed shall thereafter be implemented in accordance with the agreed timetable.

Reason: To ensure Hurstwood Lane is closed to traffic and suitably downgraded in accordance with the approved development master plan and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy Hurst H1 of the Haywards Heath Neighbourhood Plan.

24. The proposed school shall not be first occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote non-car modes of travel in accordance with current planning policy and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy Hurst H1 of the Haywards Heath Neighbourhood Plan

25. Prior to occupation of any of any phase of the development hereby permitted, a lighting design scheme for biodiversity for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

26. If during construction, contamination not previously identified is found to be present at the site then no further development within that particular phase (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 and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

27. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the

Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to comply with policy SA38 in the Site Allocations DPD.

28. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling that is proposed to be M4(2) compliant shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

29. Prior to the occupation of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the District Plan 2014-2031.

Construction phase

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

31. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 - Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report - April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

32. 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 Applications".

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

33. (i) No development or preliminary groundworks of any kind shall take place within a reserved matters area until a programme of geophysical survey has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
- (ii) No development or preliminary groundworks of any kind shall take place within a reserved matters area until the completion of the programme of geophysical survey identified in the Written Scheme of Investigation defined in Part (i) and confirmed by the local authority archaeological advisors.
- (iii) The applicant will submit to the local planning authority a report detailing the results of the geophysical survey, which will be used to inform a programme of archaeological trial-trenching evaluation.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

34. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

35. 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 Mid Sussex District Plan 2014-2031

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. 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.
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. 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>. 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.
4. Notwithstanding the approved details forming part of this planning application, the Applicant is requested to investigate and if feasible seek to obtain those consents necessary to provide a length of footway on the southern side of the proposed access road connecting to the proposed footway located within the development to the west to that section of Hurstwood Lane that is to be closed to traffic, and thereby achieving an improved route for pedestrians.

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
Other	C5116_020-12	F	24.06.2025
Other	C5116_0000-07	G	24.06.2025
Access Plan	SP-XX-XX-DR-CV-00	P06	24.06.2025
Access Plan	C5116_001-19	F	24.06.2025
Other	C5116_001-11	F	24.06.2025
Access Plan	70081355-WSPXX-XX-DR-CV0002	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0001	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0003	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0004	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0005	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0006	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-DR-CV0007	P03	20.02.2023
Access Plan	70081355-WSPXX-XX-SK-CV0062	P01	20.02.2023
Access Plan	70081355-WSPXX-XX-SK-CV0063	P01	20.02.2023
Access Plan	70081355-WSPXX-XX-SK-CV0063	P01	20.02.2023
Other	C5116_0000-02	F	20.02.2023
Other	C5116_0000-02	F	20.02.2023
Location Plan	C5116_001-01	E	20.02.2023
Location Plan	C5116_001-01	E	04.04.2023
Site Plan	C5116_0000-02	F	20.02.2023
Access Plan	C5116_0000-04	I	16.09.2025
Access Plan	C5116_0000-05	O	16.09.2025
Other	C5116_0000-06	E	16.09.2025
Other	C5116_0000-06	F	16.09.2025
Other	C5116_001-11	G	16.09.2025
Other	C5116_010-11	O	16.09.2025
Other	C5116_010-16	P	16.09.2025
Other	C5116_010-13	G	16.09.2025
Other	C5116_0000-03	F	24.06.2025
Access Plan	70081355-WSP-	PO2	11.11.2025

Access Plan	XX-XX-DR-CV-0008		
Access Plan	WSP-XX-XX-DR-CV-0009	P01	11.11.2025
Access Plan	70081355-WSP-XX-XX-SK-CV-0061	P02	11.11.2025
Other	C5116_0000-01	M	16.09.2025



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.