

C/O Agent
c/o Miss Rose Sharkey
WSP
70 Chaucery Lane
London
WC2A 1AF

CONTACT: Steven King
PHONE: 01444 477556
E-MAIL: steven.king@midsussex.gov.uk
REF: DM/25/1327
DATE: 17th September 2025

Dear Sir/Madam

**The Martlets Shopping Centre Burgess Hill West Sussex RH15 9NN
Variation of conditions 6, 21 and 29 relating to planning application DM/19/3331 -
amendment of approved drawings to improve the viability and deliverability of the
scheme.**

I advise that your application DM/25/1327 was **Granted Permission** on **17th September 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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Miss Rose Sharkey
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70 Chaucery Lane
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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/25/1327

DESCRIPTION: VARIATION OF CONDITIONS 6, 21 AND 29 RELATING TO PLANNING APPLICATION DM/19/3331 - AMENDMENT OF APPROVED DRAWINGS TO IMPROVE THE VIABILITY AND DELIVERABILITY OF THE SCHEME.

LOCATION: THE MARTLETS SHOPPING CENTRE, BURGESS HILL, WEST SUSSEX, RH15 9NN

DECISION DATE: 17 SEP 2025

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 and subject to compliance with the following conditions:-

Conditions

1. The obligations under the planning obligation by way of Agreement dated 2nd July 2021 pursuant to the previous application DM/19/3331 will be equally applied to and satisfy the requirements necessitated under this application DM/25/1327.

Reason: To ensure the provision of transport and other infrastructure and to comply with policies DP20 and DP21 of the Mid Sussex District Plan 2014-2031.
2. The development shall take place in accordance with the Construction Management Plan by Construction Safety Solutions received on the 7th March 2024 and the phase

1 CMP plan drawing no. 21366-0341 rev P-01 in respect of phase 1 only as set out in conditions discharge application reference DM/24/0608, unless otherwise agreed in writing by the Local Planning Authority.

Please note that further information is required to be submitted and approved prior to the commencement of development of phases 2 and 3.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

3. The development shall take place in accordance with the programme for phasing of the development as set out in conditions discharge application reference DM/24/0608, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in cohesive manner to accord with policies DP2, DP26 and DP31 of the Mid Sussex District Plan 2014-2031.

4. No development (excluding demolition), in each respective phase of the agreed programme, shall be carried out unless and until samples of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority.

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.

5. The development hereby permitted shall not commence (excluding demolition) 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.

6. No development (excluding demolition), in each respective phase of the agreed programme, shall commence unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) 1:50 scale plans, elevation, and sections of entrance zones to the buildings
- b) 1:20 drawing vignettes of the full height elevations and sections relating to each respective phase of development.
- c) Details of the proposed renovations/changes to all existing front elevations must be provided. These should clearly illustrate and describe the full scope of works, specifying the materials to be used and RAL colour references for all elements of the front façades. The submission should address:
 - o Enhancements to signage design
 - o Specification of framing materials

- o Colour selection and coordination.
 - o Brick restoration techniques
 - o Use of contrasting mortar colours for repointing to update the look and reduce the visual monotony of the existing long façades.
- d) Drawings that show how the rainwater discharge arrangements will be provided and accommodated on the buildings.
 - e) Drawings showing all sustainability measures and their locations: solar panels, heat pumps etc.
 - f) Close up drawings (1/50 and 1/20 plans and elevations) of all important elements of the landscape, such as design of the main square, design of all ramps, steps, crossings, resting spaces, gathering spaces, frontage solutions to verge along Block A1, all works outside the red line boundary to tie into existing public realm and works along all existing buildings and their thresholds, passage from the existing public to a new square, path linking the square to a bus stop and the terraced zone.
 - g) Separate landscape drawing for street furniture, with schedule and details of all benches, resting spaces, bins etc.
 - h) Details and location diagram of any external railing with RAL colours provided
 - i) Details of all louvers
 - j) Details of the railing to the balconies
 - k) Details of all the external railings used for landscape design with RAL colours
 - l) Details of a gate between the two buildings that will have controlled access for residents (linked buildings)

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development and buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. Prior to the commencement of development (excluding demolition), details of the mitigation measures to address the issues raised within the Wind Microclimate Desktop Study by BMT dated 16th August 2019 submitted with application DM/19/3331, shall be submitted to and approved in writing with the Local Planning Authority. The submission will be supported by a timetable for implementation and the scheme shall only be implemented in accordance with the approved details.

Reason: To ensure that an acceptable public environment is created and to accord with Policy DP26 of Mid Sussex District Plan 2014 - 2031.

8. Prior to the commencement of development (excluding demolition) 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 BJB Consulting Phase 1 Desk Top Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 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 (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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.

9. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall only then be recommenced in accordance with the approved details.

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.

10. The development shall be carried out in accordance with the levels details that were approved under conditions discharge reference number DM/24/0608 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 and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

11. The development shall be carried out in accordance with the details that were approved under conditions discharge reference number DM/23/0220 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

12. No development (excluding demolition) shall take place until a scheme for protecting the residential and any other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period.

Reason: To safeguard the amenity of residents and accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

13. No part of the commercial elements of the development hereby approved shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To safeguard the operation of the highway and to protect residential amenity and to accord with policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

14. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle and no such vehicles shall arrive or depart, within the application site except between the hours of 07:30 - 20:00 hours Monday to Saturday and 08:00 - 18:00 hours Sunday and Bank Holidays.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP26 and DP29 of Mid Sussex District Plan 2014-2031.

15. Unless otherwise agreed in writing, noise associated with fixed plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall achieve at least 5dB below the background noise levels. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. Details of fixed plant or machinery and any mitigation measures required to achieve this standard shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commercial operation concerned begins operating on site, and thereafter be maintained in accordance with the approved details. Details of post installation testing shall be submitted to the LPA upon request.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

16. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. In addition, a plan/strategy that demonstrates how the planting of the proposed line of trees along the Civic Way frontage will be coordinated with the underground services and is acceptable to the utility companies. All 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

17. 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. 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 missions and to accord with policy DP29 of the Mid Sussex District Plan.

18. External lighting at the development hereby permitted shall not be brought into use until a lighting scheme has been submitted and approved in writing by the Local Planning Authority. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Note 1 for the Reduction of Obtrusive Light 2020" for Environmental zone E3. Thereafter the approved installation shall be maintained and operated in accordance with zone E3 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

19. Unless otherwise agreed in writing by the LPA, prior to the use of any business or commercial premises that involve the cooking of food, measures shall be implemented in accordance with an Odour Control Scheme submitted to, and approved in writing by, the Local Planning Authority, to prevent odour from cooking at the premises affecting neighbouring residential premises. The agreed measures shall be fully completed and operational prior to the first use of the unit and thereafter maintained unless any variations are approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex Local Plan.

20. Unless otherwise agreed in writing by the LPA, prior to the occupation of the cinema, gym or bowling alley, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall assess the likely risks posed to residential amenity from the emission of noise from the intended use and shall include measures to protect residential amenity. The approved mitigation measures shall be implemented prior to the first use of the unit and thereafter maintained unless any variations are approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex Local Plan 2014-2031.

21. Prior to first occupation of any part of the development hereby approved the proposed modifications to the public highway, including accesses onto Civic Way, shall be designed/constructed, in general accordance with drawing 14091-012 rev F. A final scheme design shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Thereafter, the scheme shall only be implemented in accordance with the approved details.

Reason: In the interests of road safety and to accord with policy DP21 of the Mid Sussex District Plan.

22. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved Plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the uses and to accord with policy DP21 of the Mid Sussex District Plan.

23. No part of any major use class or group of use classes within the proposed development hereby approved shall be occupied until:

(a) A Travel Plan for that major use class or group of use classes of the development has been submitted to and approved in writing with the Local Planning authority. The Travel Plan(s) 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.

(b) The Travel Plan(s) once completed shall be implemented as specified within the document.

Reason: To ensure the adequate account is made of sustainable transport measures and to accord with Policy DP21 Mid Sussex District Plan.

24. Prior to the commencement of construction of any building subject of this permission, including the construction of foundations, plans and details of operational electric charging vehicle points shall be submitted to and approved in writing with the Local Planning Authority. The development shall not be occupied until the approved details have been fully completed and are operational.

Reason: To provide sustainable travel options and to accord with policies DP21 and DP39 of the Mid Sussex District Plan 2014-2031.

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

Reason: To provide alternative travel options to the use of the car in accordance with policy DP21 of the Mid Sussex District Plan.

26. Units A-005, 006, 009, 011, 012, 015, 025, 026, 033, 035, 036, 039, 049, 050, 057, 059, 060, 063, 073, 074, 081, 083, 084, 087, 097, 098, 105, 107, 108, 111, 124, 127, 130, 146, 149 and 152 hereby permitted shall be Part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed 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.

27. In respect of the units identified as Class E(b) (formally Class A3 use) on drawings hereby permitted, the premises shall be limited to the following hours of use:

Monday to Thursday: 0730 - 2330 hrs

Friday and Saturday: 0730 - 0000 hrs
Sunday & Public/Bank holidays: 0800 - 2330 hrs.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

28. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with policy DP29 of the Mid Sussex District Plan.

29. 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.

30. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Briefing Note (Rev 1) (ECOSA Ltd, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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 protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

31. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Briefing Note (Rev 1) (ECOSA Ltd, July 2025), shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

32. No commercial or residential units shall be occupied until a satisfactory Planning Obligation/Unilateral Undertaking has been completed to secure the Travel Plan auditing fees that are required by West Sussex County Council.

Reason: To ensure the sustainability of the development 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. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Any changes to the Use Classes Order 1987 Use Classes Order (as amended) - notably those contained within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 - only apply once any building/planning unit has been bought into use for its permitted purposes, as set out in the application and shown on the approved drawings.
3. In respect to condition 19, the submitted Odour Control Scheme should include an odour "risk assessment" and should be in line with current best practice.
4. In respect of condition 20, the cinema noise management plan (NMP) should align with recommendations in 5.13 and 5.14 of Environmental Noise Report submitted with application DM/19/3331 by Sharps Redmore dated 16th August 2019, gym NMP to align with 5.16, bowling alley NMP to align with 5.18 to 5.19.
5. In respect of condition 5, please note the comments from the Council's Drainage Officer on application DM/19/3331 in regard to the matters that will to be addressed in the submission details.

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
Proposed Elevations	BHL-CWA-ZZ-	PO2	31.07.2025

	ZZ-DR-A-0340		
	Sheet 2		
Landscaping Details	0152-LDA-00-XX-M2-LA-1001	P02	30.07.2025
Proposed Site Plan	BHL-CWA-ZZ-ZZ-DR-A-0301	P02	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-00-DR-A-0310	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0311	P05	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-02-DR-A-0312	P05	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-03-DR-A-0313	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-04-DR-A-0314	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-05-DR-A-0315	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-06-DR-A-0316	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-07-DR-A-0317	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-08-DR-A-0318	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-09-DR-A-0319	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-10-DR-A-0320	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-11-DR-A-0321	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-12-DR-A-0322	P04	03.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-00-DR-A-0323	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0324	P04	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-02-DR-A-0325	P02	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-03-DR-A-0326	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-04-DR-A-0327	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-05-DR-A-0328	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-06-DR-A-0329	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-07-DR-A-0330	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-08-DR-A-0331	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-09-DR-A-0332	P03	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-10-DR-A-0333	P03	30.07.2025
Proposed Floor Plans	BHL-CWA-ZZ-11-	P03	30.07.2025

Proposed Floor Plans	DR-A-0334 BHL-CWA-ZZ-12- DR-A-0335	P01	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-01- DR-A-0336	P02	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-02- DR-A-0337	P02	21.05.2025
Proposed Floor Plans	BHL-CWA-ZZ-03- DR-A-0338	P02	21.05.2025
Proposed Elevations	BHL-CWA-B1- ZZ-DR-A-0339	P04	31.07.2025
Proposed Elevations	BHL-CWA-ZZ- ZZ-DR-A-0340 Sheet 1	P04	30.07.2025
Proposed Elevations	BHL-CWA-ZZ- ZZ-DR-A-0341	P01	21.05.2025
Proposed Elevations	BHL-CWA-ZZ- ZZ-DR-A-0342	P03	30.07.2025
Proposed Sections	BHL-CWA-B1- ZZ-DR-A-0343	P02	21.05.2025
Proposed Sections	BHL-CWA-ZZ- ZZ-DR-A-0344	P02	30.07.2025
Proposed Sections	BHL-CWA-ZZ- ZZ-DR-A-0345	P02	21.05.2025
Proposed Elevations	BHL-CWA-ZZ- ZZ-DR-A-0346	P01	21.05.2025
Highways Plans	14091-012	J	03.07.2025



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 of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

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.