

Mr And Mrs R Ohlson
c/o Mr Stephen Manning
Gould Baxter
2 Lucastes Mews
Paddockhall Road
Haywards Heath
West Sussex
RH16 1HE

CONTACT: Joanne Fisher
PHONE: 01444 477330
E-MAIL: joanne.fisher@midsussex.gov.uk
REF: DM/24/3126
DATE: 4th March 2025

Dear Sir/Madam

Townhouse Farm Cottages Church Lane Ardingly West Sussex
Variation of condition 2 of planning application DM/23/2282, as amended by reference
DM/25/0428 - to amend the approved plans to allow for design changes.

I advise that your application DM/24/3126 was **Granted Permission** on **4th March 2025**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

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

PERMISSION

REFERENCE: DM/24/3126

DESCRIPTION: VARIATION OF CONDITION 2 OF PLANNING APPLICATION DM/23/2282, AS AMENDED BY REFERENCE DM/25/0428 - TO AMEND THE APPROVED PLANS TO ALLOW FOR DESIGN CHANGES.

LOCATION: TOWNHOUSE FARM COTTAGES, CHURCH LANE, ARDINGLY, WEST SUSSEX

DECISION DATE: 4 MAR 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 12th August 2027.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. **Approved Plans**

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

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

3. No development shall commence, with the exception of 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. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

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

4. No development shall commence, with the exception of demolition, unless and until details of the flood risk management measures on site have been submitted to and approved in writing by the local planning authority. No building shall be occupied, or brought into use, until all the approved flood risk management 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: In the interests of protecting the natural environment and ensuring flood risk is not increased on or off site and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall commence, with the exception of demolition, unless and until a schedule of external roofing and facing materials for the dwellings and outbuildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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 Policies DP26 and DP35 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall commence, with the exception of demolition, until detailed drawings, at an appropriate large scale, including sections, and annotated to show materials and finishes, of the following:

- typical examples of new windows and external doors, including garage doors
- typical eaves detail to house and to garage
- design and detail of chimney stacks and pots

has been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

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 Policies DP26 and DP35 of the Mid Sussex District Plan 2014 - 2031.

7. No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

8. Prior to the occupation of the dwelling the landscaping works shall be carried out in accordance with the submitted hard and soft landscaping plans (drwgs PJC.1277.001 - SHEET 1 OF 2, Rec B, PJC.1277.001 - SHEET 2 of 2 Rev C; PJC.1277.002 - SHEET 1 of 2 Rev C; PJC.1277.002 - SHEET 2 of 2 Rev C; PJC.1277.003 - SHEET 1 of 2 Rev C; PJC.1277.003 - SHEET 2 of 2 Rev C) and the Soft landscaping Specification (doc ref PJC.1277.004 Rev B). 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.

9. Prior to the occupation of the dwelling details including elevations of new gates and any new sections of fencing shall be submitted to and approved in writing 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 Policies DP26 and DP35 of the Mid Sussex District Plan 2014 - 2031.

10. Prior to the construction of the pool detailed drawings, at an appropriate large scale, including elevations and sections and annotated to show materials and finishes, of a screening enclosure around the pool plant, including the 'pool pod' and air source heat pump shall be submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

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 Policies DP26 and DP35 of the Mid Sussex District Plan 2014 - 2031.

11. The works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (dated 7th September 2022).

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.

12. The development hereby permitted shall be carried out in accordance with details contained in the Preliminary Ecological Appraisal (dated August 2022), the Bat Survey Report (August 2022) and the letter from PJC concerning GCN eDNA Assessment (dated May 2021).

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 186 of the NPPF

13. The development hereby permitted shall be carried out in accordance with details contained in the Sustainability section within the submitted Planning, Design and Access Statement (Rev A) received 22nd September 2023.

Reason: In the interests of sustainability and to accord with policy DP39 of the Mid Sussex District Plan 2014 - 2031.

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 Local Planning Authority.

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. No building shall be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

16. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

17. Prior to the occupation of the dwelling, details of covered and secure cycle parking spaces shall be provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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. The rooflights shall be a flush fitting metal framed conservation style rooflight.

Reason: To safeguard the character of the building and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

19. The rainwater goods, and stove pipe flue to the garage, shall be of painted metal.

Reason: To safeguard the character of the building and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To protect the design and character of the dwelling and the setting of the Ardingly Conservation Area and nearby listed buildings and to accord with Policies DP26, DP34 and DP35 of the Mid Sussex District Plan 2014 - 2031.

21. The car parking area within the garage shown on the approved drawings shall not be used for any purpose (including use as living accommodation) other than for the garaging or storage of private motor vehicles; and the home office shall be used as accommodation incidental to the enjoyment of the dwelling and no trade or business shall be carried out therefrom from either parts of the building.

Reason: To safeguard the character of area and to accord with Policy DP12 of the 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. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. 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.
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> (Fee of £145 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

5. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Location and Block Plan	PL101	A	02.01.2025
Proposed Floor Plans	PL110		23.12.2024
Proposed Floor Plans	PL111	A	13.01.2025
Proposed Floor Plans	PL112		23.12.2024
Proposed Floor Plans	PL113		23.12.2024
Proposed Elevations	PL114		23.12.2024
Proposed Elevations	PL115		23.12.2024

Proposed Floor and Elevations Plan	PL116	A	13.01.2025
Sections	PLL17		23.12.2024
Landscaping Details	PJC.1277.001 -	C	13.01.2025
	SHEET 1 of 2		
Landscaping	PJC.1277.002 -	C	13.01.2025
	SHEET 1 of 2		
Landscaping Details	PJC.1277.003 -	C	13.01.2025
	SHEET 1 of 2		
Landscaping	PJC.1277.004	B	13.01.2025
Landscaping	PJC.1277.002 -	C	13.01.2025
	SHEET 2 of 2		
Landscaping	PJC.1277.003 -	C	13.01.2025
Site Plan	PL102	A	13.01.2025
Landscaping Details	PJC.1277.001 -	C	13.01.2025
	SHEET 2 of 2		
Other	Alton		23.12.2024
	Greenhouses		
Other	Pool details		23.12.2024
Site Plan	PL002		28.09.2023
Topographical Survey	CM/20651/T		01.09.2023



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

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.