

BA Beare And Sons
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CONTACT: Susan Dubberley
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REF: DM/25/0858
DATE: 27th May 2025

Dear Sir/Madam

Land At Tulleys Farm Turners Hill Road Turners Hill West Sussex
Variation of condition 2 of planning application DM/21/2136 - To enable works to
commence on construction of access ahead of approval of details reserved by condition
in relation to the Flood Emergency Evacuation Plan,

I advise that your application DM/25/0858 was **Granted Permission** on **27th May 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/25/0858

DESCRIPTION: VARIATION OF CONDITION 2 OF PLANNING APPLICATION
DM/21/2136 - TO ENABLE WORKS TO COMMENCE ON
CONSTRUCTION OF ACCESS AHEAD OF APPROVAL OF
DETAILS RESERVED BY CONDITION IN RELATION TO THE
FLOOD EMERGENCY EVACUATION PLAN,

LOCATION: LAND AT TULLEYS FARM, TURNERS HILL ROAD, TURNERS
HILL, WEST SUSSEX

DECISION DATE: 27 MAY 2025

CASE OFFICER: SUSAN DUBBERLEY -
SUSAN.DUBBERLEY@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 approved shall only be implemented in accordance with the timetable covering the construction of the vehicular and non-vehicular accesses serving the development approved under DM/23/0653. The accesses to be constructed in accordance with the approved timetable and details shown on the

drawing titled Potential Construction Access Arrangement and Agricultural Access and numbered ITB14478-GA-003 REV C.

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

2. No development hereby permitted, except for the works to form the revised means of access on to Turners Hill Road for construction works and the associated haul route, shall commence unless and until details of the Flood Emergency and Evacuation Plan have been submitted to and approved in writing by the local planning authority in conjunction with West Sussex Lead Local Flood Authority. The Flood Emergency and Evacuation Plan shall follow the format set out within the Flood Emergency and Evacuation Plan Framework submitted as part of the planning [application] and cover the lifespan of the development and needs to follow the best practice guidance set out in ADEPT and EA (2019) flood risk emergency plans for new development. In addition, the Flood Emergency and Evacuation Plan shall include evidence of engagement with stakeholders, including the results thereof.

The development shall not be brought into use until all elements of the approved Flood Emergency and Evacuation Plan have been brought into effect. The Flood Emergency and Evacuation Plan shall be reviewed annually (or as agreed as part of the Plan) by individuals with the relevant knowledge, skill, and experience and is to remain in effect for the lifetime of the development.

Reason: To ensure that the development is safe and emergency measures are in place for the lifetime of the development and to comply with policy DP41 of the Mid Sussex District Plan (2014 - 2031)

3. The development hereby approved shall only be implemented in accordance with the Construction Management Plan approved under DM/23/0653. The approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

4. The development hereby approved shall only be implemented in accordance with details of both hard and soft landscaping, approved under DM/23/1991. The hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 District Plan.

5. The development hereby approved shall only be implemented in accordance with details plans, details and construction specification showing the proposed surfacing works for Right of Way no. FP 68/W approved under DM/23/1991. The accesses shall thereafter be constructed in accordance with the approved materials.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users and to accord with Policy DP21 of the Mid Sussex District Plan.

6. No part of the development shall be brought into use until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Access Arrangement and numbered Dwg.ITB14478-GA-002 Rev A.

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

7. No part of the development shall be brought into use until such time as the temporary Construction Access has been removed and the land reinstated to its former condition.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP12 and DP26 of the District Plan.

8. The tree protection measures shall be implemented in full in accordance with the submitted details unless otherwise approved in writing by the local planning authority.

Reason: To ensure the retention and maintenance of trees and vegetation and to accord with Policy DP37 of the Mid Sussex District Plan.

9. The development hereby permitted shall be begun before the expiration of 3 years from the date of the original permission, 24 November 2022.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. 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.

2. The applicant is advised that any damage done to the footpath surface in exercise of a private right of vehicular access would be the responsibility of those exercising those vehicular rights to make good to the same or better standard than before the damage was done. WSCC's PROW team should always be consulted prior to any surface disturbance or reinstatement.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. 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:

o 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.

o Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

o 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.

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 Plan			01.06.2021
Tree Survey	RCo 287/02	01	01.06.2021
Tree Survey	RCo 287/03	01	01.06.2021
Tree Survey	RCo 287/04	01	01.06.2021
Tree Survey	RCo 287/05	02	01.06.2021
Topographical Survey	TULLFL/100A		01.06.2021
Proposed Site Plan	TULLFL/101D		01.06.2021
Sections	TULLFL/102C		01.06.2021



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.