

Mr And Mrs Clark
c/o Mr Ben Kirk
Manorwood
Suite 114
26 The Hornet
Chichester
PO19 7BB

CONTACT: Stefan Galyas
PHONE: 01444 477244
E-MAIL: stefan.galyas@midsussex.gov.uk
REF: DM/24/3108
DATE: 9th April 2025

Dear Sir/Madam

Rose Cottage High Street Cuckfield Haywards Heath
General repairs and conservation works. External and internal alterations including replacement and alteration of modern windows and minor changes to internal layout. Installation of photovoltaic panels, construction of workshop and covered patio area. Associated landscape works

I advise that your application DM/24/3108 was **Granted Permission** on **9th April 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/24/3108

DESCRIPTION: GENERAL REPAIRS AND CONSERVATION WORKS. EXTERNAL AND INTERNAL ALTERATIONS INCLUDING REPLACEMENT AND ALTERATION OF MODERN WINDOWS AND MINOR CHANGES TO INTERNAL LAYOUT. INSTALLATION OF PHOTOVOLTAIC PANELS, CONSTRUCTION OF WORKSHOP AND COVERED PATIO AREA. ASSOCIATED LANDSCAPE WORKS

LOCATION: ROSE COTTAGE, HIGH STREET, CUCKFIELD, HAYWARDS HEATH

DECISION DATE: 9 APR 2025

CASE OFFICER: STEFAN GALYAS - STEFAN.GALYAS@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 expiration of 3 years from the date of this permission.

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

2. 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. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Survey Report (Sylvatica Ecology Ltd., October 2024), 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 (as amended).

4. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either: a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

5. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, 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 shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge

6. Prior to the commencement of the instalment and replacement of any windows throughout, typical examples at an appropriate scale of new and replacement windows to the proposed outbuilding shall be provided detailing the glazing bars and depth of reveals. This shall be

submitted and approved in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of the installment of any external doors to the proposed outbuilding, typical examples at an appropriate scale, including sections shall be provided and shall be submitted and approved in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

8. Prior to the commencement of the construction of the proposed outbuilding, typical eaves details at an appropriate scale, including sections shall be submitted and approved in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

9. Prior to the commencement of any hard landscaping works, details of the materials to be used shall be submitted and approved in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

10. Prior to the commencement of the replacement of the metal railings to the front boundary wall, details of the new railings showing their fixing to the wall shall be submitted and approved in writing by the Local Planning Authority. The works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

11. The new rainwater goods and other external pipework shall be of a painted metal material.

Reason: To ensure these aspects of the development are compatible with the design of the building, do not have an harmful impact to the special interest of the listed building and to accord with Policy DP34 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 begun** because it is considered that one 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. 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. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA

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
Existing and Proposed Elevations	2409RO_105a	02	04.03.2025
Location Plan	2490RO_000	02	04.03.2025
Existing and Proposed Floor Plan	2490RO_100		04.03.2025
Existing and Proposed Floor Plan	2490RO_101		04.03.2025

Existing and Proposed Floor Plan	2490RO_102		04.03.2025
Existing and Proposed Floor Plan	2490RO_103		04.03.2025
Existing and Proposed Elevations	2490RO_104		04.03.2025
Existing and Proposed Elevations	2490RO_105		04.03.2025
Existing and Proposed Elevations	2490RO_106		04.03.2025
Existing Elevations	2490RO_107		04.03.2025
Existing and Proposed Elevations	2490RO_108	02	04.03.2025
Other	2490RO_200		04.03.2025
Other	2490RO_201		04.03.2025
Other	2490RO_202	01	04.03.2025
Other	2490RO_203	01	04.03.2025
Other	2490RO_204		04.03.2025
Other	2490RO_300		04.03.2025
Other	2490RO_400		04.03.2025
Other	2490RO_401		04.03.2025
Other	2490RO_500		04.03.2025



Ann Biggs
Assistant Director Planning and Sustainable Economy

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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.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** 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

Development which is subject to a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within a curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application to change the number of dwellings in a building.

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 irreplaceable 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.