

Mr Rob Morley
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1 Capital Quarter
Tyndall Street
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CF10 4BZ

CONTACT: Joseph Swift
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E-MAIL: joseph.swift@midsussex.gov.uk
REF: DM/25/1396
DATE: 17th December 2025

Dear Sir/Madam

**Land West Of Burgess Hill Between The A273 And A2300 Burgess Hill West Sussex
Variation of condition no 4 relating to planning application DM/23/0023 - Update to reflect a
proposed change to remove the grey chippings from the footway surfacing and removal of
bridleway.**

I advise that your application DM/25/1396 was **Granted Permission** on **17th December 2025**.

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

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

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

Mr Rob Morley
Miss Ruth Jones
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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/25/1396

DESCRIPTION: VARIATION OF CONDITION NO 4 RELATING TO PLANNING APPLICATION DM/23/0023 - UPDATE TO REFLECT A PROPOSED CHANGE TO REMOVE THE GREY CHIPPINGS FROM THE FOOTWAY SURFACING AND REMOVAL OF BRIDLEWAY.

LOCATION: LAND WEST OF BURGESS HILL BETWEEN THE A273 AND A2300, BURGESS HILL, WEST SUSSEX,

DECISION DATE: 17 DEC 2025

CASE OFFICER: JOSEPH SWIFT - JOSEPH.SWIFT@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. Prior to the use of the road for public traffic the landscaping shall be carried out as approved (excluding the area required to be submitted as part of condition 3). 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 to accord with Policies DP9 and DP26 of the Mid Sussex District Plan.

2. The future speed monitoring shall be carried out in full accordance with the details submitted and approved under discharge of condition application DM/25/0911.

Reason: In the interests of road safety in accordance with Policy DP21 of the District Plan and the Northern Arc Design Guide.

3. The substation landscaping shall be carried out in accordance with the details submitted and approved under the discharge of condition application DM/25/1127.

Reason: In the interests of visual amenity and to accord with Policies DP9 and DP26 of the Mid Sussex District Plan.

4. The development hereby permitted shall be carried out in accordance with the plans listed below:

General Arrangements

WBLR-CAP-HPN-02-DR-C-0364 Rev P06,
WBLR-WSP-HPN-03-DR-C-0365 Rev P05,
WBLR-WSP-HPN-03-DR-C-0366 Rev P05,
WBLR-CAP-HPN-03-DR-C-0367 Rev P05,
WBLR-CAP-HPN-03-DR-C-0368 Rev P05,

Cross sections

WBLR-CAP-HGN-02-DR-C-0263 Rev C01
WBLR-CAP-HGN-02-DR-C-0264 Rev C01
WBLR-CAP-HGN-03-DR-C-0265 Rev P03
WBLR-CAP-HGN-03-DR-C-0266 Rev P02
WBLR-CAP-HGN-03-DR-C-0267 Rev P02
WBLR-CAP-HGN-03-DR-C-0268 Rev P02

Earthworks cross sections

WBLR-WSP-HPN-03-DR-C-0380 Rev P01
WBLR-WSP-HPN-03-DR-C-0381 Rev P01

Geotechnical Cross Sections

WBLR-WSP-HPN-03-DR-C-0378 Rev P01
WBLR-CAP-HGT-03-DR-GE-0189 Rev P09

Long sections

WBLR-WSP-HPN-03-DR-C-0374 Rev P01
WBLR-WSP-HGN-03-DR-C-0375 Rev P01

Contours

WBLR-WSP-HPN-02-DR-C-0369 Rev P01
WBLR-WSP-HPN-03-DR-C-0370 Rev P01
WBLR-WSP-HPN-03-DR-C-0371 Rev P01
WBLR-WSP-HPN-03-DR-C-0372 Rev P01
WBLR-WSP-HPN-01-DR-C-0373 Rev P01
WBLR-CAP-HGN-03-DR-C-0143 Rev P06
WBLR-CAP-HGN-03-DR-C-0144 Rev P05

Isopachytes
WBLR-CAP-HGN-03-DR-C-0151 Rev P06

Vertical profile
WBLR-CAP-HGN-03-DR-C-0159 Rev P06
WBLR-CAP-HGN-03-DR-C-0160 Rev P05

Landscaping
WBLR-CAP-EXX-02-DR-L-0086 Rev P11
WBLR-CAP-EXX-03-DR-L-0087 Rev P11
WBLR-CAP-EXX-03-DR-L-0088 Rev P10
WBLR-CAP-EXX-03-DR-L-0089 Rev P10
WBLR-CAP-EXX-01-DR-L-0090 Rev C02

Planting
WBLR-CAP-EXX-01-DR-L-0204 Rev C03
WBLR-CAP-EXX-01-DR-L-0205 Rev C05
WBLR-CAP-EXX-03-DR-L-0206 Rev P12
WBLR-CAP-EXX-03-DR-L-0207 Rev P10
WBLR-CAP-EXX-03-DR-L-0208 Rev P11
WBLR-CAP-EXX-03-DR-L-0209 Rev P13
WBLR-CAP-EXX-02-DR-L-0210 Rev P14

Drainage
WBLR-CAP-HDG-02-DR-D-0070 Rev C01
WBLR-CAP-HDG-03-DR-D-0071 Rev P19
WBLR-CAP-HDG-03-DR-D-0072 Rev P15
WBLR-CAP-HDG-01-DR-D-0074 Rev C08
WBLR-WSP-HDG-03-DR-D-0376 Rev P01
WBLR-WSP-HDG-03-DR-D-0377 Rev P01

Bus shelter
WBLR-CAP-HGN-00-DR-C-0252 Rev C01

Bridleway Detail
WBLR-CAP-HGN-02-DR-C-0262 C01

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 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.

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.

A handwritten signature in black ink, appearing to read 'Ann Biggs', with a stylized, cursive script.

Ann Biggs
Assistant Director Planning and Sustainable Economy

PECNDZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (8 weeks in the case of advertisements, 12 weeks in the case of householder or minor commercial development) of the date of this notice *(see exceptions below)

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

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

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

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

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

Biodiversity Net Gain

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

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

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

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

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

The planning permission was granted on an application made under Section 73 of the Town and Country Planning Act 1990 and

- (i) The original planning permission to which the Section 73 planning permission relates* was granted before 12th February 2024, or
- (ii) The application for the original planning permission* to which the Section 73 planning permission relates was made before 12th February 2024.

* "original planning permission means the permission to which the Section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are Section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the replaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.