

Borde Hill Garden Charity
Kai Penny
Whaleback Planning & Design
91 Boundary Road
Hove
BN3 7GA

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

APPLICATION FOR DISCHARGE OF PLANNING CONDITION

REFERENCE: DM/26/1451

DESCRIPTION: DISCHARGE OF PLANNING CONDITIONS NOS 3, 5, 7, 8, 10, AND 14 RELATING TO PLANNING APPLICATION DM/25/3104. ECOLOGICAL ENHANCEMENT PLAN (COND 14) RECEIVED 8/7/26.

LOCATION: BORDE HILL GARDEN, BORDE HILL LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 30 JUL 2026

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

I refer to your application for approval of details reserved by condition received 10th June 2026.

The Authority has considered your application, and I can confirm the following:-

Conditions:

7. The proposed materials schedule set out in your letter dated 8th June in respect of the packing shed and toilet structure to Sugworth Farm is considered acceptable. I hereby discharge condition 7 attached to planning reference DM/25/3104 in relation to the Sugworth Farm development.
8. The proposed hard and soft landscaping details for Sugworth Farm set out in your letter dated 8th June and drawings BHG-L111 Rev P1, BHG-L405 Rev P1, BHG-L406 Rev P1, BHG-L407 Rev P1 and BHG-L204 Rev P1, received 10th June 2026 is considered acceptable. I hereby discharge condition 8 attached to planning reference DM/25/3104 in relation to the Sugworth Farm development.

10. The submitted site wide Travel Plan Statement by Motion dated 15/05/2026 and submitted 10th June 2026 is considered acceptable. I hereby discharge condition 10 attached to planning reference DM/25/3104.

Unfortunately, I am unable to formally discharge the following condition(s) for the reason(s) below:

3. The updated Construction Environmental Management Plan (Issue 3) received 1st July 2026 appears acceptable in principle in relation to the works at Sugworth Farm. However, on page 8 of the document in relation to Noise and Vibration Control it states that '*Construction activities will be strictly limited to designated working hours 7:30AM and 4:00PM*'. This conflicts to the site working hours on page 4 of the document and informative 1 of the decision notice.

I am therefore **unable** to discharge condition 3 under planning reference DM/25/3104 in relation to Sugworth Farm until this matter is addressed in a revised Construction Environmental Management Plan.

5. Further drainage information is awaited following the consultation response from the Councils Drainage Engineer of the 26th June and previously forwarded to you of the same day. I am therefore currently **unable** to discharge condition 5 attached to planning reference DM/25/3104 in relation to Sugworth Farm.

14. The details provided in respect of the Ecological Enhancement Plan received 8th July is currently being considered by the Councils Ecology Consultant. Once I have received their comments I will be in contact with you in respect of condition 14.

I would appreciate your attention to the above matter, please submit the outstanding requirements as soon as possible, in order that this matter can be given further consideration.

INFORMATIVES

1. I note the current determination date for this discharge of condition application is the 5th August. However, as further information in respect of conditions 3 and 5 is required to be submitted by you which will require full and fair consideration in consultation with the Councils Flood Risk and Drainage Team (for condition 5) and comment are awaited from the Council's Ecology Consultant in respect of the information provided earlier this month in respect of condition 14, I would be grateful if you could agree to an extension of time until the 11th September. This extended date would allow you to submit and the Council to consider the outstanding drainage details.
2. This discharge of condition application relates solely to the Sugworth Farm element of the proposal. A separate application to discharge conditions 3, 5, 7, 8 and 10 will need to be submitted in relation to the South Park element of the approved scheme under planning reference DM/25/3104.
3. In respect of condition 10 you are reminded that the Travel Plan is a live document which will be update yearly and when necessary in response to any changes or events.

A handwritten signature in black ink, appearing to read 'EO' followed by a stylized flourish.

Eric Owens
Interim Assistant Director Planning and Sustainable Economy

SPDCOZ

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 for the Environment under Section 78 of the Town and Country Planning Act 1990.

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 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so using a form which you can get from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.