

Wooj Property Ltd
c/o Jonny Parker Pickup
Town & Country Planning Solutions

CONTACT: Anna Tidey
PHONE: 01444 477342
E-MAIL: anna.tidey@midsussex.gov.uk
REF: DM/24/2505
DATE: 26th March 2025

Dear Sir/Madam

50 Hurst Road Hassocks West Sussex BN6 9NL
Proposed tennis court to rear garden.

I advise that your application DM/24/2505 was **Granted Permission** on **26th 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

Wooj Property Ltd
Jonny Parker Pickup
Town & Country Planning Solutions

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

PERMISSION

REFERENCE: DM/24/2505

DESCRIPTION: PROPOSED TENNIS COURT TO REAR GARDEN.

LOCATION: 50 HURST ROAD, HASSOCKS, WEST SUSSEX, BN6 9NL

DECISION DATE: 26 MAR 2025

CASE OFFICER: ANNA TIDEY - ANNA.TIDEY@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. **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. The materials and colour finishes of the tennis court surface and perimeter fencing shall accord with the details provided on the submitted Application Form and as detailed on the Application Form and on the submitted Proposed Site Drawing No A.051.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The trees growing on the site shall be retained and protected in accordance with the details in the submitted Arboricultural Impact Assessment during the course of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees that are to be retained on the site and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

5. The use of the tennis court hereby permitted shall not be commence until native hedges, of a mix of Yew, Holly, Hornbeam, Hawthorn, Blackthorn, Field Maple and Hazel species, as agreed by the applicant's agent have been planted in the positions as indicated , in place of the Cherry Laurels shown, on the Proposed Site Plan, Drawing no A.051 along the sides of the tennis court. In the event that any such hedging plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to accord with Policies DP12, DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

6. The tennis court shall be constructed in accordance with the Surface Water Mitigation measures contained in the submitted Flood Risk Assessment by Jameson Architectural Surveyors Ltd, Project 956 Revision A, received on 17.01.2025, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide mitigation measures for flooding and drainage on the site and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

7. With regards to Archaeological Monitoring and Recording:

- i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological monitoring has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, for approval by the Local Planning Authority.

- ii) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: To protect heritage assets on the site in accordance with Mid Sussex District Plan Policy DP34.

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted Preliminary Ecological Appraisal (CT Ecology, January 2025). This includes the Precautionary Method Statement for mobile species in Sections 5.8 and 5.9 of the Preliminary Ecological Appraisal (CT Ecology, January 2025), which avoids impacts on protected species. This may 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 Local Planning Authority 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).

9. Prior to the commencement of works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (CT Ecology, January 2025), Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024), shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details prior to use of the tennis court, and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (as amended).

10. The tennis court hereby permitted shall be used solely for the private use of the residents of 50 Hurst Road, Hassocks, West Sussex, BN6 9NL and ancillary to the occupation of the dwelling. The tennis court shall not be used for commercial purposes, otherwise an application for full planning permission will be required.

Reason: For the avoidance of doubt, to control the development in accordance with the application and to comply with Policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 and Policy 9 of the Hassocks Neighbourhood Plan.

11. No external fixed lighting shall be provided on the approved tennis court unless planning permission is granted by the Local Planning Authority.

Reason: To protect the rural character of the surrounding countryside and to protect the amenities of adjacent residents in accordance with the provisions of Policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 and Policy 9 of the Hassocks Neighbourhood Plan.

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. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

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	A001		15.10.2024
Existing Site Plan	A050		15.10.2024
Proposed Site Plan	A051		15.10.2024
Tree Survey	AIA		17.01.2025
Other	PEA		17.01.2025
Flood Risk Assessment			17.01.2025
Heritage Statement			17.01.2025
Planning Statement			15.10.2024



Ann Biggs
Assistant Director Planning and Sustainable Economy

PEHOUZ

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.