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## Appeal Decision

Inquiry held on 28, 29, 30 January 2025

Site visit made on 29 January 2025

**by J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> May 2025

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### **Appeal Ref: APP/D3830/W/24/3350075**

#### **Scamps Hill, Lindfield, RH16 2GT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Gladman Developments Ltd against Mid Sussex District Council.
  - The application Ref is DM/24/0446.
  - The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Scamps Hill, Lindfield, RH16 2GT in accordance with the terms of the application, Ref DM/24/0446, subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The application was not determined prior to the appeal being lodged. The Council provided putative reasons for refusal: the setting of heritage assets, the development being outside the built up area in the Development Plan, insufficient information on the effect of the proposal on protected species and the lack of a legal agreement to provide affordable housing and social infrastructure.
3. Following consideration of the latest ecological surveys, the Council confirmed on the 28 November 2024 that protected species would not be harmed by the proposal subject to conditions. Additionally, following the publication of changes to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) on Housing supply and delivery, the Council on 19 December 2024 advised that they were not now opposing the principle of the proposal.
4. A section 106 agreement (s106) was signed on and submitted 10<sup>th</sup> February 2025. This makes provision for affordable housing, highway works, essential services and ecology.
5. The appeal proposal is submitted in outline with all matters reserved except for that of access. The Appellant confirmed at the Inquiry their intention, if the appeal was allowed, was that the reserved matters submissions would comply with the submitted Development Framework Plan which provides the broad extents of the

development area and open space. I therefore have considered the Plan accordingly.

6. The appeal site is proximate to the Grade II listed Grayfriars and Tythe Cottage, and Walstead Grange a non-designated heritage asset. Whilst the site is outside Lindfield Conservation Area, its setting is a material consideration and the effect of the proposal on the settings on all of the above is therefore a main issue.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.
8. The submissions in the appeal evidence show two different spellings of Grayfriars. The list description spells it as above, and for that reason I follow that, in spite of a differing spelling on the sign at its frontage.

### **Main Issues**

9. The Council suggest the proposal conflicts with the Development Plan in their putative reasons, which I consider latterly. The effect of the proposal on the character and appearance of the area is relevant to the built up boundaries in the Development Plan and is raised by local residents; I therefore consider this as a main issue. The effects of the proposal on protected species and habitat and the setting of heritage assets, are both main issues due to their particular tests. The main issues therefore are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on protected species and habitat; and
  - the effect of the proposal on the settings of the Lindfield Conservation Area, Grade II listed Grayfriars, Grade II listed Tythe Cottage and non-designated heritage asset, Walstead Grange.

### **Reasons**

#### *Character and appearance*

10. Policy DP12 of the Mid Sussex District Plan 2014-2031 seeks to protect the countryside for its intrinsic character and beauty. Development outside the built up area boundaries will only be supported where it enhances the rural and landscape character and is necessary for agriculture. DP15 is similar in restricting new homes in the countryside and relatedly DP6 allows development within the defined built up area boundaries. It recognizes the growth of settlements supports local housing, employment and community needs.
11. In addition, Policy DP26 promotes well located and designed development that reflects the District's distinctive towns and villages and retains their separate identity and prevents coalescence. DP37 seeks to protect trees and hedgerows and encourages new planting.

12. Policy 1 of the Linfield and Lindfield Rural Neighbourhood Plan 2014-2031 supports development proposals only within the built up boundary of Lindfield. Then the scale, massing and character will need to be appropriate.
13. The appeal site is not within a designated or protected landscape and similarly no party felt it was part of any such setting. The Council agreed that 'the development has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects'<sup>1</sup>.
14. The site is within the National Character Area High Weald. However, this is very extensive, so offers little relevance to the appeal site and this settlement edge landscape. A county wide study<sup>2</sup> places the appeal site within the Ouse Valley character area. This notes Lindfield as a valley edge settlement and finds its impact on the Valley is reduced by woodland and relatedly suggests the general settlement pattern sits well within the landscape. It also remarks on the legacy of 'designed' landscapes and treescapes.
15. The characteristics of the Ouse Valley are reflected in the environs of the appeal site. Whilst the eastern part of Lindfield is characterised by extensive twentieth century housing, this is fragmented by The Old Common, a green space with a peripheral scattering of trees and a sense of openness and rurality, which functions as a large village green. The houses gently slope towards the edge of the settlement (and the appeal site), alongside the slightly meandering Scamps Stream.
16. The appeal site itself consists of three grass fields. Two gently slope upwards away from the Stream to a faint ridge before conversely the third field slopes down towards Walstead. There is a scattering of mature indigenous trees and hedgerows dividing the fields and site boundaries.
17. One side of the appeal site is adjacent to the B2111 through road linking Lindfield and Walstead which provides a circuitous northern road around the nearby Haywards Heath. To the other side of the road is extensive recent residential development, however this is partly buffered by trees alongside the through road.
18. The appeal site contributes to the Ouse Valley landscape by its grass borders to the stream side and its scattered large specimen trees which together with the boundary hedges soften the settlement edge.
19. A landscape assessment was submitted with the proposal. This shows that there are views of the site from the surroundings, however, the site is only marginally apparent in medium range views, being shrouded by woodland and the topography. It does not feature in distant outward looking views to the wider countryside and is largely experienced in short range views. Both parties agree that the site has limited visibility. I find in terms of landscape change the site has limited sensitivity.
20. The proposed 90 houses would be on the two fields towards the Lindfield part of the appeal site. In the medium range views, these would be perceived as a very small and insignificant element. The site is most apparent along the road to and from Lindfield. However, from here they would be experienced in conjunction with the existing houses in Lindfield and would be perceived as part of the settlement.

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<sup>1</sup> Statement of Common Ground paragraph 4.15.1

<sup>2</sup> A Strategy for the West Sussex Landscape 2005

A proposed intervening open space adjoining Scamps Stream would soften the collective expanse of the new and existing built form.

21. The proposal would create a new opening through the frontage hedge for the vehicular access, which would create a new viewpoint. However, it would not be overly wide, so that view would be narrow and only briefly apparent from the through road. A cycleway/pedestrian access would also be formed and similarly create an opening, however this would be a narrow view and would be largely of an open space by the Stream. With the exception of the above, the submitted plans show a frontage hedge would be largely behind the visibility splays.
22. The submitted tree protection plan shows the retention of the important specimens that contribute to the character of the site and the Framework Plan provides them with space to flourish.
23. Whilst this is an outline application, the extent of development is defined by the Framework Plan and the Design and Access Statement suggests an overall density of 36 per hectare. Taken as a ballpark, I find that this would be modest and in keeping with an edge of settlement location. In addition, the heights of the buildings would be capable of being considered in conjunction with the elevations in any reserved matters.
24. Part of the appeal site, on the Walstead side, would be left as public open space. The Framework Plan shows this arrangement, and a condition on its broad compliance is suggested by both parties. This open space would have new tree planting which would provide a characterful countryside boundary to the settlement.
25. The proposal would involve the loss of two grass fields which would lead to some harm to the landscape. That harm would be limited as the site is not part of a sensitive landscape and development would be experienced as a sympathetic extension to Lindfield. It would be also partly offset by the new landscaping opportunity on the third field, which could reflect the characteristics of the Ouse Valley.
26. The area shown for development does not appear to have any particular constraints, and I find that there is no reason why reserved matters details could not address the character of the area. There is a discernible vernacular in Lindfield, which the elevations, materials and landscaping could follow.
27. I therefore find that the proposal would not conflict with Policy DP37 as the loss of hedgerow for the access would be more than compensated by new hedgerows and trees. It also accords with Policy DP26 in terms of its appropriate design but is contrary to DP12, DP15 and NP1 being outside the built up boundary and leads to adverse impact.

*The effect of the proposal on protected species and habitat*

28. Policy DP38 seeks to promote biodiversity, minimise habitat fragmentation, enhance wildlife corridors and avoid disturbance to sensitive habitats and species.
29. The appeal site's three fields have species poor neutral rough grassland, which were being grazed by a few sheep at the time of my site visit. The scattering of mature indigenous trees and mixed species hedgerows provide some habitat but

more notably adjacent to the site is an ancient woodland and Scamps Stream. There are also pockets of other broadleaf woodland in the area.

30. The Appellant has conducted ongoing surveys for protected species in and around the site since 2020, and reviews have provided the up to date position. The Council and their specialist consultants vindicated the methodology and the results.
31. The surveys showed limited badger, bat and reptile activity, and the presence of dormice and common birds. One of the local residents mentions sighting a barn owl on the site.
32. Both main parties agree in the Ecology Statement of Common Ground that the proposal would not harm protected species or habitat, albeit with appropriate conditions and planning obligations in the s106.
33. The Framework Plan shows the provision of open space and potential landscaping. The parties agree that the proposal can provide mitigation measures including new habitat by tree and shrub planting. Appropriate specimen trees would provide foraging, shelter and foster connectivity across the site for a range of species. Such new planting would also be likely to provide intermediary links to the ancient woodland; a proposed orchard would also be close thereby diversifying foraging opportunities. A hedge would buffer the ancient woodland from disturbance by humans.
34. Open space is also shown around the stream, and development would not intrude into the margins of the aquatic habitat, thereby avoiding disturbance to wildlife. Whilst there are 3 ponds and a ditch within 250m of the site, there was no evidence of newts, and the main parties agree that the development could be effectively managed under license. The proposed surface water attenuation pond would also provide particular habitat, thereby helping to diversify the ecosystem.
35. A condition could be imposed to ensure that the construction process would be managed sensitively to respect the site and its surroundings. Similarly, the open space could be managed so that its potential is realised and a habitat monitoring condition would help the future prospects. A condition to control external lighting would mean that the margins of the development would not be expected to discourage bats and birds.
36. The existing biodiversity value of the site has been calculated and agreed by the Council. Whilst the precise landscaping details would be a reserved matter, the potential has been demonstrated to show a Biodiversity Net Gain as confirmed in the Ecology Statement of Common Ground<sup>3</sup>. A Habitat Management and Monitoring Plan could be required to provide detailed management prescriptions to ensure the existing and created habitats reach the desired state.
37. I therefore find that the proposal would not harm protected species or their habitat and would provide a Biodiversity Net Gain. Accordingly, the proposal would not conflict with Policy DP38.

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<sup>3</sup> Paragraph 1.11

*The effect of the proposal on the settings of heritage assets*

38. Policy DP34 supports the protection of listed buildings and their settings as well as non-listed buildings which have architectural or historic merit.
39. Policy DP35 requires development in a conservation area conserves and enhances its special character, and also seeks to protect their setting in particular views into and out of the area.
40. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states<sup>4</sup> the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall<sup>5</sup> shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.
41. The Grade II\* listed Little Walstead Farmhouse<sup>6</sup> is located to the north of the site. No party raised any concern about the effect of the proposal on its setting and at the Inquiry both parties stated that the appeal site did not form part of its setting. From my observations on site and the lack of any submitted evidence to indicate any connection, I reach a similar conclusion.

Grayfriars

42. This is the nearest historic asset to the appeal site and lies opposite its western corner. The list description<sup>7</sup> suggests it dates back to circa 1830.
43. The significance and special interest is derived from its architectural details. However, both parties agree that it has had some changes and extensions, and I find that they detract from its original character.
44. The Appellant suggests it may have been linked to Gravelye Manor as a waymark or a lodge and related to the nearby poor houses/colony associated with the owner of the Manor, which lies away from the appeal site and in the opposite direction. Whilst the list entry suggests Grayfriars may possibly have been a toll house or lodge, nonetheless there was no clear evidence before the Inquiry to confirm its previous role.
45. I find its setting is formed by its garden/grounds, roads, houses opposite and the appeal site. This partial rural setting compliments the architecture and allows it to stand out in isolation on a prominent corner, however both aspects are diminished by the width of the road and the extent of the nearby twentieth century houses. In addition, a conservatory and garage have been built in its grounds, which divert attention away from the original structure particularly when experienced from the Walstead approach.

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<sup>4</sup> Paragraph 9

<sup>5</sup> *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

<sup>6</sup> List Entry Number 1354878

<sup>7</sup> List Entry Number 1025623



46. The appeal site makes a contribution to the setting by asserting a rural character, and the Council emphasises this importance bearing in mind the other detractors. However, a boundary wall obstructs it from the appeal site aspect and moreover its architectural detailing does not overlook/address the appeal site rather it appears orientated to the side. The intervening road is also a division. I therefore find that the appeal site makes a limited contribution to the setting of the asset.
47. The proposed houses would be visible and whilst they would attract attention away from the listed building, being set back the effect would be very limited. There would be a loss of the grass fields and that rurality, but the through road impairs such setting. I therefore find that the proposal would lead to limited harm.

#### Tythe Cottage

48. This is located towards the eastern side of the appeal site, furthest away from Lindfield. It is an isolated rural cottage set within an open garden.
49. The significance and special interest is derived from the architectural details, simple form, modest scale and rustic materials. The list description<sup>8</sup> notes its ground floor red brick and upper storey in timber weather boarding.
50. Its setting is formed by its garden, surrounding fields and the nearby Walstead Grange. The setting contributes to its character as there is a sense of rural isolation which compliments its rustic architecture and harmonises in a rural idyl.
51. The appeal site is part of the swath of the Cottage's countryside setting and there is intervisibility, indeed its white timber boarding is prominent. The Lindfield Tithe Map shows it was in a different ownership from the appeal site and there was no evidence before the Inquiry to show a functional connection.
52. The proposal would leave the nearest field as open space. Nonetheless the new houses would have a presence which would undermine the rural isolation of the Cottage, albeit the ridgeline, hedge and an existing group of trees would help lessen the visual impact.
53. The open space would have new planting, which is envisaged to follow the existing character and would be beneficial. Whilst the proposal would allow public access, supported by grass mown paths, I would not expect the public presence to be intensive so as to change the inherent tranquil character. I therefore find that the provision of the public open space and landscaping would not be harmful.
54. I therefore conclude that the proposal would cause limited harm to Tythe Cottage.

#### Walstead Grange

55. This is a non-designated heritage asset, and both parties agree that it is high value within that parameter. Paragraph 216 of the Framework requires consideration of the effect of the proposal on its significance and a balanced judgment needs to be made having regard to the scale of any harm.
56. Its significance and special interest is derived from its architecture. The Appellant's Heritage Statement suggests the original building probably dates from the sixteenth century with a nineteenth century addition. The latter is a very large and

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<sup>8</sup> List Entry Number: 1180964

distinct classical style extension, which clearly shows an interesting historic evolution of the building, even though the two elements appear discordant.

57. Its setting is derived from its grounds and the surrounding fields, including the appeal site and Tythe Cottage. A disused tennis court and swimming pool are within the grounds, which are unsightly and detract from its setting.
58. The proposed houses would be evident from the Grange but would be distanced, so the impact would be limited. Moreover, it does not appear to have been designed to take in the views towards the appeal site, and the detracting tennis court and swimming pool form the foreground for this aspect.
59. I therefore find that there would be some loss to the setting of the Grange, but very limited harm would result.

#### Lindfield Conservation Area (CA)

60. The CA as amended in 1998 covers much of the built up part of the village. The Council has published 'Conservation Areas in Mid Sussex' from which they quote: 'Lindfield has a strong individual village identity with a pond, a common, a church dating from the 13th century and a High Street'. The Council suggest the significance of Lindfield Conservation Area lies in its nature as a historic Sussex village which has grown up over many centuries in close connection with the surrounding landscape.
61. In terms of a functional relationship to setting, the Council comment that the countryside, including the appeal site, would have generated wealth thereby supporting the establishment of shops and buildings in the high street. The above document indeed notes the range and richness of the village's architecture.
62. The setting of the CA includes the countryside edge to Lindfield. The appeal site is outside the designated area, but contributes to the setting, as it forms some of the dynamic views of the countryside approach to the CA. In addition, both parties agree the appeal site is 140m away from the CA, whereby on the B2111 there is some intervisibility. Also, there is intervisibility from the slightly elevated The Old Common, particularly from the primary school environs.
63. The Council highlight that the separation of the appeal site from the CA does not mean its effect should not be considered. Reference is made to an appeal decision<sup>9</sup>, whereby in spite of a larger intervening distance, approximately 180m, and the presence of intervening development, that Inspector found the appeal site contributed to the CA's character and appearance. I note this in principle.
64. From the 140m point, the appeal site contributes to the CA's setting by glimpsed, narrow views, which suggest a rural impression, but this is not strong as it is experienced from the roadside and with intervening modern buildings. Similarly, the dynamic views on the countryside approach to the CA are not enhanced by the built up edge of the village.
65. From The Old Common the appeal site is visible on the skyline, but it is a small component of the view.

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<sup>9</sup> APP/D3830/W/20/3261311



66. I acknowledge the Council comment about the countryside generating wealth to support its historic development. However, whilst this is likely, it is not unusual. Moreover, modern development has eroded the relationship with the countryside, in particular, the spread of houses around The Old Common, so it is now difficult to perceive a functional and cultural relationship between the countryside and village's historic growth.
67. I therefore conclude that the appeal site makes a limited contribution to the setting of the Conservation Area.
68. The new houses would be perceived in the dynamic views from the road into/out of the CA and would harm the rural setting. Similarly, the houses would be visible in the glimpses out/into the CA on the through road and The Old Common. The new houses and associated roads would undermine the rural setting, albeit the harm would be limited due to the visibility of the appeal site.
69. The site is currently rough grassland, open, gently undulating, with an informal scattering of large trees particularly oaks. These could be suggestive of a parkland character, however the Council disputed whether historically the site was parkland and also whether it is currently. In any event, it is not necessary for me to reach a conclusion on this point, as the proposed open space, aside from the play area and a peripheral orchard, would be low key grass mown paths, maintained grassland and a scattering of additional trees, rather than a formalised designed landscape. Such a planting strategy would maintain the existing character and additionally the landscaping details would be a reserved matter requiring the Council's approval. Therefore, I find that the proposed planting would be beneficial to the character and appearance of the CA and the public access to the proposed open space would not be harmful.

#### Conclusion on setting of heritage assets

70. I find that the proposal would cause 'less than substantial' harm to the heritage assets.
71. In terms of listed buildings, section 66 of the 1990 Act, requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Whilst section 72 of the 1990 Act refers within a conservation area, paragraph 208 of the Framework emphasises the importance of setting to designated heritage assets. This includes conservation areas, which is also affirmed by Policy DP35.
72. Paragraph 212 of the Framework advocates great weight to the designated asset's conservation. Paragraph 216 highlights the need to consider the significance of non-designated heritage assets. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.
73. As I have found harm to the heritage assets, the proposal would conflict with Policies DP34 and DP35.

#### **Other Matters**

74. Concern was raised about the effects of surface water run-off resulting from the hard surfacing as the appeal site is above the Scamps Stream which drains a substantial part of the village. There have been occurrences whereby the Stream has overflowed threatening adjacent businesses and homes, although a concrete/

brick wall has been built alongside the stream to potentially deflect flood water. The appeal proposal would accommodate the immediate surface water runoff from the site. The Flood Authority have no objection and based upon the evidence submitted to the Inquiry I find that the proposal would not exacerbate flood risk.

75. There were concerns about the safety of the access which would be just inside a 40mph limit. However, this would be sited on the crest of a rise which would allow good visibility in both directions. The visibility splays have been plotted and shown to comply with the necessary safety standards. Similarly, the access geometry has been shown to meet accepted standards. The Transport Assessment calculates the traffic generation associated with 90 dwellings and was agreed with the Highway Authority.
76. Concern was also raised about the Lewes Road junction towards the High Street and beyond the appeal site. However, the traffic arising from the development would not be expected to significantly pressurise this junction.
77. Some of the local residents suggested that walking and cycling would not be supported by the proposal. It was suggested the footpath on the southern side of the road, opposite the appeal site, is not ideal and would have to be crossed. However, the proposal includes a 3m wide cycleway/ footway parallel to the road and within the site. This would then lead to a safe crossing point of the road, on the edge of the 30mph limit. Both main parties suggest a condition on its provision, and I therefore find that the site would have good accessibility and connectivity. I note the extent of recent (Bovis) development near the Walstead side of the site and this proposal would have at least as good accessibility to the Lindfield facilities. Haywards Heath is also close by and offers national high street retailers, a mainline station and hospital. I therefore find that the appeal site is in an accessible location and the proposal would comply with Policy DP25 which requires new development is alongside community services.
78. Concern was raised about the extent of recent new development however that in itself would not preclude this proposal. Much would depend upon the nature of the site, its accessibility and the facilities available locally. In any event the land supply shortfall requires further development in the Council's area.
79. It was also suggested that the development was premature pending a review of the Local Plan however the site is capable of absorbing the development and would be well served by local facilities. The proposal would not jeopardise the future strategy for growth.
80. Concerns were raised about the air quality being degraded by the proposal. However, there is no air quality management zone here and traffic arising from the new houses would be limited compared with existing flows.
81. There is also concern that the proposal would involve the loss of agricultural land. The site is very rough grassland and was being grazed by sheep at the time of my visit, but there was no evidence before the Inquiry that the land has been farmed intensively recently. It is segregated from other land holdings by woodland, the village and the road, which would limit its potential intensive use. The size of the lost fields would also be insignificant in terms of food security and production. The open space would have to be managed and potentially this could be used for grazing.

82. Parts of Ashdown Forest SAC and SPA are within the Council's administrative area. These are noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017, and a review of the new housing is necessary together with other additional growth. Policy DP38 seeks to avoid damage, protect and enhance Special Protection Areas and Special Areas of Conservation.
83. The heathland habitats of the Ashdown Forest SAC are vulnerable from atmospheric pollution from several sources including vehicle emissions from increased traffic associated with new development on the roads which go through or run adjacent to it. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions. Additional nitrogen could disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.
84. The SPA is vulnerable from added recreational pressure, particularly dog walking, causing disturbance, trampling and damage to nests of the near ground and ground nesting birds including Dartford Warblers and European Nightjars.
85. The proposed 90 houses, together with other growth, would increase the number of people seeking areas for recreation. The visitor surveys carried out in liaison with Natural England demonstrate that residents living within 7km of the Ashdown Forest are likely to visit it leading to disturbance. The Council confirm this appeal site is more than 7km away and I therefore find the proposal would not be likely to generate significant visitors to the Forest.
86. I therefore find that the proposal would not lead to vehicles generating air pollution to affect the integrity of Ashdown Forest SAC or from visitor impacts on the Ashdown Forest SPA on nesting birds.
87. In conclusion, the scheme would not harm the SPA or the SAC and accords with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, the proposal would not conflict with Policy DP38.

### **Planning Obligations**

88. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
89. Policy DP20 in the District Plan refers to infrastructure provision. The Council's adopted supplementary planning document entitled 'Development Infrastructure and Contributions', October 2019, sets out the basis for calculating infrastructure contributions and the thresholds. The s106 was agreed by both parties.
90. The pressure from new residents on community buildings could be addressed by several potential projects identified in the CIL Compliance Statement. The scout's hut is available for parties and there are plans for a new kitchen, toilets, and showers. The Old Fire Station and its open space could be adapted to increase use and there is planning permission for a new community centre at Barn Cottage

Recreation Ground. A formula for calculating the increased need and size of the contribution is provided within the obligation.

91. The CIL Compliance Statement confirms that the formal sport contribution would go to improvements at Lindfield Common or Hickmans Lane, both of which are close to the appeal site, and thereby would help meet the needs of the new residents. Similarly, the local community infrastructure contribution would be used towards an extension to increase capacity at Walstead or improvements to street lighting to increase pedestrian activity. Both these contributions are calculated using a formula according to house size.
92. Additional primary and secondary school capacity would need to be expanded to serve the occupants of the new houses, and a county wide-standard formula is provided in the s106 for an appropriate contribution. A similar formula is also included for a library contribution to allow expansion of facilities for the increased demand.
93. The s106 has a requirement for a travel plan, which together with its necessary audit fee, and total access requirement, would promote low carbon travel. There is also provision of a safety audit of highway works and their necessary completion. A monitoring fee is also included to meet the additional staffing costs resulting from the measures in the s106.
94. In accordance with Policy DP31 30% of the new houses would be affordable homes. Affordable housing is controlled within the s106 to ensure that the development contributes to the need of the area. Provision is also included for a wheelchair accessible home. A requirement for compliance with national space standards would ensure that the new homes are satisfactory for modern living.
95. The s106 includes provision of the management of open space, provision of a LEAP and orchard which are necessary for the character and appearance of the area and the well-being of local residents. Provision is made for Biodiversity Net Gain.

### **Housing Land Supply and planning benefits**

96. The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years<sup>10</sup>. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry.
97. The Council has a good record of maintaining land supply, which was acknowledged by the Inspector determining the recent Aldbourne appeal<sup>11</sup>. Similarly, the Council scored 142% in the recent Housing Delivery Test, which is notable. Moreover, the Emerging Local Plan will be allocating new sites and additional staff have been appointed to work on large strategic applications. I therefore find that there are good prospects for the shortfall being remedied in the future.
98. The 90 new houses would be a substantial benefit to the area bearing in mind the shortfall in housing land supply.

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<sup>10</sup> Council closing paragraph 8

<sup>11</sup> APP/D3830/W/23/3319542

99. The median affordability ratio of house prices to earnings in Mid Sussex is 12 which is above the South East Regional average and substantially higher than that nationally. There are 2,099 on the district housing register and 88 households specified Lindfield as their preferred choice. The 30% affordable homes element of the proposal, up to 27 homes, would help towards the pressing local need and support the well-being of the community as a whole. The proposal would provide an acceptable standard of everyday living for those currently waiting for suitable homes. This adds to the substantial benefit above of new housing provision.
100. Both main parties agree that the proposal can provide a Biodiversity Net Gain, which would be a limited benefit<sup>12</sup>.
101. The proposal would dedicate an extensive open space which would be accessible to local residents particularly those in the newer development to the south. It would contribute to a network of accessible green spaces in and around the village, which would be a moderate benefit.
102. There was debate at the Inquiry whether the surface water attenuation would be a mitigation or a benefit. I conclude the former as its size would address the effect of new hard surfaces.

### **Heritage and Planning balances**

103. As I have found above the proposal would harm the listed buildings, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the setting of the Conservation Area as well as the non-designated heritage asset.
104. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
105. Taking the above public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets and non-designated heritage asset.
106. The proposal would not conflict with Policy DP38 in terms of biodiversity, DP26 in respect of design and DP37 in consideration of trees and hedges. Whilst it would accord with DP20 and DP25 being accessible and providing reasonable facilities for the occupants, it would be contrary to Policies DP6, DP12, DP15 and NP1 being outside the built up boundary. The loss of the green fields would also be a negative impact on the character and appearance of the area, contrary to DP12. There is also conflict with heritage Policies DP34 and DP35.
107. Considering the above collectively, there is some accordancy but also some conflict with the Development Plan policies which are the most important in this

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<sup>12</sup> Having regard to *Vistry Homes v Secretary of State for Levelling Up Housing and Communities* [2024] EWHC 2088 (Admin)



appeal. When taken as a whole, I find that the proposal would be contrary to the Development Plan.

108. The Council is working on the Emerging Mid Sussex District Plan. This currently has some unresolved objections and both parties affirm that it is to be afforded only limited weight<sup>13</sup>. In any event the policies in the Emerging Plan do not lead me to a particular decision.
109. As I noted above there is a shortfall in housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
110. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
111. In terms of the economic objective the proposal would provide up to 90 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is suggested as significant, and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
112. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the shortfall in sites for housing there is a pressing need to increase supply from deliverable sites. The proposal would provide a range of new homes.
113. The affordable housing would also contribute to the social objective, particularly as 30% of the dwellings would be affordable which is a significant proportion.
114. In terms of the environmental objective the proposal would not harm the character and appearance of the area. The occupants of the dwellings would be close and accessible to facilities without being wholly reliant upon car use, thereby helping towards low carbon living as advocated within this criterion of paragraph 8. Additionally, the proposal has been demonstrated to potentially improve biodiversity, which would be a benefit.
115. The Lindfield Society suggest that the housing land supply should not dictate this appeal outcome and point to an appeal decision in Ninfield, Wealdon<sup>14</sup> dismissed despite 3.8 years supply. However, I note that Inspector found the development would result in substantial harm to the character and appearance of the area, which is different to my conclusion here. I also acknowledge the point from The Lindfield Society that, even with the housing land supply situation, the current Development Plan still has to be considered<sup>15</sup>, but I consider that it warrants only limited weight.
116. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when

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<sup>13</sup> Statement of Common Ground paragraph 3.3.2

<sup>14</sup> APP/C1435/W/23/3331659

<sup>15</sup> *Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council* Ref: [2021] EWCA Civ 104



assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

## **Conditions**

117. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly. There was considerable agreement on the suggested wording of conditions.
118. Conditions on the timing of commencement, the list of approved plans and particular reserved matters would provide clarity and certainty. The status of the Framework Plan is also confirmed by condition, which helpfully sets out the parameters for the development.
119. Conditions are necessary to set out the requirements for the landscaping reserved matters. Similarly, a condition on materials is necessary to ensure that the houses are sensitive to the site's context.
120. The conditions requiring submission and approval of a Construction Method Plan and working hours would avoid unreasonable disturbance to those living nearby and using the surrounding roads. Conditions on potential remediation of any land contamination and pollution are needed to protect the health of new residents. A condition on compliance with the air quality report is also needed for the health and well-being of the new residents.
121. Details of finished floor levels, surface water drainage, potential access to the stream and verification would ensure that the development does not exacerbate flooding or put new residents at risk. Provision of foul water facilities are a basic requirement of everyday living. A condition requiring a minimum of 20 percent of the dwellings meet national standards for accessibility and adaptability would help the long term living standards of the occupants and their visitors.
122. A condition is needed to ensure the implementation of roads and their associated footways. In addition, a condition is needed to secure the provision of a footway through the site to help accessibility of the new residents to local services as I have found above.
123. An archaeological investigation condition is necessary to ensure that any significant remains are properly recorded, to inform the heritage interest of the area.
124. A condition [23] requires that mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy and the appointment of an ecological clerk of works, which would safeguard their prospects. Whilst re-worded, this would overlap with

the suggested condition on the prevention of commencement of any works which would impact the breeding/ resting place of any Hazel Dormouse and is not so imposed. In addition, conditions are necessary to manage the development in respect of the potential for newts. As I have found above conditions are needed on the ecological management of the development process, promotion of biodiversity and control of external lighting in the interest of wildlife. A condition is warranted on updated surveys in case the implementation of the development is not timely.

### **Conclusion**

125. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

*John Longmuir*

INSPECTOR

## **Appearances**

### For the Council

Graeme Keen, Kings Counsel, Landmark Chambers

Gareth Giles BA(Hons) FRTPI, Planning Director, Whaleback Ltd

Emily Wade MA MSc Conservation Officer

### For the Appellant

Christian Hawley, Counsel, No.5 Chambers

John Mackenzie DipTP, MRTPI, Planning Director, Gladman Developments Limited

Gail Stoten BA, PgCert, MCIfA, FSA, Heritage Executive Director, Pegasus Planning

Gary Holliday BA(Hons), M Phil, FLI, Director, FPCR Environment and Design Ltd

Dr Suzanne Mansfield BSc(Hons), Phd, CIEM, CMLI, Senior Director, FPCR Environment and Design Ltd

### Local residents and interested parties

John Dawson, Lindfield Society

Paul Brown Councillor Mid Sussex District Council

Christian Bode Lindfield Parish Council Chairperson

Hela Kingdom Local resident

Anna Kingdom Local resident

Robert Kingdom Local resident

Lorraine Carvalho Local resident and Councillor Mid Sussex District Council

## **Documents submitted during the Inquiry**

Appellant opening

Council opening

Statement from John Dawson for The Lindfield Society

Statement from Councillor Paul Brown

Little Wastead Farmhouse: List Entry description

Bovis Homes Wastead development location plan

Suggested conditions

Council closing

Vistry Homes v Secretary of State for Levelling Up Housing and Communities [2024] EWHC 2088 (Admin)

Appellant closing

### **Conditions annexe**

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out in the Illustrative Framework Plan 9432-L-02 Rev V.
5. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include tree and hedge retention and protection measures, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities and; an implementation programme.

The approved scheme of soft landscaping works shall be implemented in accordance with the approved implementation programme. Any planting removed, dying or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

6. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a hard landscaping scheme for the site. These details shall include proposed finished levels and contours; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and any other structures (for example refuse and / or other storage units, lighting and similar features).

The works shall be carried out in accordance with the approved details.

7. No development above ground level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

8. The development shall be carried out in accordance with the following:

- All 'more vulnerable' development, including residential and access to the site, will be located within Flood Zone 1 only.
- In line with the Environment Agency's standing advice, finished floor levels will be set 0.3m above ground level or average flood level, whichever is higher.
- An access route for use and transport of plant/machinery to the full length of the Scrase Stream (northwest of site) shall be designed, in communication with the Environment Agency, into the proposed development.

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

9. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No dwelling or part of the development shall be occupied until all the approved drainage works relating to that dwelling or part of development have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

10. No dwelling or part of the development is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system relating to that dwelling or part of the development, carried out by a qualified Engineer, has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

11. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses, including the ancillary lengths of footway, serving the development have been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered 1723/08 revision B.

12. The development hereby permitted shall not commence until details of the proposed 3m wide footway and cycleway, shown indicatively on Proposed Access Arrangements drawing reference 1723/08 revision B, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the footway and cycleway has been constructed in accordance with the approved details.

13. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to

throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and use of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works, including site contact details in case of complaints;
- measures to control noise and vibration affecting nearby residents;
- artificial illumination;
- pollution incident control; and
- dust control measures;

14. Works of construction or demolition, including the use of plant and machinery, and deliveries shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 Hours
- Saturday: 09:00 - 13:00 Hours
- Sundays and Bank/Public Holidays: no work permitted

15. The details submitted in respect of landscaping pursuant to Condition 1 shall include details of a Locally Equipped Area of Play (LEAP), its layout, drainage and fencing.

16. Archaeological Evaluation and Excavation:

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Planning Authority.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.



(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

(v) The applicant will submit to the Local Planning Authority a post excavation assessment to be submitted within six months of the completion of the fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

17. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A site investigation, based on the Phase 1 Geoenvironmental Assessment (desktop study) conducted by Lees Roxburgh Consulting Engineers, reference number: 6534/R1, dated February 2024, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

18. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land off Scamps Hill: Impact plan for great crested newt District Licensing (Version 1)", dated 20th November 2024.

19. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

21. Prior to commencement of any development, including any works of demolition a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements, in particular for Otter and other riparian mammals, reptiles and breeding birds).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

22. Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout and implementation scheme, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd, July 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 and implementation scheme and all features shall be retained in that manner thereafter.

23. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy (FPCR Environment and Design Ltd., October 2024), Letter to Place Services (FPCR Environment and Design Ltd., 8th October 2024) and Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd., July 2024)), as already submitted with the planning application.

This will include the appointment of a qualified ecologist, prior to any works on site, as an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall ensure that all activities, and works shall be carried out, in accordance with the approved details and that any lost habitats are mitigated.

24. The development hereby permitted shall not be first occupied until a lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the implementation timetable, specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

25. The development hereby permitted shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

26. If during construction, contamination not previously identified is found to be present at the site then no further development, 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 Local Planning Authority. 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 Local Planning Authority. 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 Local Planning Authority.

27. No dwelling shall be occupied until fire hydrants have been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

28. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. The relevant dwellings shall not be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

29. All works within section 4 of the Air Quality mitigation Statement by Air Quality Consultants Ltd, ref: J20/14967A/10/3, dated February 2024, shall be completed before any part of the development is occupied.

30. If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological mitigation measures secured

through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species, in particular Otter, and habitats
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

Location Plan 9432-L-06-D received 19<sup>th</sup> February 2024

Proposed Access Arrangements 1723/08/B received 15<sup>th</sup> April 2024

*End of conditions*

