

Our Ref: LT20250509

9th May 2025



Naomi Hoyland
West Sussex County Council
Planning Services Division
County Hall, West Street,
Chichester, PO19 1RQ

Via Email: Naomi.Hoyland@westsussex.gov.uk

Dear Naomi

DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF A 78 BED CARE HOME (CLASS C2) AND 7 ADDITIONAL CARE UNITS (CLASS C2): HIGHFIELDS, WEST HILL, EAST GRINSTEAD, RH19 4DL. MID-SUSSEX PLANNING REFERENCE: DM/24/3051

We act for Igloo Care Ltd (developer) and EQ Care East Grinstead Ltd (operator) in relation to their joint planning application for a care home and related development at Highfields, East Grinstead. We write in relation to the County Council's request for certain s106 obligations here.

We have reviewed your consultation responses of 31st January and 14th March 2025, which both seek total contributions of £112,811 (comprising £15,882 for additional library facilities and £96,929 towards TAD Total Access Demand). The more recent of your two responses includes reference to the potential application of TAD contributions to "...*traffic calming measures in the vicinity of West Hill, East Grinstead.*"

Initial Observations

We agree with the County Council that, as development involving Class C2 restricted accommodation, there should be no contributions towards education (no occupants of school age), waste (managed privately) or fire and rescue services (hydrants to be secured by condition). However, significant reservations are raised regarding libraries and TAD, as follows.

Libraries

Unlike other recent care home proposals in the area, the scheme at Highfields has been designed for a specific operator from the outset. Paragraph 2.6 of the Planning Statement confirms:

"The East Grinstead home would deliver high levels of care. This includes residents with early onset or established dementia; an area which the operator specialises in."

This is not a situation, therefore, where care home residents leave the building to enjoy local amenities but, alas, are frequently not ambulant and would leave the building only on very rare occasions, when accompanied by family or staff. For this reason, a private library is provided within the care home itself, curated and replenished by an outside firm.

The situation with the additional care units is different. Whilst residents here also have access to the communal facilities of the care home (including the private library), they are more likely to be mobile, independent and able to travel beyond the premises to facilities in East Grinstead.

As such, a contribution towards off-site library facilities in respect of the care home is not supported; specifically, it would fail the tests at Paragraph 58 of the NPPF (i.e., not necessary to make the development acceptable). Conversely, a library contribution could be appropriate in respect of the additional care units.

Adjusted accordingly, the library contribution would become **£1,355.76**.

Total Access Demand

TAD is a method applied across West Sussex authorities to mitigate the effect of certain types of development on the local transport network. However, the suggestion that it should be applicable to care home proposals is highly onerous.

It is evident from the supporting information, SPD and related spreadsheet, that TAD was not intended to relate to Class C2 development and has hitherto been *twisted to fit*. The relevant guidance speaks only of commercial floor space or rates per dwelling. Likewise, the TAD calculation spreadsheet makes provision only for 'dwellings' (based on the net gain of houses or flats) or 'commercial' (based on floorspace). Clearly, neither are relevant to a care home.

Whilst both components of the development at Highfields have been submitted on the basis they are Class C2 development, MSDC's housing department has opined that the 7 No. additional care units fall within Class C3. Whilst we disagree¹, this may provide a basis for the County Council to legitimise application of the TAD methodology to this component of the development.

As such, our client would be agreeable to a contribution of **£11,491** for TAD, subject to the County Council being comfortable that the ability to also disburse this funding to "*traffic calming measures in the vicinity of West Hill*" is necessary to make the development acceptable and meets all other relevant legal and policy tests for a planning obligation.

We would be very grateful if you could provide your written agreement to the revised s106 contributions set out above (i.e., a total of **£12,846.76**), so that we may liaise MSDC officers accordingly.

Your sincerely,



Miles Young
Director

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Cc: Joanna Fisher - Team Leader, Major Applications (MSDC)

1. Occupiers of the additional care units are cared for by the care home staff and have access to the various communal activities and events at the care home.