

FURTHER REPRESENTATION — DM/26/1760 (THE REVISED AFFORDABLE HOUSING SCHEME OF 24 SEPTEMBER 2026)

██████████ Weald Chase, The Street, Bolney, West Sussex, RH17 5PF. 5 October 2026

FAO Joanne Fisher, Case Officer, Planning Department, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex RH16 1SS

Re: Application DM/26/1760 — Section 106 obligations (approval of the Affordable Housing Scheme and the Play Area Site Location Plan) under outline permission DM/25/1129; Land at Foxhole Farm, Foxhole Lane, Bolney

My representations on this application are dated 23 July, 19 August and 4 September 2026. This further representation responds to two documents placed on the register since the last of those letters: the applicant's email to the case officer of 24 September 2026, and the drawing sent with it, Site Layout CALA250729 SL01 Rev A2 (Thrive Architects). It is confined to what those two documents change and what they leave unchanged. I maintain my representation of 4 September 2026 except where I say otherwise below. As at 5 October 2026 the register gives 24 October 2026 as the consultation date for this application, and this representation is made within that period.

What the revision resolves

I should say first what the revised scheme puts right. The email gives the revised provision as fifteen First Homes and forty-five Affordable Rent dwellings. That is the split of 25% and 75% that paragraph 1.1 of Part One of the Second Schedule to the Section 106 Agreement specifies, and it is what the Principal Housing Enabling Officer asked for in his response of 14 August 2026. I have counted the tenure markers on the revised drawing and they agree: forty-five Affordable Rented houses, and fifteen First Homes in two blocks of six maisonettes and a terrace of three. I therefore no longer pursue the tenure-split point made in ground 2 of my letter of 4 September.

Nor do I take any point on the size mix. On the figures in the email the sixty dwellings are 25% one-bedroom, about 48% two-bedroom, about 22% three-bedroom and 5% four-bedroom, against the 26%, 45%, 20% and 5% in Part Two of the Second Schedule. Paragraph 1.1 asks for "broad conformity" with Part Two, and in those four rows that is what this is.

Five matters remain. The first is the one that matters most.

1. The revised scheme still contains no M4(3) Wheelchair Accessible Units

Part Two has a fifth row. Against 4% it requires two named wheelchair accessible houses, and paragraph 1.1 requires the scheme "to include four per cent (4%) as Wheelchair Accessible Units for Social Rent or Affordable Rent". The revision does not touch this. The message of 24 September lists seven changes to the layout and sets out the resulting mix; it does not mention wheelchair accessible housing. The only reference to it in the published chain is the applicant's own table of 20 August 2026, reproduced beneath that message, which shows "M4(3)" at 4% for the Second Schedule and 0% for Cala.

The revised drawing annotates parking spaces “M4(2)” and labels the Bellflower and Heather house types “AD M4 (Cat 2)”. I have read the label on each of the forty-five Affordable Rented houses, and none is annotated to Category 3. The floor areas are unchanged as well. The drawing gives the two-bedroom Bellflower as 864 sq ft, the three-bedroom Clover and Daisy as 1,016 sq ft and the four-bedroom Heather as 1,267 sq ft. Part Two requires the two wheelchair accessible houses to be a two-bedroom house of at least 103 square metres and a three-bedroom house of at least 121. No affordable house on the sheet reaches the figure required of it: the two-bedroom houses are all about 80 square metres (864 sq ft) against 103, and the three-bedroom houses are all about 94 (1,016 sq ft) against 121. Paragraph 1.1.4, which requires the Scheme Details to specify “which of the Affordable Housing Units are to be Wheelchair Accessible Dwellings”, is therefore still unanswered.

Ground 1 of my letter of 4 September accordingly stands as written, and I do not repeat it. I add one request that the email makes timely. The applicant asks the Council to “formally reconsult with Nick (Housing Officer) so he can formally provide his support for the revised mix”. The officer’s response of 14 August did not address wheelchair provision; it said that “All other aspects of the submitted plans appear acceptable”. The register records that the Housing Enabling Team was reconsulted on 3 October 2026. I ask that this representation be put before the officer before he responds, that the question be put to him expressly, and that his response say in terms whether he agrees a scheme containing no Wheelchair Accessible Units and, if he does, by what mechanism the requirement in paragraph 1.1 of Part One of the Second Schedule to the Section 106 Agreement is said to have been varied.

2. The agreement the applicant relies on is not on the register

The email says that the applicant has “been liaising directly with the Council’s Housing Officer (Nick) who has now informally agreed a revised provision (see email attached)”. Its header lists two attachments: the drawing, and an email titled “Re_ Foxholes Farm, Bolney - Affordable Housing (updated) .eml” [sic]. The drawing has been published. The email recording the informal agreement has not. As at 5 October 2026 the only response from the Housing Enabling Officer on the register is the one written on 14 August 2026, which withholds support. The register records a further consultation of the Housing Enabling Team on 3 October 2026 and, as at 5 October 2026, no response to it.

Paragraph 1.1 requires the scheme to “have been agreed in writing by the Responsible Officer for Housing”. An informal agreement reported by the applicant is not that, and I do not suggest the applicant claims it is; the email itself asks for a formal response. But a decision should not rest on correspondence the public cannot see. I ask that the attached email be placed on the register now, and that the officer’s formal response be published before any decision is taken. So far as it is needed, I make that request under the Environmental Information Regulations 2004.

3. The revised submission does not yet contain all of the Scheme Details

Paragraph 1.1.1 requires the Scheme Details to specify “the proposed physical location, layout, size and specification of the Affordable Housing Units”. Two things are missing.

The three one-bedroom houses. The email introduces “Three 1-bedroom houses” on Plots 142 to 144 as First Homes. The submission contains floor plans for five house types: Maisonette, Bellflower, Clover, Daisy and Heather. The Maisonette is the only one with a single bedroom, and it is a maisonette in a block of six,

not a house. No floor plan for a one-bedroom house has been submitted on this application. On the revised drawing every one of the forty-five Affordable Rented houses is labelled with a type name, a number of bedrooms and a floor area; the three units at Plots 142 to 144 carry a First Homes marker and no label. Part Two fixes “a minimum of 50m² excluding any staircases and hallways or 58m² including them” for a one-bedroom unit, and the Council cannot test these three against it. I also note, as a question and not as an objection, that the dwelling types Part Two lists in that row are a flat, coach house, “FOGS”, maisonette with private garden area and bungalow. A house is not among them. That may well be within “broad conformity”, but it is for the Responsible Officer for Housing to say so on the file.

The drawing. What has been lodged is a general site layout, not an affordable housing layout. Its own revision panel describes revision A1 as “WIP update to affordable HT mix”, gives that revision the date “29.09.09” [sic], and describes revision A2, dated 10.09.26, as “Layout updated”. The “Checked” box in the title block is empty. In fairness, the sheet is issued with the status “PLANNING”, where the Affordable Housing Layout originally submitted (AH01 Rev P1) was marked “PRELIMINARY”. But an executed obligation should be approved against a checked drawing that identifies, plot by plot, the tenure, size, parking and wheelchair status that paragraphs 1.1.1 to 1.1.4 list.

I ask that the applicant be required to submit a complete revised Affordable Housing Scheme: a revised Affordable Housing Layout, a floor plan for the one-bedroom house, and a schedule by plot.

4. On the applicant’s own description the First Homes cluster is twelve, against a maximum of ten

The email says that “The First Homes cluster around Plots 128 and 129 has been reduced to 12 dwellings”. Paragraph 2.43 of the Affordable Housing SPD requires affordable housing to be provided “in clusters of no more than ten dwellings”, with an exception only for “high density flatted schemes”. Paragraph 4.1 of Part One of the Second Schedule requires the affordable dwellings to be “constructed to a standard required to meet”, at paragraph 4.1.2, the standards set out in the Affordable Housing SPD, and the SPD is in any event the Council’s own adopted guidance. Twelve is more than ten.

I say at once what is to be said the other way. The applicant has moved to the figure the officer named: the officer’s response of 14 August recommended a rearrangement that would “create a cluster of 12 x units for First Homes and then a cluster of 9”. And paragraph 2.43 directs the grouping to be considered by reference to, among other things, “where there is a degree of separation provided by roads, open space or landscape feature”, so the number alone does not settle it; on the revised drawing, as on the original, an estate road runs between the two maisonette blocks. But neither the response nor the email explains how a cluster of twelve is reconciled with a maximum of ten, and two blocks of six maisonettes are not obviously a high density flatted scheme.

The revised drawing also adds to the grouping. The twelve are the two maisonette blocks annotated “128 - 133” and “134 - 139”. The three new First Homes at Plots 142 to 144 come next after the pair of market houses at Plots 140 and 141, and are followed directly by seven Affordable Rented houses at Plots 145 to 151. Of the twenty-four plots numbered 128 to 151, therefore, twenty-two are affordable. Their tenure markers all fall within an area which I scale from the drawing, at its stated 1:500, at about 46 metres by 41 metres, measured between marker centres. Whether that reads as affordable housing “concentrated in

one location” is a matter of judgement for the Council. I ask that the judgement be made and recorded, with reasons, before any approval.

5. The reserved matters drawings are now, on the applicant’s own account, out of date

The email ends its request in this way: once the Housing Officer has given his formal support, “we will then formally amend the plans with the RMA to make sure they align with the S106 discharge of obligation”. Two consequences follow.

First, the drawings now before the Council on the reserved matters application DM/26/1961, including Affordable Housing Layout AHL.01 Rev A and Proposed Site Layout SL.01 Rev A, show an arrangement the applicant no longer proposes. The changes are not confined to tenure. The email records open market houses located on Plots 124, 125, 140 and 141 and additional houses at Plots 106 and 149. Paragraph 1.1 provides that the Scheme Details are to be “approved by the District Council as part of the relevant Reserved Matter Approval”. I ask that DM/26/1961 not be determined on the drawings as they stand, and that when amended drawings are lodged they are published and those who have made representations are given the opportunity to comment on them.

Second, the order proposed is the wrong way round. The officer has been asked for his formal support first, and the plans are to be amended afterwards. His written agreement under paragraph 1.1 should be given to the scheme as finally drawn on both applications, not before the reserved matters drawings have been brought into line with it.

Request

For these reasons, and for those given on 4 September 2026, I ask the Council to continue to withhold its approval of DM/26/1760, and in particular:

- (a) not to treat the Affordable Housing Scheme as satisfying paragraph 1.1 while it contains no M4(3) Wheelchair Accessible Units, and to put that question, and this representation, to the Housing Enabling Officer before he responds to the consultation of 3 October 2026;
- (b) to place on the register the email recording the informal agreement, and the officer’s formal response when it is given;
- (c) to require a complete revised submission, including a floor plan for the one-bedroom house and a plot-by-plot schedule;
- (d) to record how a First Homes cluster of twelve, and the grouping at Plots 142 to 151, are judged against paragraph 2.43 of the Affordable Housing SPD; and
- (e) not to determine DM/26/1961 until the amended drawings the applicant has said it will submit have been lodged and published.

As in my letter of 4 September, if the Council is treating this application as one made under section 106A of the Town and Country Planning Act 1990, the equivalent of what I ask is a determination under section 106A(6)(a) that the obligation “shall continue to have effect without modification”. Because section 5 concerns DM/26/1961, I ask that a copy of this representation be placed on that file as well.

I would be glad to be told if I have misread either document, and I would withdraw any point that turns out to be wrong.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours faithfully,

A solid black rectangular box used to redact a signature.

Annex — documents relied upon

Listed so that every source quoted or relied upon in this letter can be checked.

Source	Edition / date relied on	Where used
Email, Tom Davies MRTPI (Cala Homes (South Home Counties)) to Joanne Fisher, subject “Re: Bolney - DM/26/1760 (discharge of S106 obligations)”;	Sent 24 September 2026, 12:11; on the register 24 September 2026. The published document reproduces the earlier messages in the chain, including the applicant’s email of 20 August 2026	What the revision resolves; sections 1, 2, 3, 4 and 5
on the register as “Agent - updated layout and mix for affordable housing”		
Site Layout, drawing CALA250729 SL01, Thrive Architects; on the register as “UPDATED site layout - affordable housing / first homes”	Rev A2, “Layout updated”, 10.09.26; status PLANNING; on the register 24 September 2026	What the revision resolves; sections 1, 3 and 4
Section 106 Agreement relating to DM/25/1129	Dated 18 November 2025; Second Schedule, Part One paragraphs 1.1, 1.1.1 to 1.1.4, 4.1 and 4.1.2, and Part Two	What the revision resolves; sections 1, 2, 3, 4 and 5; Request
Mid Sussex District Council, Principal Housing Enabling Officer, consultation response	Written 14 August 2026; on the register 27 August 2026	What the revision resolves; sections 1, 2 and 4
Mid Sussex Affordable Housing SPD	Adopted July 2018; paragraph 2.43	Section 4; Request
House-type floor plans submitted with DM/26/1760: Maisonette (HT.MAIS.p), Bellflower (HT.BE.p), Clover (HT.CL.p), Daisy (HT.DA.p) and Heather (HT.HE.p), Thrive Architects	Rev P1; on the register 17 July 2026	Section 3
Affordable Housing Layout, drawing AH01 Rev P1, Thrive Architects — submitted with DM/26/1760	Rev P1, “First Draft Issue”, 30.06.26; marked PRELIMINARY; on the register 17 July 2026	Section 3
Affordable Housing Layout AHL.01 Rev A and Proposed Site Layout SL.01 Rev A, Thrive Architects — submitted on DM/26/1961	Each Rev A, “Planning issue”, 28.07.26; status PLANNING	Section 5
Mid Sussex District Council public register for DM/26/1760: summary page, consultee list and document list	As at 5 October 2026	Opening paragraph; sections 1 and 2; Request
Town and Country Planning Act 1990	As amended; revised text in force to 11 August 2026; section 106A(6)(a)	Request
Environmental Information Regulations 2004 (S.I. 2004/3391)	As amended	Section 2
My representations on DM/26/1760	23 July, 19 August and 4 September 2026	Throughout