

23 June 2026

Planning Department
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath, RH16 1SS

Re: Request that Planning Application DM/26/1477 be Treated as Invalid – Erection of a single dwellinghouse, associated car parking and landscaping, Land Adjacent to Nightingales, The Street, Bolney, West Sussex, RH17 5PJ

Dear Sir/Madam,

I am writing in connection with the above planning application. Having reviewed all 24 documents currently associated with the application, I have identified a number of material factual contradictions between them, set out below. These are not minor drafting slips: they go to fundamental questions – how many bedrooms the dwelling has, how large the site is, whether it lies inside or outside the High Weald AONB, what the parking area will be surfaced with, and more – on which the documents cannot all be correct.

Paragraph 44 of the National Planning Policy Framework (December 2024) states that “the right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment)”. The application as submitted does not provide that right information: it provides several mutually inconsistent sets of information. On that basis, I am requesting that the application be treated as invalid, and that it not be validly determined until these contradictions have been resolved and corrected, consistent documents have been submitted, and the public has had an opportunity to comment on those corrected documents.

1. Inconsistent number of bedrooms

The statutory housing-mix information in the Application Form records the proposed dwelling under the “4+ Bedroom” category (1 unit), with zero units recorded against the 1, 2 and 3 bedroom categories.

Similarly, the Design and Access Statement floor plan shows a room labelled “Office/Bed 4”.

Other documents, by contrast, describe the dwelling as having three bedrooms:

- Cover Letter: “a *3-bedroom* one-bath two-storey dwelling”.

- Heritage Statement: “a new *three-bedroom* dwelling”.
- Planning Statement: “a *3-bedroom* 6-person two-storey dwelling”.

This discrepancy is material: it affects compliance with the Nationally Described Space Standards, the adequacy of the proposed parking and cycle/bin storage provision, and any other matters that are based on bedroom numbers. The application should clearly and consistently state whether this is a 3-bedroom dwelling with a study, or a 4-bedroom dwelling, and the submitted information should be amended accordingly.

2. Inconsistent description of the parking area surface

The proposed surfacing of the driveway and parking area is described differently across, and even within, the application documents:

- Design and Access Statement (Hard Landscape section): “The driveway and parking area will be surfaced with *Ecodeck seeded with a grass mix*”.
- Design and Access Statement (later page, adjacent to the room schedule): “The parking space will be made up of *pea shingle* designed to encourage draining”.
- Landscape Strategy drawing (L90-200 RevA): the two parking bays are labelled “*geogrid with grass infill*” (consistent with the first DAS description, but not the second).
- Biodiversity Net Gain Assessment: the post-development habitat metric includes “*Grasscrete* – an area of geogrid with grass infill” (again consistent with the first description).
- Surface Water and SuDS Assessment: makes no reference to Ecodeck, grasscrete or pea shingle at all, and instead discusses *generic permeable block paving* (“Type A/B/C” systems), stating that infiltration testing “will be required” before the appropriate surfacing can even be determined.

The application therefore puts forward multiple different surface treatments for the same parking area, and the drainage assessment appears to have been carried out on the basis of a generic permeable paving build-up rather than the grass-reinforced surface shown on the landscaping drawings and relied upon in the biodiversity metric. As surface type materially affects both surface water runoff calculations and the biodiversity net gain calculation, this inconsistency cannot be treated as a minor drafting error.

3. Inconsistent site area

The Application Form states the site area as 0.10 hectares. This is corroborated by the Biodiversity Net Gain Assessment, whose baseline habitat table records the on-site baseline area as 0.1049 hectares.

The Flood Risk and Drainage Information checklist, however, which correctly identifies the same site address and the same proposed development, states the site area as 0.97 hectares – almost ten times larger. This is not a generic or illustrative figure; it is presented as the site-specific “Stated Value” for this application. Given that this figure feeds directly into the assessment of flood risk and surface water drainage requirements – precisely the type of

“formal assessment” referred to in paragraph 44 of the NPPF – this error calls into question the reliability of the drainage assessment as a whole.

4. Inconsistent description of the site’s relationship to the High Weald AONB

The submitted Heritage Statement (Ecotecture, p.13) states without qualification that “The Site is within the High Weald Area of Outstanding Natural Beauty ‘AONB’”, and goes on to assess the site’s “contribution to the character and appearance of the High Weald AONB” – i.e. it treats the application site as falling inside the designated AONB.

Every other application document states the opposite – that the site lies outside the AONB, which begins at or beyond the northern boundary of the site:

- Cover Letter: the development is described as being in a “semi-rural location *adjacent to* the High Weald Area of Outstanding Natural beauty”.
- Planning Statement (Site Description; para 6.29): “To the northern boundary are open fields which *are allocated within* the High Weald Area of Outstanding Natural Beauty”, and refers throughout to harm to “the *setting of* the AONB to the northern boundary”.
- Design and Access Statement: the site is described as “bounded to the north by... the *edge of* the Area of Outstanding Natural Beauty (AONB)”, and “The northern boundary, *adjacent to* the AONB...”

Whether the site lies inside or merely adjacent to the AONB is not a semantic distinction. It determines which statutory and policy tests apply to the proposal, including the “great weight” duty under the National Planning Policy Framework and District Plan policies DP16 and DPC4. The application documents cannot be relied upon as an accurate basis for a decision while they directly contradict one another on this fundamental point.

5. Unresolved conflict between the claimed Passivhaus credentials and the chimney added at design review stage

The Design and Access Statement states that the dwelling “follows the five Passivhaus principles” – high quality insulation, heat control and robust joinery, airtight construction, heat recovery ventilation, and thermal bridge free design – and that “the building fabric follows Passivhaus principles to ensure maximum energy efficiency”. The Planning Statement (para 6.62) repeats this, stating that the development “has adopted a fabric first approach that follows Passivhaus principles, delivering enhanced thermal performance through insulation, glazing and airtightness”.

Separately, both documents record that a chimney was added to the east/flank elevation in response to pre-application design comments, “to add additional animation to the eastern flank wall”. Neither document states whether this chimney serves a functioning flue, and no floor plan shows an internal fireplace or stove. A functioning chimney is difficult to reconcile with the airtight and thermal-bridge-free construction claimed elsewhere in the same documents: an open flue is a permanent penetration of the airtightness layer, and a masonry chimney breast is a recognised thermal bridge through an insulated envelope unless very specifically detailed (for example, an insulated flue liner with a deliberate break in the masonry at the insulation line) – detailing which is not described anywhere in the application.

The application therefore leaves it unclear whether the dwelling, as amended to include the chimney, still achieves the airtightness and thermal-bridging performance claimed in support of its compliance with policy DP39 (Sustainable Design and Construction) and emerging policies DPS1 and DPS2.

6. Local knowledge that infiltration drainage may not be feasible on the site

I would also draw the Council's attention to information that does not appear anywhere in the application documents. As a neighbouring resident, and having had this confirmed by the owner of the adjoining property, Strawdust (immediately east of the site, LPA refs 14/01644/FUL and 14/04138/FUL), I believe that infiltration drainage was found not to be feasible on that adjoining land due to ground conditions. I raise this as what the neighbouring property owner has told me, rather than as a documented fact within the application, but it is directly relevant and the Council may wish to verify it against its own records for that site.

The Surface Water and SuDS Assessment acknowledges that no borehole records are available in the vicinity of the site, and bases its conclusion that infiltration-based drainage "may be feasible" solely on generic, published BGS geological mapping. It does not refer to the experience of the immediately adjoining property, notwithstanding that the application's own documents cite Strawdust's planning history elsewhere for other purposes. If infiltration is similarly unsuitable on this site, the drainage strategy as a whole – which treats infiltration-led SuDS as the primary and preferred method, having ruled out both watercourse and sewer discharge – would need to be reconsidered.

I would ask that the Council treat this as a further reason why the infiltration feasibility assessment cannot presently be relied upon, and why this should be resolved by site-specific testing and, if necessary, a revised drainage strategy prior to another public consultation and subsequent determination, rather than left to a post-permission condition.

7. Certificate of Ownership – Incorrect Details?

The Application Form's Certificate of Ownership (Certificate B) records notice as having been served, on 12 June 2026, on an "Owner/Agricultural Tenant" at Scarps Side, The Street, Bolney, RH17 5PJ. I am not aware of any owner or agricultural tenant living at that address, suggesting that the certificate may be inaccurate.

A Certificate of Ownership goes directly to the validity of the application: under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, it is the mechanism by which the Council satisfies itself that all owners and agricultural tenants have been given the opportunity to be notified of, and to comment on, the application. An inaccurate certificate would be a further, freestanding reason why this application cannot presently be relied upon as validly constituted.

8. The Planning Statement misstates compliance with the very parking guidance it cites

The Planning Statement states: "The proposals seek to provide parking for 2 vehicles in line with the West Sussex County Council Guidance on Parking at New Developments (2020) and neighbourhood plan policy BOLT3 (Off-street parking provision for new developments)."

This is incorrect on the figures given in both sources it cites. WSCC's Guidance on Parking at New Developments (September 2020), Table 2, sets an expected parking demand in Parking Behaviour Zone 1 (which covers Bolney) of 2.7 spaces per dwelling for a 4+ bedroom house and 2.2 spaces per dwelling for a 3-bedroom house; rounded up, both figures require 3 spaces, not 2. Neighbourhood Plan Policy BOLT3 likewise requires 3 spaces for a 4-bedroom house, and additionally requires visitor parking to be accommodated within the development, which the proposal does not provide either. The Planning Statement's claim of compliance is therefore contradicted by the very documents it relies upon, whichever bedroom figure (3 or 4) is taken as correct.

9. The Design and Access Statement misdescribes Neighbourhood Plan Policies BOLT1 and BOLT2

The Design and Access Statement repeatedly cites Neighbourhood Plan Policy BOLT1 as support for matters of character, layout, scale, appearance and internal space standards: for example, stating that private amenity space and tree retention "accords with Policy BOLT1 of the Bolney Neighbourhood Plan, which supports development that respects the character and layout of the village", that room sizes support "Bolney Neighbourhood Plan Policy BOLT1, which seeks dwellings that provide sufficient internal space for current and future occupants", and that the choice of external materials supports "Bolney Neighbourhood Plan Policy BOLT1, which seeks new development that respects the scale, character, and appearance of the village." Policy BOLT1 is, in fact, headed "Transport Impact of Development" and is concerned exclusively with traffic generation, congestion, and safe access for pedestrians, cyclists and vehicles; it says nothing about character, layout, appearance or internal space standards.

Elsewhere, the Design and Access Statement states that the internal space standards achieved "aligns with Policy BOLT2 of the Neighbourhood Plan." Policy BOLT2 is headed "Parking in the Village" and addresses the retention of existing public car parks (for example at Bankside and the Village Hall), not internal space standards. The application's claims of compliance with these policies are accordingly based on a misdescription of what the policies actually say, and cannot be relied upon as demonstrating the compliance claimed.

10. Non-existent track described along the eastern boundary

The Design and Access Statement states: "The track along the eastern boundary of the site, which also functions as a public footpath, will remain unchanged and unaffected by the proposed works." There is no track along the eastern boundary of the site. This appears to be either an error carried over from a different plot or a misdescription of the site's actual boundaries, and calls into question whether the application's description of the site's boundaries and existing features can be relied upon.

Request

For the reasons set out above, I ask that the Council:

1. treat the application as invalid, on the basis that it does not provide the "right information" required by paragraph 44 of the NPPF and instead contains materially inconsistent and contradictory information; and

2. require the applicant to submit corrected, internally consistent versions of the affected documents – correctly and consistently stating the number of bedrooms, the parking area surface treatment, the site area, the site’s relationship to the AONB, and whether the chimney shown on the approved elevations serves a functioning flue and, if so, how this is reconciled with the claimed Passivhaus principles – and to re-consult on those corrected documents before any decision is issued.
3. require satisfactory site-specific infiltration testing in accordance with BRE Digest 365, and a drainage strategy reflecting its results, to be submitted and assessed prior to another public consultation and any decision being issued, rather than reserved to a future planning condition, in light of the matters raised at point 6 above.
4. require the applicant to verify, and if necessary correct, the Certificate of Ownership, and to re-serve notice on the correct owner/agricultural tenant(s), before the application is determined, in light of the matters raised at point 7 above.
5. require the applicant to correct the parking provision claimed in the Planning Statement so that it actually accords with WSCC guidance and Policy BOLT3, in light of the matters raised at point 8 above.
6. require the applicant to correct the policy compliance claims made by reference to Policies BOLT1 and BOLT2, in light of the matters raised at point 9 above.
7. require the applicant to correct the description of the site’s boundaries and existing features, in light of the matters raised at point 10 above.

Conditions requested in the event permission is nonetheless granted

Should the Council be minded to grant permission notwithstanding the above, I ask that the following conditions be imposed to resolve the inconsistencies identified above and ensure the development that is built matches what has actually been assessed:

8. **Bedroom number and internal layout** – the dwelling shall be constructed strictly in accordance with the approved floor plans, and the room identified as “Office/Bed 4” shall not be used as a bedroom, nor shall the dwelling be occupied or marketed as a 4-bedroom dwelling, without the prior grant of a further planning permission addressing parking, amenity space and space-standard compliance on that basis.
9. **Parking area surface** – no part of the development shall be occupied until the driveway and parking area have been surfaced and completed strictly in accordance with a single, written surfacing specification first submitted to and approved in writing by the Local Planning Authority (which shall reconcile the Design and Access Statement, Landscape Strategy and Biodiversity Net Gain Assessment), and that surface shall thereafter be retained and maintained as approved.
10. **Site area and drainage** – prior to commencement, the applicant shall submit a revised Flood Risk and Drainage / Surface Water and SuDS Assessment based on a verified, surveyed site area, together with the results of BRE Digest 365 infiltration testing, for written approval by the Local Planning Authority (in consultation with the Lead Local Flood Authority); no surface water shall discharge from the site otherwise than in accordance with the scheme so approved.

11. **AONB status and setting** – prior to commencement, the applicant shall confirm in writing to the Local Planning Authority whether the site is within or outside the High Weald AONB boundary, supported by an extract from the adopted AONB boundary mapping, and the development shall thereafter be assessed and conditioned against whichever policy tests (DP16/DPC4 and/or the NPPF “great weight” duty) properly apply to that confirmed status.
12. **Chimney and airtightness/thermal bridging** – prior to commencement, the applicant shall confirm in writing to the Local Planning Authority whether the chimney shown on the approved elevations serves a functioning flue; if it does, full constructional details demonstrating how airtightness and thermal-bridge-free construction will be maintained at the point of penetration shall be submitted to and approved in writing by the Local Planning Authority prior to installation, and the dwelling shall be constructed in accordance with the details so approved.
13. **Pre-occupation verification** – prior to first occupation, the applicant shall submit a written statement, supported by photographic evidence and as-built drawings, confirming that the dwelling and parking area have been constructed in accordance with the approved (and corrected) plans referred to above.
14. **Construction traffic and working hours** – no works vehicle associated with the development shall obstruct The Street at any time, other than within the existing spur serving Nightingales; and no demolition, construction or associated deliveries, including the operation of plant, machinery or vehicles audible beyond the site boundary, shall take place except between 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturdays, with no such activity on Sundays or Bank Holidays.
15. **External lighting** – the low impact lighting strategy referred to in the Preliminary Ecological Appraisal and Planning Statement (incorporating Bat Conservation Trust Guidance Note 8, Bats and Artificial Lighting) shall be secured by condition; in addition, all external lighting other than that required for highway safety shall be controlled by passive infrared (PIR) motion sensors with a timeout of no more than one minute, and shall not be left operating throughout the night or continuously, in order to protect the dark, rural character of this part of Bolney and to minimise impact on bats and other nocturnal wildlife.
16. **Photovoltaic (PV) panels** – the Design and Access Statement records that a photovoltaic array may be added following a post-permission cost-benefit assessment; should any photovoltaic or solar panel array be installed on the dwelling, it shall be of a non-reflective, anti-glare specification, full details of which (including manufacturer’s specification confirming maximum reflectivity) shall be submitted to and approved in writing by the Local Planning Authority prior to installation, in order to protect the visual amenity of neighbouring properties to the south, including High Gables and Weald Chase, from glare.

Should the Local Planning Authority conclude that amendments or clarification are required in respect of any of the matters listed above, I request that the applicant should be required to submit corrected documentation and the application should be subject to re-consultation so that interested parties may comment upon the revised proposal.

I would be grateful if you could confirm receipt of this letter and notify me of how these matters will be addressed before the application is determined.

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

Yours faithfully,

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