

**Further comments of
Bolney Parish Council on
Application DM/25/1129
Land at Foxhole Farm, Bolney**

Bolney Parish Council repeats the objections to this planning application set out in its previous response submitted on 13th June 2025. In particular, it repeats its position that this application **does not comply** with the:

- National Planning Policy Framework;
- Adopted MSDC District Plan;
- Bolney Neighbourhood Plan;
- High Weald Management Plan; and
- Submission Draft Regulation 19 Mid Sussex District Plan 2021-2039.

The Parish Council notes that it is not the only Statutory Consultee which does not support the proposals. The following consultees have all advised that they **do not support** the application as submitted:

- National Highways;
- West Sussex Highways;
- MSDC Conservation Officer;
- MSDC Landscape; and
- Twineham Parish Council.

The Parish Council has considered the new and revised documents submitted by the applicant on 4th July 2025. Despite these new documents prepared on behalf of the applicant, the Parish Council still has concerns relating to:

- Settlement Hierarchy;
- Settlement Character;
- Countryside:
- Landscape and Visual;
- Impact on Heritage Assets;
- Agricultural Land Quality;
- Transport; and
- Planning Obligations.

MSDC's Interim Position Statement

At a recent briefing by the MSDC Executive team to Parish Councils on the Local Plan, Parish Councils were told that the adopted District Plan 2018 and Neighbourhood Plans still have full weight and that only minimal weight can be given to the emerging policies and proposed allocations in the submitted draft Regulation 19 District Plan. As a consequence, MSDC are in the process of preparing an Interim Position Statement to assist Planning Officers and Committees in the determination of planning applications. Councils were advised that it is expected that this Statement will support the sites proposed for allocation in the Regulation 19 draft District Plan. Presumably, this will include support for Policy DPA14 Land at Foxhole Farm.

On the assumption that the Interim Position Statement includes support for Policy DPA14, the Parish Council would point out that:

1. the spatial strategy of the draft District Plan is completely in conflict with that in the adopted District Plan;
2. The spatial strategy of the adopted District Plan 2018 focuses development at the three large sustainable towns in the District and encourages only 'proportionate growth' at other settlements to meet local needs. 200 homes is not proportionate growth in a village the size of Bolney and the applicant has not evidenced there is a local need;
3. The draft District Plan proposes an updated strategy which includes extending existing less than sustainable communities with development of a scale which can provide the infrastructure and services which will not only meet the needs of the new community but those of the existing community as well;
4. The Planning Inspector is clear in her letter to MSDC dated 4th April 2025 that she has only considered the Duty to Cooperate, and has therefore not considered or tested any of the other policies in the draft Plan, including the proposed changes to the spatial strategy nor the proposed allocation at Foxhole Farm in Policy DPA14;
5. Policy DPA14 in the draft District Plan proposes allocation of land at Foxhole Farm for 200 houses and includes on-site infrastructure of land for education provision, a community facility (a retail shop in the Regulation 18 draft Plan), a Community working hub and café, allotments, orchard and country park;
6. The proposals now put forward by the developer in planning application DM/25/1129 are, however, not the same as draft Policy DPA14. In this planning application, the applicant has removed from the Policy the proposals for the community facility and community working hub for the residents, instead proposing a building for the use of a charity which will not be for the use of residents;
7. The applicant is therefore not proposing to provide the infrastructure and services to meet the needs of the new community and of the existing community, meaning the village will remain unsustainable thereby failing the new strategy in the draft District Plan.
8. The application therefore not only fails the adopted District Plan because it does not propose proportionate growth in Bolney to meet local needs, but also fails the Regulation 19 draft District Plan because it will not provide the infrastructure and services to meet the needs of the new community and those of the existing community.
9. Accordingly, the Parish Council cannot see how the proposed allocation can be supported by MSDC.

Settlement Hierarchy

The spatial strategy of the adopted District Plan 2018 focuses development at the three large sustainable towns in the District and encourages only 'proportionate growth' at other settlements to meet local needs.

This planning application for 200 houses is therefore contrary to this strategic vision for the District.

Bolney is not a sustainable settlement with residents wholly reliant on private cars to access services and facilities to meet their daily needs. The applicant's proposals for investment in one of the three existing limited bus routes through the village, on-site cycle paths and a car club will do nothing to improve the reliance of residents on private cars thereby failing the District Council's commitments to reduce emissions to achieve its Net Zero targets. For example, the nearest large supermarkets are a Tesco supermarket 10km away in Burgess Hill, and a Sainsbury's 10km away in Haywards Heath. There are no cycle paths along the main roads between the village and these supermarkets, meaning residents have no option but to use private cars. Although there is one weekly bus to Burgess Hill, and an infrequent daily bus service to Haywards Heath, the applicant does not propose investing in these routes, but instead proposes investing in a service to Crawley which does not stop at a large supermarket, and Brighton which again does not offer a stop at a supermarket.

Settlement Character

At paragraph 4 of the applicant's 'Landscape Response to post-application comments' prepared by its landscape adviser, the applicant responds to some of the issues raised by the Parish Council in its objections submitted on 13th June 2025.

The Parish Council completely disagrees with the applicant's suggestion at paragraph 4.1.2 that adding a housing development on a single large site to the west side of the village 'would not extend the overall extent of Bolney and would be in keeping with its elongated and clustered character'. The development will in fact permanently alter the current ancient and historic linear settlement pattern and adding 200 modern homes to a small rural settlement will be completely out of scale with the existing settlement and will inevitably harm the settlement's character.

The MSDC Conservation Officer agrees. She is clear in her assessment that Bolney has developed over many centuries resulting in 'a linear settlement with a north-south alignment with open land and fields such as the proposed development site surviving on either side' (Email to Case Officer dated 5th February 2025).

It is an irrefutable fact that the proposed development will simply be a 'bolt on' modern housing estate on the west side of the existing village completely at odds with the ancient settlement character of Bolney and therefore contrary to Policy DP26 of the District Plan.

Countryside

It is a fact that the site lies outside the Built Up Area Boundary of Bolney in open countryside contrary to Policy DP6 and BOLB1 of the Bolney Neighbourhood Plan.

The Parish Council notes that the applicant has failed to respond to the Parish Council's position that this application fails these policies.

The Parish Council would reiterate that although the site is proposed for an allocation in the Submission Draft Regulation 19 Mid Sussex District Plan 2021-2039 this is not an adopted policy. The Planning Inspector has advised that she is minded to fail the draft District Plan on the grounds that the District Council failed to meet its legal requirements under the Duty to Cooperate. However, she has not reviewed or found sound the proposed allocation at Foxhole Farm, and therefore little or no weight can be given to whether the proposed development in open countryside is necessary or even acceptable.

Landscape and Visual

At paragraph 4.1.4, the applicant has attempted to distinguish the conclusions reached by the Planning Inspector in the recent appeal decision concerning Land South of Henfield Road, Albourne. However the arguments put forward by the Parish Council in its initial objections to this proposal (dated 13th June 2025) were based on the arguments made by the District Council's barrister who represented the District Council at the Appeal, Paul Brown KC, and which can be found in the 'Closing Statement on behalf of Mid Sussex District Council' prepared by Mr Brown dated 22nd August 2023. The Parish Council suggests that the Planning Inspector's decision in the 2023 appeal is relevant to this planning application.

The applicant is wrong at paragraph 4.1.5 in its assessment of whether or not the High Weald Management Plan is relevant to this proposed development.

The northern part of the Parish of Bolney immediately north of the Built Up Area Boundary of the village lies within the High Weald National Landscape, and the ancient village and the surrounding rural agricultural fields are therefore an important element of the setting of the High Weald. This is reinforced by the fact that The Street, London Road and Foxhole Lane have all been assessed by the High Weald Management Team and identified and recorded as ancient routeways which historically connected the High Weald to the pastures in the Low Weald and which are protected by the High Weald Management Plan. The National Church Trust describe the 12th Century Parish Church as 'lying at the centre of this Sussex Weald village'.

Further, the fields which comprise the development site at Foxhole Farm have themselves been assessed by the High Weald Management Team and identified as Medieval Field Systems, and as such are protected by the High Weald Management Plan, the objectives of which include to maintain the pattern of fields bounded by hedgerows and woodland, enhance the ecological function of the fields and to protect the archaeology and historic assets of the fields. These fields play an important part in the setting of the High Weald and this development is therefore completely at odds with the objectives of the High Weald Management Plan.

Contrary to the conclusions of the applicant's Landscape adviser, the wording of the Management Plan is clear: the Plan 'may be applied to the designated area and its setting especially where the setting falls within the High Weald National Character Area 122'. It is a fact that this site is located within NCA 122 and therefore the High Weald Management Plan is engaged, and this proposal is therefore contrary to Policy DP16 of the Adopted Plan and Policy BOLE2 of the Bolney Neighbourhood Plan.

The Parish Council also notes that the applicant has failed to address the issues and concerns raised by the MSDC Landscape Consultant 'Place Services' who is not supportive of the proposals. The Landscape Consultant concluded that 'we consider the layout, scale and mass are not sympathetic to Bolney's rural nature'. The Consultant recommended the reduction of the development away from the northern boundary so as to reduce the impacts on the rural amenity of ProW44Bo as it concluded that the proposals would result in the permanent loss of the existing open views from the path. The applicant has chosen not to do this. The Consultant also recommended that the development be set back from Foxhole Lane, particularly in the south west corner of the site, to support the rural nature of Foxhole Lane. Although the applicant has reduced the height of the proposed buildings in this south west corner to 1.5-storey, it has chosen not to adopt the recommendation to set back the development from Foxhole Lane.

The Conservation Officer is concerned that "transformation of the central field to parkland incorporating the vehicle access road... will also have a significant effect on the rural nature of this part of the site". Bolney Parish Council is also concerned about this issue, and particularly the effects of traffic noise on dwellings to the western side of The Street that back onto the proposed development. This noise will in particular arise from the siting of the community hub proposed for the use by Kangaroos, whose parking arrangements include space for coaches. Bolney Parish Council suggests this facility should be situated in the southern section, in order to reduce traffic through the site.

Impact on Heritage Assets

The Parish Council notes that the applicant has failed entirely to address the concerns expressed by both the Parish Council and the Conservation Officer about the harmful impact this proposal will have on the setting of the Bolney Conservation Area, the setting of the Grade I Listed Church, and the setting of several other Listed Buildings within the village and that therefore the proposals are contrary to Policies DP34 and DP35 of the District Plan and to Policy BOLD1 of the Bolney Neighbourhood Plan.

The Conservation Officer concludes in her consultation response that the proposals are contrary to the requirements of Policies DP34 and DP35 and that the less than substantial harm to the designated Heritage Assets 'would stand under the requirements of paragraph 215 [of the NPPF] to be weighed against the public benefits of the proposal bearing in mind the great weight which must be given to the conservation of these assets.'

Given the lack of support for the proposals by the Conservation Officer, it is surprising that the applicant has not attempted to respond to her concerns.

Agricultural Land Quality

Likewise, the applicant has failed to respond to concerns raised by the Parish Council that a large portion of the proposed site has been classified as 'best and most versatile ('BMV') agricultural land – Grade 2 and 3a'. Loss of BMV is not acceptable as it conflicts with Policy DP12 of the Adopted Plan.

In its initial response, the Parish Council highlighted the fact that although the applicant's Planning Statement referred to an agricultural land assessment, the assessment was not provided by the applicant with the rest of the documents submitted in support of its application. Without sight of the assessment, it is impossible to evaluate the applicant's suggestion that the amount of agricultural land affected by the loss is 'small'.

Transport

1. Access onto the A272:

The Parish Council repeats its concerns about highways safety for road users and pedestrians and questions the merits of the proposed access to the development site off Cowfold Road/A272 opposite a very busy petrol station forecourt, close to the entrance to an industrial estate and to multiple private drives on the A272, close to a pelican crossing and immediately adjacent to the existing crossroad junction with Foxhole Lane and Bolney Chapel Road. The Parish Council is extremely concerned that the proposed arrangements will increase the risk of collision on this

section of road, and that installing a new non-signalised pedestrian crossing with a 2m central refuge close to the petrol garage forecourt will add to highway safety concerns.

At present when there is a queue of cars waiting to enter the petrol station forecourt, vehicles can overtake the line of cars when there is no oncoming traffic. The central refuge will prevent this and will result in significant congestion at the point of access to the development site. Below are two photos evidencing queuing traffic and the current possibility to overtake the queue thereby reducing congestion:



2. The Street:

The Parish Council remains very concerned for pedestrian safety on The Street and is concerned that the applicant's proposals to create two 'kerbed built outs' at the northern and southern ends of The Street are unworkable given the narrow width of The Street, the lack of pedestrian pavements and the number of exiting residential driveways on The Street. It is also concerned that at the point where the southern crossing is proposed, there is no pedestrian pavement at all nor any possibility of creating one due to buildings being located immediately on the highway. There is also a small rise in the road as you head north up The Street from the A272 which creates a blind summit. The applicant's 'priority shuttle working arrangement' is therefore not feasible. Below is a photograph taken at the point at which the applicant proposes the southern pedestrian crossing adjacent to the Eight Bells pub demonstrating the narrowness of the road and the blind summit:



Even if an arrangement can be found to provide a safe crossing for pedestrians on The Street, the fact remains that there is no 'step free' access from The Street to the Primary School. At the point at the southern end of The Street where the applicant is proposing the 'kerbed built out', the only pedestrian access to the school is up one of two flights of steps to get to the churchyard and from there to the school. One flight is 16 steps and the other is 18 steps:



Access from The Street to the school is therefore not easily used by those with pushchairs, cyclists or people with mobility impairments. They would be forced to head south down The Street (where there is a section of road with no pavement at all for pedestrians) towards the A272, and then use the Public Right of Way up the unlit private road with no pedestrian pavement from the A272 to the school.

3. Second pedestrian access onto The Street over a car park owned by a third party:

The applicant proposes a second pedestrian access at the southern end of the site onto The Street over a car park owned by a third party.

The Parish Council understands that the applicant claims a Right of Way exists for the benefit of the owner of Foxhole Farm over the car park to access The Street. However, the Parish Council questions whether the use of any Right of Way by the residents of 200 new homes over the car park, as opposed to the residents of Foxhole Farm, a residential family house, would lead to an intensification of the right and would be deemed by a court as so intensive to amount to an unreasonable interference with the car park owner's rights. See the *Merlin Real Estate Ltd v Balaam & another* [2024] PLSCS 85.

The Council also questions how the applicant will prevent the general public, who may not reside on the new Foxhole Farm housing estate, from exercising the Right of Way which is not legally for their benefit, but which could increase the level of interference with the car park owner's rights.

The car park in question is very steep and the Parish Council is concerned about the safety of pedestrians and cyclists from the Foxhole Farm site given the regular car movements on the car park, the steepness of the site and the fact that there is only a virtual pavement on The Street at the entrance of the car park.



Third party owned car park from The Street



And from the access gate from Foxhole Farm

Traffic Assessment

It is noted that Wates has submitted no responses or submissions to the Parish Council's Objections to Wates' Transport Assessment dated 13th June 2025. The applicant has therefore either failed or chosen not to set out the reasons for disagreeing with these objections, if indeed they have any. The Parish Council suggests that this is because Wates is unable to provide responses that carry any weight.

It is appropriate to repeat the summary contained in the Parish Council's Objections dated 13th June 2025 which is as pertinent now as it was then:

"Summary

Bolney is a small village in the countryside, the proposal will not change that from a transport point of view. It has minimal transport links and those who live there rely very heavily on the private car with the majority of households having one car per adult. There are also no cycle ways or pedestrian pavements to nearby villages. Bolting on a new development beside it of 200 dwellings is simply not going to change that. The efforts that the applicants have made to disguise that do not and cannot overcome that. The applicants go to great efforts to show that Bolney can be made accessible from the site by foot and bicycle but this does not help, having got to central Bolney (which would not be without difficulty) there is minimal public transport to go anywhere else.

The proposed Foxhole Farm Development is a 200 dwelling development which is just going to introduce a great number of cars onto the road network and there is little possibility of the residents being able to use sustainable public transport. Thus the applicants have failed to demonstrate that they can, by using a vision-led approach or otherwise identify suitable transport solutions or a sustainable development.

The location of the site and the lack of sustainable transport infrastructure mean that the proposed development will not provide a genuine choice of transport modes contrary to the requirements of the NPPF. The proposed development will therefore be reliant on the private car and would lead to very few journeys being made to destinations outside of the site and Bolney village by active or sustainable modes of travel.

The proposals do not accord with national, regional and local transport policy with regard to locating developments in locations which are or can be made sustainable through limiting the need to travel and offering choice of transport modes.

In summary this proposed development cannot be sustainable in this location and therefore fails Policy DP21 of the District Plan."

Wates' Response to the standing advice received from Active Travel England (ATE) (pages 2 and 3 of their response dated 19th June 2025)

The Parish Council has considered Wates' response to the advice received from ATE and comment as follows:

In paragraph number 2 of their response dated 19th June 2025 Wates state they have addressed the criteria set out in the ATE Planning Assessment Toolkit and have therefore addressed the requirements set out by ATE. As can be seen below this is far from true and Wates has not, and indeed cannot, adequately address the ATE criteria and requirements for this proposed scheme.

Trip Generation and Assignment:

Wates ignore the requirement to forecast all day trips to, from and within the site by walking, wheeling and cycling as required by ATE. They have carried out no such exercise which is highly relevant to the impact that the proposed development may have upon the footways and roads of Bolney, particularly along The Street which is narrow and very busy, especially at the beginning and end of the school day.

Active Travel Route Audit:

ATE requires an appropriate assessment on the design and accessibility of existing active travel routes in the locality of the site.

Firstly, Wates has failed to answer the points raised by the Parish Council in respect of walking routes addressed in paragraphs 18 and 19 of the document dated 13th June 2025, which highlighted the difficulties for pedestrians on The Street, access to the school and the general lack of facilities available within walking distance from the village. Secondly, Wates has failed to address the points raised in paragraph 21 of the document dated 13th June 2025 in respect of cycling. The Parish Council would suggest this is because they cannot address the detail adequately as there are no substantive existing active travel routes either in the village or in the vicinity of the village, and no more proposed to be created as part of this planning application.

Pedestrian Access to Local Amenities:

The issue posed here by ATE is *“Are most buildings within 800m from a range of amenities using well designed routes”*.

The answer is no. There are very few amenities in the small village of Bolney as set out in paragraph 19 of the document dated 13th June 2025 and there are very significant difficulties with the routes to them (paragraphs 6, 18, 19 of the document dated 13th June 2025). Wates has glossed over this and failed to answer this point.

Cycling Accessibility

“Are a range of local amenities accessible for cyclists using well designed routes?”

Wates maintain that the roads surrounding the site are lightly trafficked. That may be the case for Foxhole Lane and possibly The Street but is otherwise patently untrue.

The A272 is a fast and dangerous road and unsuitable for cyclists which is obvious to anyone who uses it. The Department for Transport’s most recent traffic survey records the average daily flow of vehicles between Cowfold and Bolney along the A272 is 19,161 vehicles – hardly ‘lightly trafficked’.

The Parish Council knows of no one who cycles along the A272. This also rules out the applicant’s contentions in Table 5.3 that the services at Cowfold (Cowfold Surgery, Cowfold C of E Primary School, the barber shop, and the Co-Op) are within cycling distance; they are not.

Access to Public Transport:

ATE poses the question *“Are all buildings within 400m of a high frequency bus stop or 800m of a rail station, using well designed routes?”*

The answer is patently no, none of them are.

There are no high frequency bus stops in Bolney and no rail station (see paragraph 20 of the 13th June 2025 document). Wates state that funding will be provided to extend the operating hours of the buses but (i) this will not result in useable high frequency services and (ii) no offer has been made to provide security for the significant funding that this proposed improvement to the bus service will undoubtedly need. (The Parish Council understands that it can cost £300k per annum to provide, man and run one additional bus).

Off-Site Transport Infrastructure:

“Does the application include proposals to enhance local active travel and public transport”

As regards public transport see para 5 above, the proposals are inadequate and empty, there is no secured funding for this. The proposals to improve active travel that Wates refers to are the suggested alterations to The Street and there is no substantive local network to connect to here, as Wates contend. The residents have not been consulted on the proposals to The Street and there is no engineering assessment on the viability of cutting into the bank at Bankside which is proposed. In any event it is not clear and it has not been explained how this will improve the experience of pedestrians or cyclists on The Street. The Parish Council doubt that it will offer any improvement at all.

Site Permeability and Placemaking :

ATE raise certain issue about these two topics which Waites does not address substantively as they say that they are both reserved matters.

Cycle Parking and Trip End Facilities:

ATE ask *“Does the application provide the requisite quantity of cycle parking and trip end facilities”*.

Wates again say further details will be provided at reserved matters application stage. The Parish Council believes that this is an important issue. If Wates are proposing that residents from the development will cycle into the village and then take public transport from there to their destinations, what will they do with their cycles in the meantime? They cannot be left in The Street. There need to be detailed proposals for cycle storage/parking in the village.

Wates' Response to West Sussex County Council (in its capacity as local highway authority) dated 2nd July 2025

Wates has responded to points raised by WSCC being those issues listed in paragraph 1.1.3 as being largely technical issues. The Parish Council repeats the points that it has made previously in its document dated 13th June 2025.

In paragraph 2.4.6 relating to Vision Lead Targets, Wates target the modes of train travel and travel by foot for the highest increases showing increases of 9% and 3% respectively. This is intended to reduce the dependency of proposed residents on cars below the level of the 2011 census. This is unrealistic as has already been demonstrated by the Parish Council in the traffic surveys of the developments at Davey Drive and Magdalene Rise, which show traffic levels higher than those assessed by Wates for their proposed development.

As stressed in the Parish Council's document dated 13th June 2025, the Magdalene Rise and Davey Drive developments are in far more favourable locations than the Wates proposed development site, as they (i) have very close direct step free access to the primary school (as well as the church and the cricket ground); (ii) are generally closer to the bus stops; and (iii) have closer pedestrian access to the centre of Bolney. This puts extreme doubt on the over optimistic and unjustified assumptions of Wates as to modes of transport. (paragraphs 3, 13, 14, 22, 23, 24, 26 and Appendix 1 of the document dated 13th June 2025).

Traffic Assessment Summary

In summary, the Parish Council repeats its concerns about the detail of the applicant's traffic assessment set out in the Parish Council's previous objections submitted on 13th June 2025, and would add that the applicant's responses to the concerns and issues raised by Highways England, West Sussex County Council and Active Travel England have done nothing to allay these concerns.

Planning Obligations

The Parish Council has considered the response submitted by the MSDC section 106 and Infrastructure Manager dated 20th June 2025.

It is not correct to say that Bolney Parish Council 'ask that this sum be used for car park improvements at Rawson Hall'. The Manager made contact with the clerk to the Parish Council after the Council's June meeting and the issue could therefore not be considered and voted on by the Parish Council.

In the circumstances, we ask that the Local Community Infrastructure Provision be amended and instead of car park improvements, we ask that the money be allocated for Speed Indication Devices and for the construction of a storage facility at a site within the village for use by village societies and groups. The Parish Council also reiterates that the S106 money must remain available for a period of 10 years, not 5 years as suggested by the applicant.

With the regards to the proposed 'Community Building', the Parish Council is unhappy that the only community building included in the proposals is to be 'set aside for use by Kangaroos' (see applicant's Planning Statement) and will not be available for use by the existing and any future residents of the village. The applicant informed the Parish Council at a meeting in February 2025 that the charity hopes to have 'open days' for the community, to run an occasional pop-up cafe and to sell vegetables but this does not make the building available 'for the community'. The Parish Council would ask that any s106 money for a 'Community Building' must therefore not be allocated to the Kangaroos headquarters, but instead be allocated to the Rawson Hall.

Conclusion

For all the reasons set out in the Parish Council's response dated 13th June 2025 and set out above, Bolney Parish Council **STRONGLY OBJECTS** to this planning application.

The Parish Council would add that it is aware that MSDC can no longer demonstrate a 5 year land supply and therefore the 'tilted balance' applies and there is a presumption in favour of sustainable development. However, for the reasons set out above, the Parish Council's view is that this planning application does not represent sustainable development and the application should therefore be dismissed.