

Sarah Valentine

From: [REDACTED]
Sent: 29 September 2026 18:23
To: planninginfo; Deborah Lynn
Subject: Re: Objection to DM/26/1560 - Erection of 5 detached dwellinghouses and outbuildings, including new garage to serve The Byre The Byre, The Street, Bolney, West Sussex, RH17 5PG

29 September 2026

Ms Deborah Lynn, Planning Officer
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath
West Sussex RH16 1SS

Planning application DM/26/1560 (PP-15033963) — Land to the rear of The Byre, The Street, Bolney: supplementary representation — matters arising since my letter of 3 August 2026, and corrections

Dear Ms Lynn,

This supplements, and does not replace, my earlier representations on this application. It is filed after the publicity period. It responds to the revised Framework in force from 17 August 2026; to the responses of the Housing Enabling Officer (5 August), the Section 106 and Infrastructure Manager (26 August), the Conservation Officer (2 September) and the Tree Officer (10 September); and to the applicant's further documents registered on 4 and 28 September 2026. None of these could have been addressed earlier. Its parts are severable, and if any part is thought too late I ask that the remainder be admitted.

Part A — Matters arising since 3 August 2026

A1. This is major development

The application form gives the site area as 1.05 hectares, and the Housing Enabling Officer records that the scheme "has a combine [sic] GIA of over 1000m²". Under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, "major development" includes "development carried out on a site having an area of 1 hectare or more" and development where "the floor space to be created by the development is 1,000 square metres or more". The application is therefore major development on the site-area limb, and on the Housing Enabling Officer's figure on the floor-space limb as well, whatever the number of dwellings. That matters in two places below: the Road Safety Audit (A5) and the lead local flood authority's role on drainage (A6). The lead local flood authority's advice, and the applicant's drainage note after it, proceed on the footing that "this is a minor application" (A6).

A2. The revised Framework

My letter of 3 August 2026 applied the December 2024 Framework, including the tilted balance in its paragraph 11(d). From 17 August 2026 that is no longer national policy. The site lies, for the most part, outside the built-up area boundary, so Policy S5 (Principle of development outside settlements) applies. Of the categories in Policy S5(1), the only one plausibly engaged by five detached market houses is limb (j), which requires that the development be "physically well-related to an existing settlement" and "of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure". If limb (j) is not met, Policy S5(4) applies, under which such proposals "should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects". If it is met, the question is whether the benefits would be substantially outweighed by the adverse effects. On either footing the heritage harm now identified by the Council's own specialist (A3) weighs heavily.

On 16 September 2026, applying the revised Framework, an Inspector dismissed the appeal on nearby Glebelands Field, Lodge Lane (appeal 6009838), finding that development there "would fail to preserve the setting and thus the significance of designated heritage assets, particularly The Thatched House listed building and the CA, although this harm would be limited" (paragraph 37). It was a different site, and I do

not read that finding across; it is an independent finding under the current Framework about the northern part of the same Conservation Area.

A3. Heritage: the Conservation Officer finds mid-level harm

The Conservation Officer responded on 2 September 2026. She finds that “the surviving rural setting of the farmhouse, which consists primarily of the fields to the west and southwest (including the application site) will make a strong positive contribution to the special interest of the listed building”, and that the site is “one of relatively few points where the boundary of the Area continues to directly abut the surrounding countryside”. Her conclusion is that “[t]he proposal would have a fundamental impact on the character of the site, which would become suburbanised”, with harm to both Daltons Farmhouse (Grade II, list entry 1354847) and the Bolney Conservation Area “at around the mid-level of the scale sitting below this in both cases”, and a mid-level of harm to The Byre as a non-designated heritage asset (Policy HE7). She records that the harm is cumulative with Foxhole Farm (DM/25/1129), because the site “would remove the remaining buffer of open, agricultural land between the assets and this larger development”; that under policies HE4(1) and HE4(2) “the proposal fails to meet these tests”, the scheme not appearing to include any attempt to mitigate the harm; and that “[t]he proposal is also contrary to the requirements of District Plan Policies DP34 and DP35.”

In fairness, her advice is given at officer level only and without prejudice to the Council’s decision, and she does not comment in detail on the design. But this is the Council’s own specialist finding, on the scheme as submitted, harm at around the mid-level of the scale below substantial harm to a listed building and a conservation area. Under Policy HE6(3) that harm is “a matter of considerable importance and weight”, and under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirms, it is not a factor to be weighed evenly. Because the access runs along “the farm entrance track, which is within the Conservation Area”, the duty in section 72(1) of that Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, applies directly to that part of the development, in addition to the harm through setting. The public benefit on the other side of the Policy HE6(4) balance is principally five large market houses, with no on-site affordable housing (A8).

A4. Trees: the Tree Officer’s concerns and the applicant’s reply

On 10 September 2026 the Tree Officer raised “concerns about the impacts on the RPA of Cat B oak, T3”, where there are “substantial impacts with car parking, garage and access road”, adding that the encroachment “does not appear to be within BS 5837 tolerances”, and that “Plot 1 could be amended, or the number of houses reduced, to minimise impacts on this tree.” She also found that Plot 5 “has a substantial part of a protected tree within the garden, although this is not shown on the other plans”.

In fairness, the applicant has responded. Its arboriculturist’s note of 23 September 2026 puts the encroachment at 22 per cent of the notional circular root protection area, which it accepts would “only marginally exceed guidelines”, and at about 18.5 per cent if Plot 1 is moved west; and site plan 327-P3f, registered on 28 September, moves Plot 1 and The Byre’s garage west. I accept that the culvert beside T3 is a relevant factor in where its roots lie. Six matters remain:

- (i) The note relies on “the plan at Appendix A” for the retained hardstanding. The document on the register is two pages and has no appendix.
- (ii) The note says the shift of Plot 1 would be made only “should MSDC deem this necessary”, and that “[u]pdated drawings can be provided once MSDC advise”; yet drawing 327-P3f, making that shift, was registered the same day. The Council should be told which layout is proposed.
- (iii) The 18.5 per cent figure is stated without a calculation or a revised tree protection plan, and the proposition that the root protection area is offset eastwards is put as “very likely”; no root investigation is reported.
- (iv) The access road was widened to 4.6 metres by revision E of the site plan (1 September 2026), after the arboricultural report of 20 May 2026 on which the note relies. The Tree Officer identified the access road among the causes of impact on T3. The note addresses only the retained hardstanding, and does not say whether the widened section lies within T3’s root protection area.
- (v) For Plot 5 the note confirms in words that the garden “will be located outside the RPA of tree 28”, but no drawing shows the curtilage or fence line. The Tree Officer’s point was that the plans are inconsistent; that needs a drawing, not a sentence.

(vi) The Tree Officer's alternative remedy, that "the number of houses [be] reduced", has not been taken up.

A5. Access and servicing: the applicant's Highways Response Note

The Highway Authority's response of 24 July 2026 was "More Information Required". The applicant's Highways Response Note (N03, 1 September 2026) widens the access to 4.6 metres beside the retained store and garage, so that on its figures the 3.1-metre section now runs for about 30 metres rather than 50, and tracks two large cars passing, a large car passing a pumping appliance on the plot frontages, and cars entering and leaving together at the junction. In fairness, that goes a good way to answering the Authority's point about intervisibility between cars. It does not answer the rest of what the Authority asked for:

(i) The Authority asked for swept paths showing two-way operation between "resident vehicles, service vehicles and emergency vehicles". Only cars and, on the plot frontages, a pumping appliance are tracked; there is no delivery or removals vehicle, and N03 does not say how a pumping appliance or any service vehicle would meet another vehicle on the remaining 3.1-metre section, which is below the 3.7-metre road width for a pumping appliance in Table 13.1 of Approved Document B (3.1 metres being the figure for gateways).

(ii) The Authority listed pedestrians among the users whose interaction with vehicles should be assessed. N03 quotes that request but does not assess pedestrian movement.

(iii) The Authority recommended that the Council obtain confirmation from its waste collection team that the arrangements are "acceptable and capable of long-term operation". No response from the waste collection team is on the register.

(iv) N03 relies on a bin store "adjacent to The Byre", with a collection point about 15 metres from the junction. Site plan 327-P3 revision C labelled a "bin collection" area there; revisions E and F, including the plan now proposed, neither label nor identify any bin collection point. And the Conservation Officer has said that a bin store or collection point "forward of the listed building" is "contentious" in heritage terms (A3). Either the arrangement N03 relies on is part of the scheme, in which case it adds to the heritage harm, or it is not, in which case the scheme has no collection point. Nor does N03 address how bins stored at the western plots, 150 metres or more from The Street, would reach a collection point, when paragraph 1.8 of Approved Document H advises that containers "should be within 25m of the waste collection point".

(v) Revision D (30 July 2026) is described on the drawing as "Red line amended to stable store area", and the widening appears to use that area. If any of that land is not owned by the applicant, the ownership certificate and notices should be checked.

(vi) Because this is major development (A1), paragraph 7.1 of the West Sussex Local Design Guide applies: a Road Safety Audit is "required for all major planning applications where proposals would ... intensify the use of an existing access". None has been submitted.

I ask that the Highway Authority be reconsulted on N03 and the revised plans, and that the waste collection team be consulted, before determination.

A6. Drainage and the culvert

The Flood Risk and Drainage Team recommended on 14 July 2026 that the application "is not approved until updated information is received". The applicant's drainage note (17 August 2026) reports advice from the County Council as lead local flood authority, given on 6 August 2026 on ordinary watercourse consent. In fairness, it establishes that an outfall headwall set flush with or behind the bank needs no consent, which answers one of the Team's points. It does not answer the rest:

(i) The lead local flood authority's own advice is that the key question is whether the existing culvert under the access is fit for purpose "from both hydraulic and structural suitability perspectives"; it records that the culvert "may not have appropriate headwalls at either end", that "further investigations need to be undertaken", and that new headwalls at the ends of a culvert "do fall within the scope of the ordinary watercourse consent process". The applicant's answer is that this "will be confirmed by the client before construction works". The access, and so the whole scheme, depends on that culvert. Its condition should be established before permission, not after.

(ii) The revised Flood Risk, Foul Sewage and Surface Water (Drainage) Assessment (issue P03, 17 August 2026) is, in its text, identical to issue P02 apart from its date and issue number; the drainage note says that the drainage drawing has been updated. Infiltration testing to BRE Digest 365 is still left "at detailed design", and the Team's "concerns with the current information" about the alternative strategy are not addressed.

(iii) The lead local flood authority's letter of 6 August 2026 says that, "As this is a minor application", the Council's Flood Risk and Drainage Team is the relevant consultee on discharge rates and volumes, the authority commenting on such matters only for major applications. This is major development (A1). Under paragraph (ze) of Schedule 4 to the 2015 Order, the lead local flood authority is a statutory consultee on "Major development with surface water drainage", and it should be consulted on the strategy as a whole.

(iv) The Flood Risk and Drainage Team has not responded to the new material, and its recommendation of 14 July 2026 stands on the register.

A7. Great crested newts

My letter of 3 August 2026 said that no NatureSpace Report or Certificate was before the Council, and that the application should not be determined until one was provided. A NatureSpace District Licence Report (3 September 2026) is now on the register, and that point is met. The report confirms the site to be in the red impact risk zone, not the amber zone the applicant's Ecological Impact Assessment gave, and requires working restrictions, amphibian fencing and trapping within 100 metres of ponds, and conditions (three, or two if a NatureSpace certificate has already been submitted) to be attached to any permission exactly as worded. My other ecological points, on bats, lighting and biodiversity net gain, are unaffected.

A8. Affordable housing and contributions

The Housing Enabling Officer (5 August 2026) records a requirement for two affordable homes under Policy DP31, and would accept a commuted sum of £265,000 in lieu. The Section 106 and Infrastructure Manager (26 August 2026) seeks £56,699 in district contributions, and the County Council (30 July 2026) £108,959 in county contributions. That is £430,658 in all. No section 106 agreement or unilateral undertaking is on the register. If the Council were minded to grant permission, it should not be issued until one is completed. I accept that Policy HO7 of the Framework gives "substantial weight" to the benefits of homes which contribute towards meeting the evidenced accommodation needs of the community. The contribution here is correspondingly limited: the scheme is four five-bedroom houses and one four-bedroom house, and it meets its affordable housing requirement only by an off-site payment.

A9. What I ask

I ask that the application be refused. If the Council is not minded to refuse, I ask that the following be obtained and assessed before determination, not deferred to conditions: confirmation of which site plan is proposed, with a revised tree protection plan and calculation for T3 covering the widened access, and a drawing of the Plot 5 curtilage (A4); swept paths for service and delivery vehicles, and a statement of how larger vehicles would operate on the 3.1-metre section, an assessment of pedestrian movement, the waste collection team's confirmation, a bin collection point shown on the plans and assessed by the Conservation Officer, confirmation that the red line and ownership certificate are correct, and a Road Safety Audit (A5); an investigation of the culvert's hydraulic and structural condition, BRE 365 infiltration testing, the Flood Risk and Drainage Team's views on the new material, and consultation of the lead local flood authority (A6); and a completed section 106 agreement (A8). I also ask that the Highway Authority be reconsulted on N03 and the revised plans.

Part B — Corrections and updates to my earlier letters

None of these withdraws a ground of objection or alters my request that permission be refused.

B1. Site area. I said the site extends to "approximately 1.1 hectares". The application form gives 1.05 hectares. It remains above the 1-hectare threshold (A1).

B2. Approved Document H. I cited the 30-metre carrying distance as paragraph 1.16. It is paragraph 1.8.

B3. Great crested newts. My statement that no NatureSpace Report or Certificate was before the Council is overtaken by the report of 3 September 2026 (A7).

B4. Framework references. My letters cited the December 2024 Framework. From 17 August 2026 the provisions I rely on are Policy S5 (in place of paragraph 11(d)), Policies HE4 and HE6 (for paragraphs 213 to 215), TR4(1) and TR6(4) (for paragraphs 115(b) and 117), N4(4) (for paragraphs 189 to 191), N2 (for paragraphs 180 to 182 and 193), and F7 and F8 (for paragraphs 170 to 177). I no longer rely on paragraph 44 of the December 2024 Framework.

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

I would be grateful if this letter could be placed on the planning file and taken into account in determining the application. Please confirm receipt.

Yours faithfully,

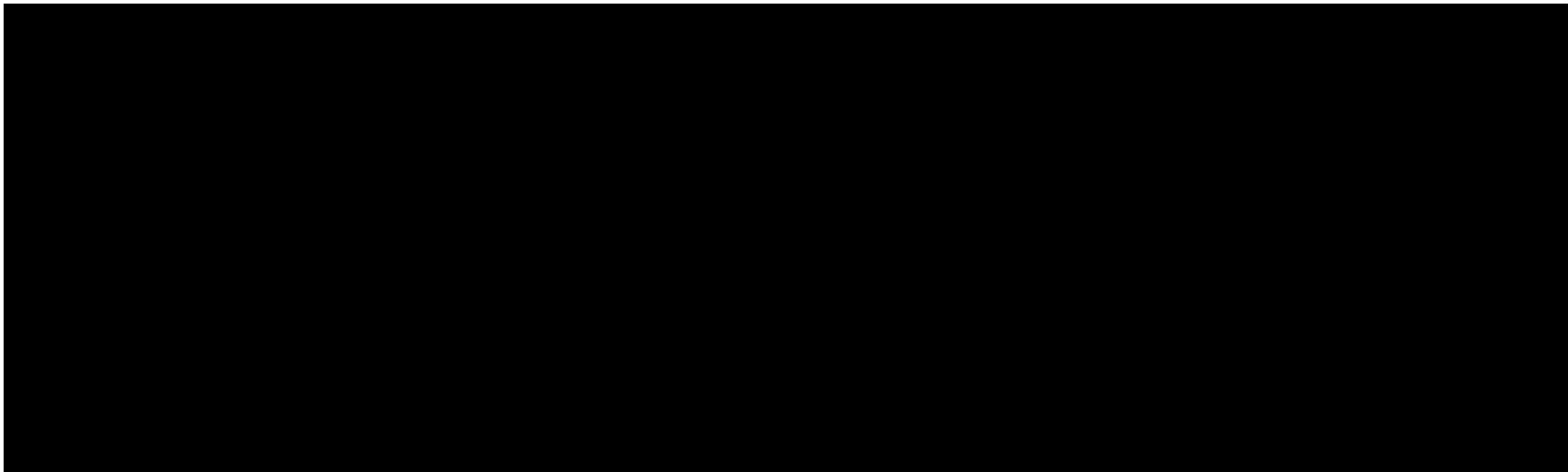


Dear Sir or Madam,

Further to the addition on the planning portal of a consultation response from Place Services today, please find attached an update to my objection to DM/26/1560 based on the latest information available. The section addressing the response from Place Services is Section 12 of this update.

This update replaces my previous version(s).

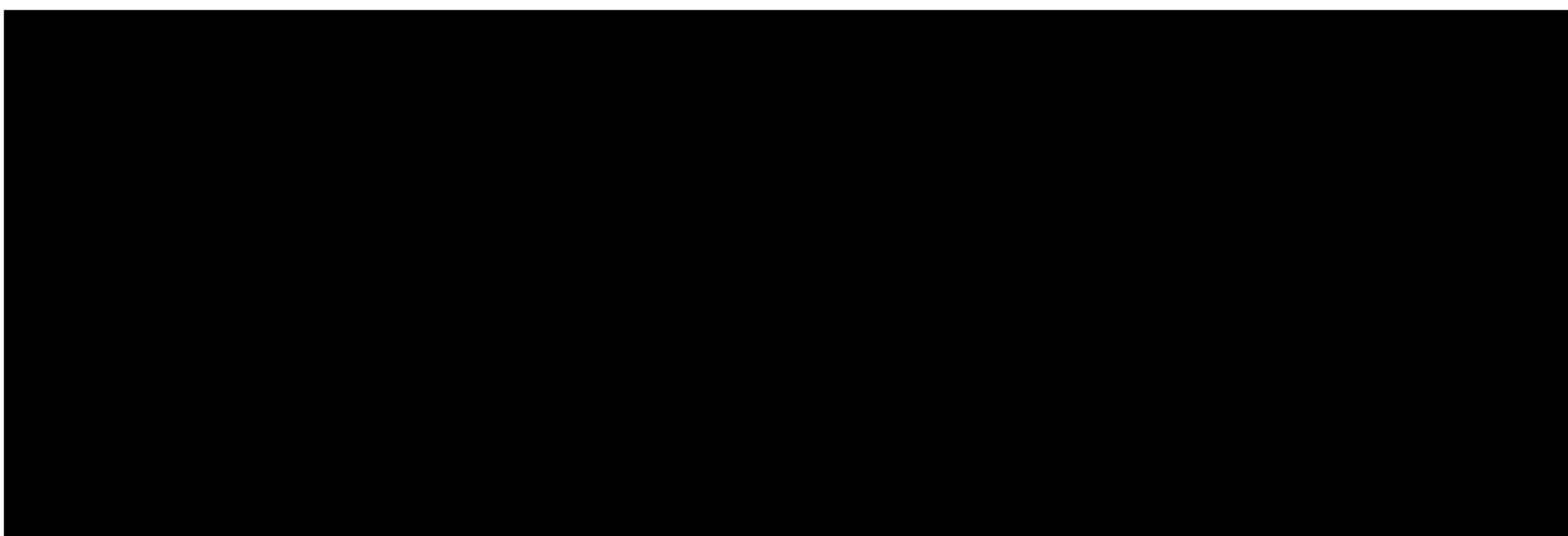
Many thanks,



Dear Sir or Madam,

As the deadline is Monday, I have updated my objection to DM/26/1560 based on the latest information available. Assuming the consultation does close on Monday, this should be my last update. Please find attached.

Many thanks,

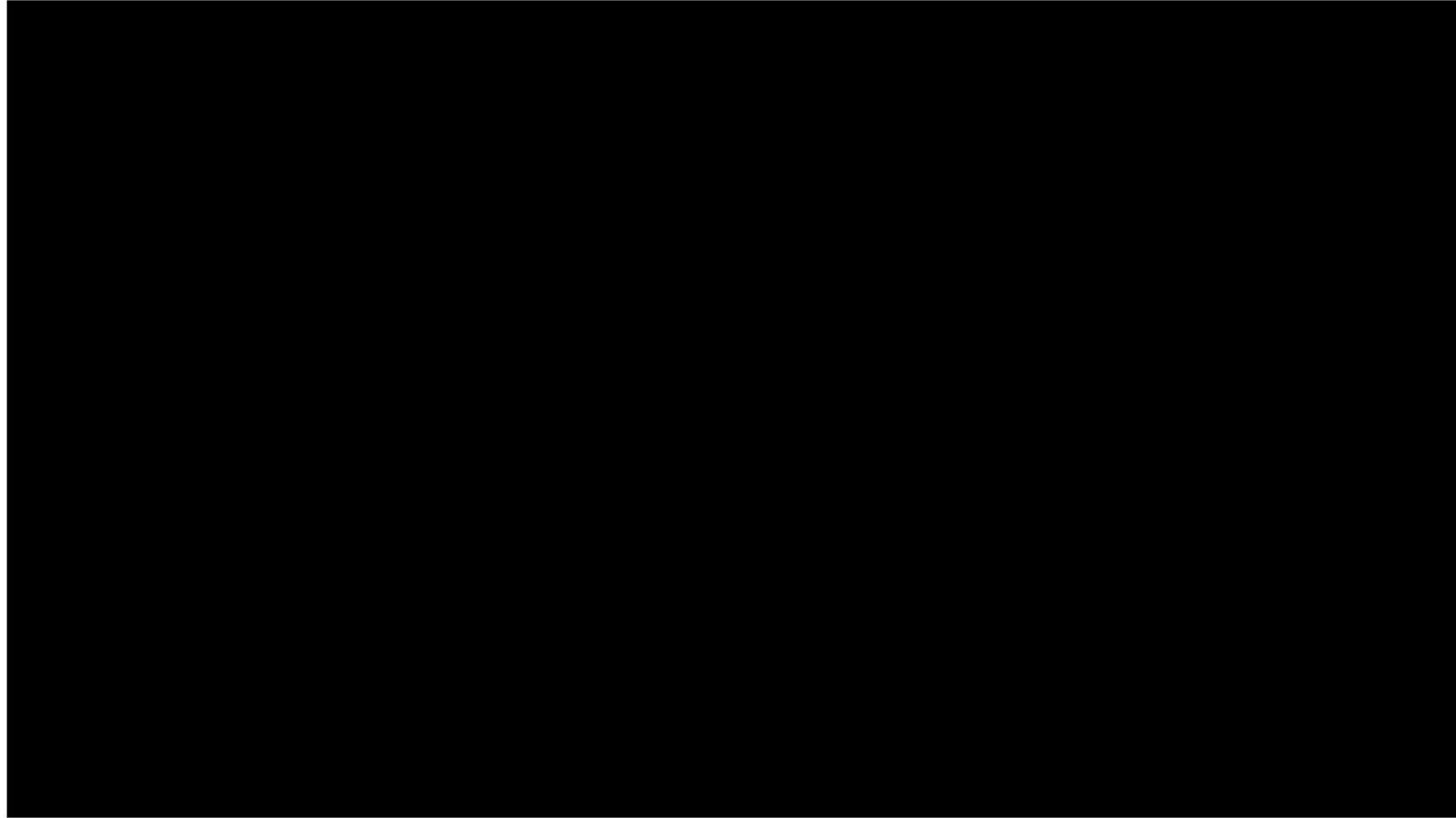


Dear Sir or Madam,

Apologies for the quick resubmission - I noticed errors in my original. Please find attached my updated objection letter

regarding DM/26/1560 - Erection of 5 detached dwellinghouses and outbuildings, including new garage to serve The Byre The Byre, The Street, Bolney, West Sussex, RH17 5PG.

Many thanks,



Dear Sir or Madam,

Please find attached my objection letter regarding DM/26/1560 - Erection of 5 detached dwellinghouses and outbuildings, including new garage to serve The Byre The Byre, The Street, Bolney, West Sussex, RH17 5PG.

As more information becomes available, I may submit an update, but in the meantime please add the attached objection to the file for this application.

Many thanks,

