

# SLRA

## Sandhill Lane Residents Association

Ms Katherine Williams  
Planning Services Division  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
RH16 1SS

14<sup>th</sup> August 2025

Dear Ms Williams,

**Ref: Objection to the planning application DM/25/1593 - 48 dwellings on land to the north of Burleigh Lane, Crawley Down.**

We are writing to you on behalf of current Members of the Sandhill Lane Residents Association (SLRA), who have asked us as their official and representative Residents Association to object to this planning application, based on the reasons set out below. We have 67 current members, who are all residents in Sandhill Lane (connected to Burleigh Lane), and this proposed development will directly affect them.

**1. Access and Legal Rights**

The Mid Sussex Site Allocations for this site, SA22, specified access from Sycamore Lane which the Planning Inspector specifically identified as the only acceptable access route to the new development while explicitly ruling out access via Woodlands Close. This is documented in his report of May 2022.

Amendment MM21 of the DPD states that “*If access cannot be demonstrated through agreement with the relevant landowners, then this allocation should be deleted from the Plan*”. Since the RMC of Burleigh Woods rejected access via Sycamore Lane, the SLRA do not understand the justification for a deviation from the MSDC Plan.

Whilst the UK Central Government’s policies promoting a more aggressive nationwide house building strategy may challenge existing Site Allocation decisions at local level, the adopted general policies of the MSDC DPD still apply, even to speculative or

“windfall” planning applications from developers. The principles of “good, responsible design” still apply.

The proposed access does not meet the threshold for visibility splays by a considerable margin (as reported) and should be considered unsafe in practice, despite the fact that the latest WSCC Highways report does not rule out access via this route on theoretical highways grounds.

The argument about access suitability should centre around MSDC’s own policy DP26 on Character and Design – clearly the proposed harm to the existing small community in Woodlands Close contravenes this policy. The “sense of place” for the well-established community in Woodlands Close would be destroyed due to the new road and increased traffic bifurcating this quiet cul-de-sac. The creation of an island resulting in the physical isolation of 13 Woodlands Close will cause direct and significant harm to the amenity of the property owner and neighbours. In addition, the proposed new road layout and traffic increase will not be pedestrian friendly. Finally, DP26 also seeks to defend *“..the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre”* and it is clear that the current sense of community would be lost forever under the proposed road layout.

Due to apparent very recent activity at The Croft site, the SLRA has become aware that temporary access for construction vehicles may be sought via Burleigh Lane to initiate site clearance and preparation prior to the demolition of 9-11 Woodlands Close, or to be considered as a permanent access alternative to the Woodlands Close route if this is refused. It should be noted that Burleigh Lane can only be accessed from the Public Highway at Grange Road via the private road Sandhill Lane over which there is no public right of way for motor vehicles except for those accessing existing properties who have acquired a prescriptive easement under the Prescriptions Act 1832. Any (yet unproven) historical easement possibly acquired by The Croft site would, in any event, be extinguished due to the material change of use from commercial to residential purposes resulting in a radical change in the character of the benefitting land together with a substantial increase in the burden upon the land (Sandhill Lane) over which any historical benefit may have been previously enjoyed.

Public Footpath 55W runs along the road surface of both Burleigh Lane and Sandhill Lane and is in constant daily use by a wide range of users including pedestrians, often with young children and/or dogs, and horse riders. Any increase in traffic volume above current levels poses a significant increase in risk to these legal lane users, especially at the blind bend just south of the entrance to The Grange where several near-misses have already occurred. The single track nature of both roads, bordered by open drainage ditches offer little opportunity for pedestrians and horses to get out of the way of motorised vehicles of any size, but especially larger vehicles.

Access for any vehicles to this development via these single-track lanes, either during the construction phase and/or by future residents/developers, would not only contravene existing but limited legal rights of access, it would substantially increase the hazards for both pedestrians and horse riders and oncoming vehicular traffic.

In the event that planning permission is granted for the development, the SLRA would request MSDC to implement the following:

- 1) A Planning Condition be imposed preventing access to the site at any time via Sandhill Lane for site preparation or construction traffic.  
(This is for the safety reasons highlighted above and due to the inevitable wear and tear and damage to the unadopted road surface, verges and ditches which are all maintained at the private expense of the SLRA via Membership contributions from our residents).
- 2) A restrictive covenant be imposed on the developed land (and upon all individual land parcels as sold to subsequent homeowners) to benefit the burdened land (Sandhill Lane) by preventing any vehicular access to the site for future residents' access to the land.

## **2. Wildlife Habitat**

The immediately surrounding area benefits from a wide variety of native wildlife including Great Crested Newts (GCN), multiple species of owls, bats, snakes, birds of prey and deer.

Great Crested Newts are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

The SLRA is in possession of photographic evidence from two SLRA Members of the recent presence of Great Crested Newts at properties within 250m of the proposed development site. Such sightings have been verified in August 2025 by The Wildlife Trust and the Amphibian and Reptile Conservation Trust.

The Protected Species Report for this development site states that the inspector identified two ponds that returned a positive result for Great Crested Newt eDNA. Considering this survey for GCNs was carried out at the very end of the breeding season (when GCNs would be moving away from ponds), and GCN eDNA was found, we would consider this conclusive evidence that GCNs are present at the site and/or migrate to this site.

The applicant has failed to demonstrate that there will be no detrimental impact to this protected species, and the published NatureSpace Report explicitly states this. In the event that planning permission were to be granted, the proposed development would be likely to destroy GCN habitat, disturb or injure individual newts and, without appropriate mitigation such action would be an offence under the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Protected species are a material consideration of the planning process and, whilst mitigation may be offered by the developer, we believe that if the GCN population is to

be truly protected, where better than their existing natural habitat, rather than off-site artificial habitat creation?

Local residents are further concerned that local wildlife common to the area surrounding the proposed development site will be negatively affected by the loss of habitat. These include:

- Amphibians such as frogs and toads and reptiles such as snakes (including the smooth snake which is specific to West Sussex and listed as a Priority Species), the common lizard and smooth lizard
- Bats which are a Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Their presence was confirmed in The Protected Species Report and they are often seen by local residents after dusk.
- Birds, including owls and birds of prey (e.g. buzzards) are often seen in this area, along with more common migratory birds. The Government report on 'Wild bird populations in the UK and England, 1970 to 2023' (March 2025), outlines the decline of species in areas such as the Burleigh Lane habitat: "...*in the most recent 5-year period more generalist species are declining (67%) and more specialist species declining (59%)*". Migratory birds are affected by light pollution and this development will cause a detrimental effect through large-scale additional lighting. This is a direct contradiction to the Mid Sussex District Plan (DP29).
- Deer such as roe deer, fallow deer and muntjac deer, which live in this area and are frequently seen in high numbers all along either side of Burleigh Lane which evidently forms an historical habitat of significance.
- Hedgehogs which are recognised as reaching unsustainable low population levels and will be highly impacted by new man-made structures in their habitat preventing freedom of movement and the cover of darkness.

Considering the above information, together with the Crawley Down Neighbourhood Plan's (CDNP) aim to "prevent adverse effects on the Ashdown Forest SPA and SAC", the SLRA fails to see evidence that "measures will be put in place to avoid or mitigate any potential adverse effects" such habitat destruction at the expense of housing development would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, policy DP17 of the Mid Sussex District Plan 2014 -2031, Policy CDNP11 of the Neighbourhood Plan and Paragraph 175 of the National Planning Policy Framework.

The Mid Sussex District Plan (2014-32) states that “*The main potential impacts arising from the District Plan that are likely to have a significant effect on Ashdown Forest are recreational disturbance to protected breeding birds from an increase in visitors to Ashdown Forest and atmospheric pollution affecting the heathland habitat from increased traffic and associated nitrogen deposition.*” (DP17, p72). The Plan also states “*proposed new housing in areas close to Ashdown Forest is likely to increase the number of visitors, with associated impacts on bird populations [...] The proposed approach is to provide Suitable Alternative Natural Greenspace (SANG) sites*” However, the ‘proposed sites’ are not in Crawley Down village, such that the destruction of our pre-existing natural habitat would result in the artificial recreation of habitats outside the area.

### **3. Breach of due process**

- It is evident that the ecological survey carried out by Urban Edge failed to take account of the deliberate interference of the land immediately prior to survey, and the methodology employed (section 3.3 of the report) will not have accurately reflected the true nature of pre-existing wildlife habitat, the presence of individual specimens or identifiable plant species.
- The SLRA possesses photographic (date-stamped) evidence that in February 2025, a significant amount of preparatory site clearance was undertaken in the field to the West of The Croft, just 4 weeks prior to the ecological survey. The overgrown land was raked mechanically and formed into large clearance heaps and the long grasses were cut. Such deliberate land preparation activity will have knowingly disturbed local wildlife, destroyed established habitat and likely killed wildlife, including potentially protected ones, or forced them to relocate (conveniently before the survey was carried out).
- Such preparatory activities should be considered to have interfered with the existing status quo of the local wildlife population and fauna prior to the submission of the planning application and to have influenced the outcome of the ecological assessment carried out in March 2025, in unreasonable favour of the applicant. In addition, pre-clearing would have reduced the baseline biodiversity value for the Biodiversity Net Gain Assessment (also carried out in March 2025 and June 2025). As such, the activity can be considered illegal and the ecological report and biodiversity assessment based on the survey of this site should be considered as understating the true ecological impact of any future development.

### **4. Failure to meet “Biodiversity Net Gain”**

Adopted Policy DP38 Biodiversity of the Mid Sussex District Plan 2014-2031 states that: “*Biodiversity will be protected and enhanced by ensuring development contributes and takes opportunities to improve, enhance, manage and restore biodiversity...*”

The Crawley Down Neighbourhood Plan 2014-2031 states in policy CDNP09 that any new development should “*protect and enhance biodiversity and wildlife*”, specifically assessing the following criteria *inter alia*:

- The safeguarding or protection of designated sites, protected species, ancient or species rich hedgerows, shaws, grasslands and woodlands.
- The safeguarding and preservation of ecological networks.

According to the filed report, the Applicant will seek the provision of off-site compensatory habitat or the purchase of biodiversity units from an external habitat bank to satisfy the trading rules and mandatory requirements for BNG. In the event that units are not available, statutory biodiversity credits will be purchased from Defra. This goes against the aims of the Crawley Down Neighbourhood Plan (as stated above) and would not protect the biodiversity and/or wildlife in this area.

In addition, as of 2024, developers must show a measurable improvement in biodiversity after development (Biodiversity Net Gain). The Environment Act 2021 states this condition is only met if biodiversity enhancements are maintained for at least 30 years. The SLRA cannot find evidence of how Biodiversity Net Gain, over any short or long-term time period will be achieved by this development. Indeed, the submitted Biodiversity Assessment admits that the development does not meet the requirements for trading rules associated with this habitat and will also result in a significant Biodiversity net loss.

## **5. Failure to engage in adequate Public Consultation**

The developer has repeatedly claimed that full consultation has taken place with the Public, local residents and community groups, yet the majority of impacted parties deny that any such consultation has ever taken place. The developer appears not to have listened to local concerns or amended the design plan accordingly and their marketing claims appear misleading at best.

There has also been considerable confusion caused to local residents about the significant dates relating to this application, some notification documents stating 08/08/25 and others 15/08/25. This is likely to have impacted residents' research and timetable to raise questions or objections.

## **6. Buffer Zones**

The Crawley Down Neighbourhood Plan 2014-2031 reflects a desire to preserve and increase ‘buffer zones’ and proposes that these will be taken into account:

*“There has been a steady loss of green spaces for people and wildlife habitats outside the village due to development. The remaining areas of ancient woodland within the Neighbour Plan Area have become smaller and more fragmented, and hedgerows have been lost, with the result that wildlife corridors have been degraded or disappeared entirely. The 2013 Neighbourhood Plan survey shows that residents clearly want the Neighbourhood Plan to address these issues with policies to preserve and where possible increase these buffer zones”* (CDNP, p18)

## 7. Infrastructure and local amenities

Angela Raynor MP in her ministerial statement on 30/07/2024, announced that undeveloped land “*...of little ecological value...on the edge of existing settlements... with little aesthetic or environmental value..*” could be considered for future housing development, however she highlighted that this should not be done in a “*...haphazard and non-strategic way, leading to unaffordable houses being built without the amenities that local people need.*”

The reality in Crawley Down is that the village is already struggling to provide the amenities needed by the existing residents.

S106 contributions offered as mitigation will not be sufficient or used to benefit the Crawley Down villagers. Pooling S106 money for the wider Mid Sussex area does not deliver infrastructure, schooling, road improvements etc where it is needed the most as a result of housing development affecting the people who already live in Crawley Down.

The local GP services at Crawley Down Health Centre are ill-equipped to accommodate additional residents moving into the proposed development given that their failure to meet the needs of the current village population has resulted in the facility being put into “Special Measures” by the Care Quality Commission 2 years ago. Appointments are already difficult to secure and the range of previously provided medical services diminished.

The village school is already failing to meet the demand from existing families and this problem will only get worse as the population of the village increases, forcing even more children to travel outside the immediate vicinity.

Whilst the published Appeal Decision documents appear to address these concerns, SLRA Members have pointed out that these were published over 11 years ago and do not address residents’ ongoing, and more recent concerns, over infrastructure and local amenities.

With regards to water supply, Southern Water has indicated that South East Water would need to supply the fresh water to this development, however there is no up-to-date review/application/assessment available in the public domain as to the viability of providing the required supply, especially in the context of repeated failures to maintain normal mains water pressure in the area.

Southern Water also indicated that they would need to apply for foul drainage. However, from the experience of our SLRA Members, who have been denied this in recent years, it seems unlikely that they will be allowed to put foul into the system for a large housing development of 48 dwellings.

## **8. Negative impact on the setting of a Grade II listed building**

The western boundary of the proposed development area is a mere 60 metres from the easternmost wall of Burleigh Cottage, a Grade II listed building widely recognised as being of considerable historical significance. Not only is the built house itself of importance, so too is the context of its past as a working farm surrounded by farmland when it was known as Sandhillgate Farm.

The semi-rural setting to the East of Burleigh Cottage will be permanently destroyed by both the planned housing and resultant pollution in the form of noise and vehicle emissions.

The SLRA does not agree with the evaluation in the RPS Group Built Heritage Statement that the impact on Burleigh Cottage and its surroundings will be “... *less than substantial harm...*”, therefore we do not accept that Paragraph 215 of the NPPF applies with regard to the public benefits of building the proposed new houses outweighs the irrevocable harm to this historical and protected asset that contributes so much to the visual amenity and semi-rural nature of the local area which both the MSDC District Plan and the Crawley Down Neighbourhood Plan claim to wish to see protected.

Thank you for taking the time to review this request to MSDC to refuse Planning Permission for this application **DM/25/1593**.

Yours sincerely,



Committee Chair

On behalf of the Committee and Members of Sandhill Lane Residents Association  
[www.slra.co.uk](http://www.slra.co.uk)