



Appeal Decision

Site visit made on 10 March 2026

by C Housden BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/D3830/W/25/3373757

Land North of Felbridge Road, Felbridge RH19 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Oliver of South West Strategic Development against the decision of Mid Sussex District Council.
 - The application ref is DM/24/2400.
 - The development proposed is outline application with all matters reserved except for access from Felbridge Road, for the erection of up to 8 self/custom-build dwellings, public open space, new woodland, drainage and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for outline application with all matters reserved except for access from Felbridge Road, for the erection of up to 8 self/custom-build dwellings, public open space, new woodland, drainage and ancillary works at land north of Felbridge Road, Felbridge in accordance with the terms of the application, ref DM/24/2400, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal relates to an application for outline planning permission, with all matters reserved except for access. Approval is only sought for the access from Felbridge Road and does not include the internal circulation within the site which would be determined at the reserved matters stage. As such, other than the plans relating to the access, I have considered the detailed plans before me as indicative, insofar as they relate to the matters reserved.
3. The Council's second reason for refusal related to a lack of planning obligation securing affordable housing and infrastructure contributions. An executed planning obligation was submitted during the appeal. As the parties have had a chance to comment upon the obligation and it does not result in an ultimately different application, I am satisfied that there are no procedural or substantive reasons not to accept this obligation.
4. Furthermore, the Council has confirmed¹ that the planning obligation has satisfactorily addressed the second reason for refusal and has not submitted any evidence to contest this matter. On this basis, I do not consider the lack of a planning obligation securing affordable housing and infrastructure contributions to be a main issue of the appeal.

¹ Email dated 18/11/2025

5. The Council's draft local plan review has been brought to my attention. Whilst this is at examination, the Council has confirmed that only minimal weight can be attributed to it at this stage given there are unresolved objections to a number of policies. In addition, no specific emerging policies have been referred to in the Council's decision notice refusing planning permission. As such, I afford the emerging plan very limited weight.

Main Issues

6. The main issues are:
- the effect on the character and appearance of the area, including loss of trees; and
 - the demand for and supply of self-build and custom housing.

Reasons

Character and appearance

7. The appeal site is situated within the countryside to the west of and adjacent to the settlement of Felbridge. It comprises two parcels of land, with one parcel fronting onto Felbridge Road and the other set behind this field. It forms part of a wider network of rolling fields separating the settlements of Felbridge and Furnace Wood. The site is bound by a well-established mix of hedgerow and trees, which forms part of a row of vegetation that bounds Felbridge Road. In addition, the fields are divided by similar hedgerow and trees. On the ground, the site is visually set on the edge of Felbridge and contributes positively to the verdant and rural setting of the settlement.
8. The proposed development would result in part of the loss of the rural field and its replacement with a development of eight dwellings which would harm the positive contribution the site makes towards the verdant character and appearance of the area, and to the rural settlement edge of Felbridge. It would also visually extend the developed area of Felbridge into the countryside and contribute to the continuation of development along Felbridge Road, although it would not extend past the properties on the opposite side of the road at Thicket Rise which would limit the level of visual expansion down Felbridge Road. In addition, the proposed vehicular access would result in the loss of two Category B oak trees and a Category B beech tree resulting in localised harm through the loss of trees which positively contribute to the vegetated frontage. The introduction of the access hardstanding in this location would also urbanise an otherwise unbroken vegetated frontage. As such, the proposal would result in harm to the character and appearance of the area.
9. However, on my visit I observed that small cul-de-sacs with a modest amount of dwellings, similar to that proposed by the appeal scheme, set on the western edge of Felbridge were a common feature of the pattern of development. The appeal proposal, with a provision of up to eight dwellings would be of a level which could come forward in a similar manner to the nearby development to the east and south. It would therefore appear in keeping with the overall settlement pattern and would not detrimentally distort the appearance of Felbridge. Nevertheless, harm would still arise through the loss of the green field and expansion of the settlement into the countryside and along Felbridge Road.

10. In relation to coalescence, the proposal would represent a small incursion into the gap between Felbridge and Furnace Wood. However, given the modest scale of development proposed and the position of the site directly adjacent to the existing settlement, the vast majority of the gap would remain and the overall visual separation, including when travelling between these settlements would only be visually reduced by a limited degree.
11. In relation to Crawley Down, this is located to the south of the appeal site and has established intervening development between it and the appeal site, including at Thicket Rise. However, given the modest scale of the appeal proposal it would appear as distinct and separate from the development to the south rather than a cohesive group. Nevertheless, the proposal would introduce development within the broad gap between these settlements and as such, the development would cause very limited coalescence between Crawley Down and Furnace Wood.
12. Therefore, the development would cause harm to the character and appearance of the area through coalescence and the partial development of a green edge of settlement field. However, in both cases the effect would result in limited harm to the character and appearance of the area for the reasons given.
13. The development would therefore conflict with Policies DP12, DP13 and DP37 of the Mid Sussex District Plan (2018) (MSDP) and Policies CDNP05 and CDNP08 of the Crawley Down Neighbourhood Plan (2016) (NP). These policies, amongst other matters, seek to protect the countryside in recognition of its intrinsic character and beauty, and the character of the area, prevent coalescence between settlements to ensure their separate identity is maintained and not normally permit development that leads to the loss of trees that contribute, either individually or part of a group to the character of the area.

Self-build and custom housing

14. The Housing and Planning Act (2016)² prescribes a statutory duty for the Council to give enough permissions in respect of serviced plots of land to meet the demand for self-build and custom housebuilding arising in each base period. The PPG confirms that the level of demand is established by reference to the number of entries added to an authority's register during a base period and that at the end of each base period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period³.
15. In terms of the demand, the Mid Sussex Self-Build and Custom Housing Register, sets out the demand for serviced plots over base periods from its creation in 2015. As of the latest base period 10, the evidence shows that 16 households were on the register.
16. The Council sets out that since 2020 they have undertaken an annual review of the register and removed entries who no longer wished to remain or did not re-pay the registration fee, and therefore contend that the register should not be viewed as a cumulative list. The Council has also referred to a scheme in Lindfield, Mid Sussex where consent was granted for three self-build/custom housing plots and despite being marketed for 24 months, only one plot was sold on this basis.

² As amended by s.123 of the Levelling-up and Regeneration Act 2023

³ Paragraph: 023 Reference ID: 57-023-201760728

However, this represents a singular scheme and does not represent the whole demand for such plots within the district.

17. In any case, the legislation and PPG is clear in the statutory requirement to meet the demand arising from each base period. As such, I have had regard to whether sufficient permissions have been granted to meet the demand arising from the relevant base periods.
18. In relation to supply, I have been provided with two lists⁴ of purported self-build or custom housebuilding consents granted by the Council. In both cases, I have not been provided with a methodology or criteria which demonstrates how the Council determined the permissions counted as a consent for a self-build or custom housebuilding plot.
19. The list dated 02 August 2023 has been analysed by the appellant on the basis of whether self-build or custom housebuilding is referred to in the description of development and whether there is a condition or planning obligation securing the plots as self-build or custom housing. This is broadly in line with the approach set out in the PPG⁵ for methods which could be used to identify whether a permission is for self-build or custom housebuilding.
20. This analysis shows that only two permissions for a total of two plots met one of the appellant's criteria⁶ and were therefore suitable self-build or custom housebuilding plots, falling significantly short of the statutory duty. I have no reason to come to a different conclusion on this analysis, particularly as it has not been demonstrated by the Council its methodology or criteria in which it recorded each of the permissions within its purported supply. Whilst this analysis does not include the most recent base periods, it demonstrates that the Council had not met its duty to grant sufficient plots on the data analysed and contests how the Council has recorded such permissions.
21. It therefore follows that based on the evidence before me, on the balance of probabilities, the Council is not meeting its statutory requirements in relation to providing sufficient self-build and custom housing plots. As insufficient permissions have been granted by the Council to meet demand in accordance with the statutory duty, this is a material consideration in favour of granting permission.
22. The Council has referred to an example of Policy LR1 from the Burgess Hill Neighbourhood Plan (2016) which includes an allocation for 20 self-build and custom housing plots on Council owned land. Whilst this is an example of the policies contained within the wider development plan promoting self-build and custom plots, I have no evidence demonstrating whether this allocation has been granted planning permission, or would be imminently granted permission to help address the identified shortfall. It therefore does not alter my findings on the demand and supply relating to the base periods.
23. An appeal⁷ has been referred to where the Inspector in this case found that the Council had permitted 'numerous suitable self-build plots over a sustained period of time to meet the level of local demand'. However, I do not know what evidence

⁴ List 1 contained within the appellant's Planning Statement with permissions as of 02 August 2023, List 2 contained within the Council's statement of case with permissions up to 2025 (Base Period 10).

⁵ Paragraph 038 Reference ID: 57-038-20210508

⁶ In both cases reference in the description of development - DM/15/4140 & DM/19/2845

⁷ Appeal ref APP/D3830/W/23/3316817

was before this Inspector and if it is comparable to the circumstances before me where I have specific evidence contesting the supply figures. The existence of this appeal therefore does not change my findings in relation to the evidence before me.

Other Matters

Location of development

24. Whilst not amounting to a reason for refusal, the Council has identified conflict with MSDP Policies DP4 (Housing) and DP6 (Settlement Hierarchy), owing to not being situated within one of the named settlements and its location outside of a defined settlement boundary. However, due to the housing supply position of the district, the Council considers that only limited weight should be applied to this conflict. As discussed further in my planning balance, I see no reason to disagree on this matter.

Heritage

25. The appeal site is within the vicinity of the Grade II listed buildings of Michaelmas Farm⁸, Gibbshaven Farmhouse and the barn to the southeast of Gibbshaven Farmhouse. I am mindful of the statutory duty as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and as such I have had special regard to the desirability of preserving their settings.
26. The special interest of Gibbshaven Farmhouse and the barn lies in their architectural and historical merits as surviving traditional farmstead buildings set within a rural landscape. Similarly, Michaelmas Farm is also traditional farm building with associated historical and architectural merits set in the rural landscape. The appeal site, comprising two fields, forms a part of this wider rural landscape setting.
27. Given the significant distance between the appeal site and these listed buildings, along with the intervening vegetation, the rural setting in which these heritage assets are experienced would not be harmed by the appeal proposal. As such, the proposal would preserve the setting of the listed buildings. I note the Council had no concerns in this regard either.

Habitats sites

28. The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) are subject to statutory protection under the Habitats Regulations.
29. In relation to the SPA, the evidence shows that the qualifying features includes the presence of breeding populations of the Dartford warbler and European nightjar. Increases in residential development within the 7km zone of influence would result in a likely significant effect to the protected sites in combination with other plans and projects through additional recreational disturbance.
30. In relation to the SAC the qualifying features include the Northern Atlantic wet heaths and European dry heaths habitats and Great crested newt species. An increase in traffic emissions resulting from new development may result in

⁸ Referred to by the parties as Michaelmas Farm but known as Miles Farmhouse on the Historic England list entry.

atmospheric pollution on the Ashdown Forest, with particular regard to acid deposition and eutrophication by nitrogen deposition.

31. The Council undertook a screening assessment at the planning application stage and concluded that there would be no likely significant effects, either alone or in combination on the SPA and SAC. This was on the basis of the site falling outside of the 7km zone of influence in relation to the SPA and the transport model produced for the Council's Site Allocations Development Plan Document (2022) accounting for windfall development, and this modelling demonstrating that such development would not result in an overall adverse effect on the SAC. I have no reason to disagree with these findings based on the evidence before me, and concur that there would be no likely significant effect of the proposal on the SPA and SAC either alone or in combination.

Interested parties

32. Concern has been raised regarding the effect of the proposal on the local highway network and the suitability of the access. However, the submitted Transport Statement⁹ sets out that the projected trip generation by the proposal would be minimal and would not result in an adverse impact on the transport network. In relation to visibility splays 120m vehicle and pedestrian visibility splays would be achieved by the proposal which would ensure adequate visibility. Both Mid Sussex District Council and Surrey County Council were consulted during the planning application as the highway authorities for their respective areas, both of which raised no objection to the proposal. The evidence before me therefore does not lead me to a different conclusion.
33. Concerns have been raised regarding the effect of the proposal on infrastructure, however as discussed below, a planning obligation accompanies the application which suitably provides contributions to mitigate the effects of the additional occupiers on local services and facilities.
34. In relation to drainage, suitable details would be secured through a condition.
35. In relation to ecology and biodiversity, the evidence shows that there would be no adverse effect on protected species or habitats. In addition, habitat mitigation and enhancement measures would be secured by a condition, and the proposal would also secure a biodiversity net gain.
36. Reference has been made to the appeal site potentially being put aside for a future East Grinstead by-pass. However, I have very limited evidence before me about such a proposal and the Council have confirmed in its officer report that this was not a reason to refuse the proposal. I see no reason to take a different view.
37. The effect on the Green Belt contained within the adjacent district of Tandridge has been raised. However, the evidence shows that the site itself is situated outside of the Green Belt and would therefore not undermine the purposes as set out in paragraph 143 of the National Planning Policy Framework (the Framework).
38. Concern has been raised that allowing the appeal could set a precedent for other development in the area. However, each case is determined on its own merits and I am satisfied that my decision on this proposal would not harm the ability of the Council to exercise in equity their judgement in future cases within the area.

⁹ By SLR dated 22 August 2024

Previous appeals

39. The Council and interested parties have referred to the previous two appeals¹⁰ at the site which I note were dismissed, in part, due to the effect on the character and appearance of the area. However, these appeals were for larger developments of thirty dwellings and therefore the effect on the character and appearance of the area is not directly comparable to the smaller scale scheme before me. Each proposal should be assessed on its individual merits which I have done so in this case.

Planning Obligation

40. Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) (CILR) and paragraph 58 of the Framework set out the tests for planning obligations. This requires an obligation to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
41. A commuted sum of £303,000 towards affordable housing is provided in accordance with Policy DP31 of the MSDP and the Affordable Housing Supplementary Planning Document (2018).
42. Sums of £17,480 would contribute towards playing space for children¹¹, £10,880 for formal sports contributions¹² and £6,240 would go towards upgrades of Felbridge Village Hall. Contributions are also secured towards primary, secondary and sixth form education, highways total access demand and libraries, in accordance with a formula based on occupancy rates which would become known at the reserved matters stage. These contributions would ensure that the existing leisure, recreational and educational facilities would be able to accommodate the additional demand arising from the proposed development.
43. In addition, the obligation would secure the plots as self-build and custom housebuilding units along with the public open space, and require various submissions for both in order to ensure effective implementation and management.
44. Compliance statements were submitted by Mid Sussex District Council and West Sussex County Council in relation to the respective contributions sought. The appellant has not contested the findings of these statements, and I see no reason to either. In addition, as mentioned, the Council is content that the planning obligation overcomes its second reason for refusal.
45. As such, the planning obligation is required to make the development acceptable, is directly related to the development and is fairly and reasonably related in scale and kind to the development. It therefore would meet all the requirements of paragraph 58 of the Framework and regulation 122(2) of the CILR. I am satisfied that it is a legally sound and binding obligation that effectively secures the abovementioned provisions and contributions. I can therefore place significant weight on the obligation.

¹⁰ PINS ref APP/D3830/W/16/3156544 & APP/D3830/W/19/3220898

¹¹ Improvements to play equipment and kickabout provision at Felbridge Village Hall playground.

¹² At Felbridge Recreation Ground and/or Felbridge Bowling Club and/or Felbridge and Sunnyside Cricket Club

Planning Balance

46. The proposed development is not in accordance with the aforementioned policies of the MSDP and NP, by virtue of the harm to the character and appearance of the area. However, the Council accepts that it cannot demonstrate a five-year housing land supply. The appellant has provided a supply range of 2.41 – 3.38 years, which has not been contested by the Council. I see no reason to reach a different conclusion. Given the considerable shortfall of housing land supply demonstrated by this range it is not determinative for me to reach a conclusion on an exact supply figure.
47. The provisions of paragraph 11(d) of the Framework are therefore engaged. Footnote 8 confirms in these circumstances, the policies which are most important for determining the application are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
48. Paragraph 14 of the Framework is also relevant. However, owing to the age of the NP being adopted in 2016, the provisions of paragraph 14 would not be engaged.
49. In relation to character and appearance, Policies DP12, DP13 and DP37 of the MSDP and Policies CDNP05 and CDNP08 of the NP are broadly consistent with the Framework, notably paragraphs 135 and 187b) which seek to ensure development adds to the overall quality of the area and recognises the intrinsic character and beauty of the countryside. However, I give the conflict with these policies limited weight against the proposal as a suitably designed development could come forward in keeping with the wider settlement pattern and with limited overall harm to the character and appearance of the area by way of coalescence and partial loss of the frontage field and three boundary trees for the reasons I have given.
50. In relation to the location of development, as mentioned the proposal would conflict with Policies DP4 and DP6 of the MSDP which sets out the Council's strategy for accommodating housing within the district. However, the adopted strategy is not meeting the local housing needs of the area. The development plan is failing to meet paragraph 61 of the Framework which sets out the Government's objective of significantly boosting the supply of homes and ensuring sufficient amount of land can come forward. As such, conflict with these policies only carries limited weight against the proposal.
51. Overall, the development would conflict with the development plan as a whole. However, given the limited harms identified, this conflict would carry limited weight.
52. Paragraph 7 of the Framework sets out the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes. Paragraph 8 identifies that achieving sustainable development has overarching economic, social and environmental objectives.
53. In terms of the social benefits of the scheme, it is the Government's objective to significantly boost the supply of housing, including through small and medium schemes and to provide a sufficient number and range of homes to meet the needs of present and future generations. Given the deficiencies of supply in housing land and self-build and custom housing, the contribution of eight dwellings to both supplies carries significant weight in favour of the development.

Furthermore, in this context the contribution towards affordable housing would also weigh considerably in favour of the development. The proposal would also provide a large area of public open space, however I have not been presented with evidence showing that there is a deficiency of such space, and it therefore carries modest positive weight.

54. The development would also lead to a relatively small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers and spend within the local area. This would be a minor benefit of the proposal.
55. In relation to the environmental benefits, the proposal would provide a 11.09% onsite biodiversity net gain resulting in a limited positive benefit. In addition, footnote 9 makes a reference to have specific regard to paragraph 110 of the Framework. In this regard, whilst the evidence shows there would only be a modest offering of facilities and services within walking distance of the appeal site in Felbridge, the site would be located within close proximity to a bus stop meaning that future residents would have access to a low carbon method of travel and an alternative to the private motor vehicle. This would carry limited positive weight in favour of the proposal.
56. Overall, I conclude that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The development therefore benefits from the presumption in favour of sustainable development. The material considerations do indicate that a decision should be made other than in accordance with the development plan.

Conditions

57. I have considered the suggested conditions against the tests in the Framework and the advice contained in the PPG.
58. The standard timescale condition relating to the submission of the reserved matters and commencement of development, along with a plans compliance condition is necessary for the avoidance of doubt and in the interests of certainty. A reduced timescale for submission and implementation of two years and eighteen months respectively was suggested by the Council. Given the need for housing in the area a shortened timescale of delivery to ensure the development contributes to the housing supply in the short term is considered to be reasonable. I am also satisfied that this shortened timescale would not unreasonably impact on the deliverability of development in accordance with the PPG¹³.
59. A pre-commencement condition securing the details of foul and surface water drainage based on sustainable urban drainage principles is reasonable and necessary and required prior to commencement as it is fundamental in the interests of ensuring the development drains properly and the risk of flooding is not increased elsewhere.
60. A biodiversity Construction Environmental Management Plan (CEMP) is necessary prior to the commencement of development to ensure adequate mitigation measures are in place to address the effects on species and habitats throughout

¹³ Paragraph 21a-005-20190723

the entire construction process. Also, for this reason, conditions securing works to be undertaken in accordance with the submitted ecological evidence, securing a lighting scheme and a biodiversity enhancement plan is necessary and reasonable.

61. In the interests of highway safety, it is necessary to ensure that the vehicular access serving the development is constructed in accordance with the approved plans prior to the commencement of the development, other than the access. It is also necessary to have a condition establishing internal circulation routes as the approved plan 237575_PD01 B only shows the access point onto Felbridge Road. It is necessary to have a condition securing clear visibility splays along Felbridge Road in the interests of highway safety once the vehicular and pedestrian accesses have been constructed.
62. A Construction Management Plan is required prior to the commencement of development to ensure adequate measures are in place in the interests of highway safety.
63. In order to ensure the development delivers a biodiversity net gain, in accordance with Schedule 7A of the Town and Country Planning Act 1990, a condition securing a Habitat Management and Monitoring Plan is necessary.
64. A condition ensuring the development is carried out in accordance with the recommendations of the submitted tree report is necessary in the interests of the character and appearance of the area.
65. A condition relating to unexpected contamination is reasonable and necessary in the interests of the health and safety of future occupiers.
66. A condition restricting the hours of use of plant and machinery, along with deliveries is reasonable and necessary in the interests of the living conditions of nearby neighbours.
67. Conditions were suggested by the council relating to cycle storage, materials, enclosures, hard and soft landscaping and fire hydrants. However, these elements relate to the reserved matters and would be covered in such future submissions.

Conclusion

68. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. As such, for the reasons given above the appeal should be allowed.

C Housden

INSPECTOR

-- Conditions --

- 1) Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of eighteen months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

- 2) The development hereby permitted shall be carried out in accordance with drawing nos 13220/001 D and 237575_PD01 B.
- 3) No development shall take place until a scheme for internal access and circulation, parking and for vehicles to turn so that they may enter and leave the site in forward gear has been submitted to and approved in writing by the local planning authority. No building hereby permitted shall be occupied until works have been carried out in accordance with the approved details. Thereafter the internal access, circulation and parking shall be retained and maintained in accordance with the approved details.
- 4) No development shall take place until a detailed foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. No building hereby permitted shall be occupied until the approved drainage works have been carried out in accordance with the approved details.

- 5) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.

- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- Containment, control and removal of any invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) Other than the works required to construct the vehicular access, no development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing 237575_PD01 B.
- 7) No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Felbridge Road in accordance with the approved plan 237575_PD01 B. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 8) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The Plan shall provide for the following details:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- details of public engagement both prior to and during construction works.
- 9) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the HMMP works have started.

No development shall take place until:

- a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 10) Prior to any works above slab level, a Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Ecological Impact Assessment (Grassroots Ecology, July 2024) shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

- 11) Prior to the first occupation of any dwelling hereby permitted, a lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Prior to the first occupation of the development, all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

No other external lighting not approved by the lighting design scheme shall be installed at the site.

- 12) No part of the development shall be first occupied until the proposed pedestrian access has been provided onto Felbridge Road in accordance with the approved plan 237575_PD01 B.
- 13) The development hereby approved shall not be first occupied unless and until facilities for secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained.
- 14) The development shall be carried out in accordance with section 7 of the Tree Development Report by Connick Tree Care dated 8th March 2024 and associated Tree Retention & Protection Plan dated 08 March 2024.
- 15) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.
- 16) No construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, or otherwise handled and no commercial vehicles shall arrive or depart, within the application site outside the hours of:
- 08:00 - 18:00 Hours Monday – Friday,
 - 09:00 - 13:00 Hours Saturday, and
 - no work permitted on Sundays or Bank/Public Holidays.

- 17) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Response to Ecology (Grassroots Ecology, January 2025) and Section 5 of the Ecological Impact Assessment (Grassroots Ecology, July 2024).

-- End of Schedule --