

OBJECTION — RESERVED MATTERS APPLICATION DM/26/1961

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Application DM/26/1961 — Approval of Reserved Matters (appearance, landscaping, layout and scale) following outline permission DM/25/1129, for the erection of 198 dwellings (including 60 affordable), community orchard, public open space and infrastructure; and discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41. Land at Foxhole Farm, Foxhole Lane, Bolney.

1. Scope of this objection — and what is not objected to

I object to this Reserved Matters application. This is a reserved matters submission, so I do not re-argue the principle of development, the quantum of up to 200 dwellings, or the site access — all of which were settled by the outline permission and its parameter plans, and none of which I contest. Nor do I object to the affordable tenure split (25% First Homes / 75% Affordable Rent), the provision of 20% M4(2) units under condition 39, compliance with the Nationally Described Space Standards, or the biodiversity net gain (which the metric puts well above the 10% minimum), each of which appears to accord with the outline permission and the Section 106 Agreement dated 18 November 2025 (“the S106”). I also welcome, and do not object to, the commitment in the Energy & Sustainability Statement to air-source heat pumps and roof-mounted photovoltaics across all 198 dwellings — subject only to that being secured by condition rather than left to build-out.

My objection is confined to the reserved matters actually submitted (appearance, landscaping, layout and scale) and to the application’s compliance with the outline conditions and the S106. The grounds below weigh individually and cumulatively. Because the application also seeks to discharge nine conditions that are simultaneously the subject of a separate, undetermined application (DM/26/1962), and relies on details common to the undetermined S106 discharge (DM/26/1760), it should not be approved in a way that pre-empts the proper resolution of those matters.

2. Affordable housing — the scheme omits the M4(3) Wheelchair Accessible Units the S106 requires

Part Two of the Second Schedule to the S106 requires 4% of the affordable homes to be Wheelchair Accessible Units — specifically “1 x 2 bed house and 1 x 3 bed house” built to Requirement M4(3) (Category 3, wheelchair user dwellings). The applicant’s own Planning & Affordable Housing Statement recites that very requirement (“4% wheelchair accessible housing comprising 1 x 2 bed house and 1 x 3 bed house”), and then, on the same subject, states baldly that “due to the site location no M4(3) units need to be provided.”

The requirement is not merely contractual. It transcribes adopted Policy DP28 (Accessibility) of the Mid Sussex District Plan 2014–2031, which requires M4(3) wheelchair-user dwellings for “generally 4%” of affordable homes, and the adopted Affordable Housing SPD (2018), paragraphs 2.46–2.49, with which the S106 requires the Affordable Housing Scheme to comply — and which provides that wheelchair provision is to be secured by condition and demonstrated on the reserved-matters layouts. Condition 39 secures only M4(2); the M4(3) requirement therefore lives in the S106 and DP28/the SPD, and this application does not satisfy it.

The justification offered — “site location”, resting on an informal pre-application comment — is unevidenced, is contradicted by the Council’s own SHMA (2024) evidence of significant and rising local

need, and cannot lawfully displace a requirement already crystallised in a signed S106 and adopted policy. That advice is, moreover, not open to scrutiny: it is a confidential pre-application enquiry (reference DM/26/0645, dated 12 March 2026, cited in the application form and at paragraphs 6.53 and 6.85 of the Planning & Affordable Housing Statement) which does not appear on the Council's public planning register — a search returns “no results” — so neither objectors nor members of the planning committee can see what was asked or what was in fact advised. A departure from a signed S106 and adopted policy should not rest on advice the public record does not disclose; and pre-application advice is in any event given without prejudice to the formal decision and does not bind the Council. I ask the Council to place the substance of that advice, and any caveats within it, on the public file so that the “site location” justification can be properly tested.

That justification is in any event contradicted by the applicant's own later, publicly-documented pre-application record: the Design and Access Statement Part 1, in its Pre-Application Review Summary, records a pre-application meeting with the Council on 16 April 2026 at which “officers confirmed that detailed M4(3) accessibility specifications would be required.” That meeting postdates the 12 March 2026 enquiry (DM/26/0645) by a month, and the position it records — that M4(3) specifications would be required — is the direct opposite of the “no M4(3) units need to be provided” claim the applicant now advances. The two documents cannot both be right; and, tellingly, the only pre-application position that appears anywhere on the public record is the one in the DAS confirming that M4(3) would be required. The removal of the wheelchair-accessible units is therefore contrary not only to the S106 and adopted policy but to the applicant's own most recent, publicly-recorded account of the officers' advice.

As a public authority the Council must also have regard to its Public Sector Equality Duty (section 149, Equality Act 2010) before approving a scheme that removes wheelchair-accessible housing. The justification is also flatly inconsistent with the applicant's own scheme: the same permission delivers, on this very site, a purpose-built community building for Kangaroos — a charity for children and young people with learning disabilities and additional needs, a number of whom are also wheelchair users. A facility that will bring wheelchair-using children and families to this very location makes it untenable to claim that the location removes any need for wheelchair-accessible homes. The applicant's own design rationale confirms the point: the Design and Access Statement Part 2 explains that “the proposed community hub will be single-storey, primarily to provide full accessibility for users, including those with mobility needs.” The applicant therefore expressly designs for full accessibility and mobility needs on this very site when it comes to the community building, while at the same time asserting that the same site's location removes any need for wheelchair-accessible homes. Those two positions cannot both hold: accessibility is either a genuine requirement on this site or it is not, and the applicant's own hub design confirms that it is.

I ask that the reserved matters not be approved while the affordable house types omit the M4(3) units, and that this is not a matter that can be deferred, since the house types and layout are before the Council now.

On distribution, the adopted Affordable Housing SPD (2018) requires affordable housing to be tenure-blind and provided “in small clusters, of no more than ten units” (paragraphs 2.47–2.49), integrated with the market housing. Having counted the Affordable Housing Layout (AHL.01), the affordable homes are provided in several separate groups that each appear to be within the ten-unit limit, so I do not press cluster size as a breach. The groups are, however, largely single-tenure rows of Affordable Rent (with First Homes elsewhere); the Council should confirm the exact count in each group and that the layout delivers the genuine tenure-blind integration the SPD requires rather than visually distinct affordable terraces.

3. Heritage — the applicant's own assessment concedes harm to designated heritage assets, including the Grade I church

The applicant's Heritage Compliance Statement concludes (paragraphs 4.37–4.39) that the proposals cause a "low level of less than substantial harm" to the Grade II listed Walnut & Well Cottage and to the Bolney Conservation Area, and that "an element of harm has been concluded" to the Grade I listed St Mary Magdalene's Church, together with very low/low harm to three non-designated heritage assets (the Old Post Office, Providence Chapel and Bolney Place). This is the applicant's own conclusion, not mine.

At reserved matters, the degree of setting harm is a direct function of the matters now before the Council — appearance, scale, layout and landscaping. The duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore engaged in this determination, and, on Barnwell Manor and NPPF paragraph 212, considerable importance and great weight must be given to the conceded harm — the more so as it reaches a Grade I building, the highest category of significance. The Council should not approve the reserved matters unless satisfied that this design minimises the harm so far as possible and that the residual harm is clearly outweighed by public benefits (NPPF paragraphs 215–216); the Statement does not demonstrate that the scale, heights and layout adjoining these assets have been optimised to that end. (I note in passing an internal error: paragraph 4.37 refers to the "Holy Trinity Conservation Area" while paragraphs 4.38–4.39 correctly refer to the Bolney Conservation Area.)

There is, moreover, a contradiction at the heart of the Conservation Area assessment which the Council should resolve before relying on it. The Heritage Compliance Statement rests its "low level of less than substantial harm" conclusion on the northern-boundary planting screening the development from the adjacent public right of way: at paragraph 4.25 it states there "will be no awareness of the development from the northern part of the conservation area, with vegetation planting and attenuation along the northern boundary obscuring views of the new development from the adjacent footpath." Yet the applicant's own Design and Access Statement Part 1, responding to the Design Review Panel's call to enhance that same path, promises the opposite: that "the Public Right of Way will be integrated within a landscaped green corridor and overlooked by new homes, providing an attractive environment with natural surveillance." A footpath that is "overlooked by new homes" for "natural surveillance" is, by definition, one from which the new homes are visible — which cannot be reconciled with vegetation "obscuring views of the new development from the adjacent footpath" so that there is "no awareness of the development." Either the openness and surveillance promised to the Panel will be delivered, in which case the screening on which the heritage conclusion depends is compromised and the harm to the Conservation Area has been under-assessed; or the screening is delivered, in which case the design response to the Panel is not. The Council should require the applicant to reconcile the two, and — if the northern edge is to be overlooked to provide surveillance — to re-assess the Conservation Area harm on that basis, since the ss.66/72 duties and NPPF paragraphs 212 and 215 turn on an accurate view of the harm.

4. Noise and residential amenity

The applicant's Noise Impact Assessment shows that the layout does not achieve acceptable conditions everywhere. Garden noise on plots 44 and 45 exceeds the 55 dB LAeq,16hr amenity target and can only be brought within it by 1.8m brick walls to those gardens. Internally, the assessment concedes that in parts of the north and south of the site the standards cannot be met with partially-open windows, so those dwellings must rely on closed windows with alternative (mechanical) ventilation and, for dwellings closest to the A272, enhanced acoustic glazing. A layout that requires homes to keep windows shut for acceptable noise sits in direct tension with the overheating control the same permission requires (condition 16 and Approved Document O), which should not depend on opening those windows. The Council should be

satisfied that the amenity mitigation (walls, glazing, mechanical ventilation) is necessary because of the layout rather than a substitute for a better one, and that it is secured.

5. Play areas — composition departs from the S106

The submitted play drawings (0817/26/A/31–36) provide six areas — two LEAPs and four LAPs — where the S106 defines four (2 LEAP and 2 Local Areas of Play, together equating to 0.15ha). None of the six drawings, however, states its area, and each is marked “PRELIMINARY”; so, although scaling the drawings suggests the provision is generous (the Tractor LEAP alone appears to be well above the 400m² minimum, and the total is likely to exceed 0.15ha), the application does not itself demonstrate that the S106’s 0.15ha total and 400m²-per-LEAP minimums are met. The area of each LEAP and LAP should be stated and confirmed against the S106, and the drawings finalised. There is also a classification inconsistency carried through the applicant’s documents: drawing 0817/26/A/36 is described as both a “LEAP” and a “LAP”, so it is unclear whether the two LEAPs the S106 requires are in fact provided.

Separately from composition, the positions of the play areas should be conditioned to secure natural surveillance, and this is a matter the Council can address now because the siting of the play areas within the open space is part of the reserved layout and landscaping — not fixed by the outline parameter plan. Play areas are safer, and better used, when overlooked by dwellings; DP26 expressly requires development to be designed with “active building frontages facing streets and public open spaces... to provide natural surveillance,” and Fields in Trust’s Guidance for Outdoor Sport and Play and Secured by Design both expect play space to be overlooked (while set at an appropriate buffer from dwellings to limit noise). The applicant’s own Design and Access Statement adopts natural surveillance as a design principle. Yet on the coloured site layout (CSL.01) the distributed play areas are not all so placed: the larger play area beside the Kangaroos building, and the play area in the southern part of the central open space, sit within the countryside open space with dwellings on only one side, at a distance across open ground and footpaths, and open space or the retained farmstead on their remaining sides — so natural surveillance is one-sided and remote rather than the enclosing overlooking good practice seeks. Because the siting is a reserved matter, I ask the Council to require, by condition or amended plans, that each LEAP and LAP be positioned where it is genuinely overlooked by dwelling frontages, consistent with DP26 and Fields in Trust/Secured by Design, before the reserved matters are approved.

6. Drainage — departure from the approved discharge rates, and internally inconsistent figures

The approved outline Flood Risk Assessment and Drainage Strategy restrict the Northern Parcel to a greenfield rate of 44.2 l/s and the Southern Parcel to 46.3 l/s. The submitted Drainage Technical Note instead restricts the Northern Parcel to 38.7 l/s (Southern 46.4 l/s). The Northern rate does not match the approved figure, and a lower rate requires greater attenuation storage, which must be shown to be provided and to fit within the layout. Worse, the applicant’s own drainage documents disagree on the contributing areas: the Technical Note and Greenfield Run-off drawing use a Northern Parcel of 70,315m² (7.03ha) and Southern of 84,445m² (8.44ha), while the Appendix E drainage model uses 76,593m² (7.66ha) and 87,363m² (8.73ha). Because both the discharge rate and the required storage are derived from the contributing area, the drainage cannot be said to be demonstrated on a consistent basis. As the layout, levels and open space all depend on the drainage, and as conditions 7 and 30 are sought to be discharged here, this must be reconciled before approval. I am aware that Southern Water, consulted on the parallel application DM/26/1962, replied on 14 August 2026 that it has no objection to the discharge of conditions 7 and 30; I do not dispute that, but it does not answer this point. As a statutory undertaker Southern Water assesses whether the public network can accommodate the connection and flows, not the internal consistency of the applicant’s own run-off calculations, and its letter is expressly given on the basis of “the

documents submitted.” The mismatch between the approved and proposed Northern discharge rates, and the two different contributing areas, therefore remain for the Council and its Lead Local Flood Authority to reconcile. I would add that the same Southern Water response records that a sewer “now deemed to be public” may cross the site and asks that any sewer found during construction be investigated to establish ownership before work commences; the Council should secure this — and, if a public sewer is confirmed, a build-over or diversion agreement — by condition or informative, so that dwellings are not built over public sewerage infrastructure.

7. Allotments — omission conflicts with the S106 and the description of development

Allotments (0.15ha) form part of the description of development of the outline permission and are committed in the S106. The application nonetheless argues, on an unevidenced “no demand”/ownership basis, that allotments need not be provided — the same position advanced in DM/26/1962. That is not a matter a reserved matters approval or a condition discharge can deliver: condition 41’s only fallback where no need is shown is “incorporation of the allotments into the wider countryside open space”, not omission or substitution, and removing a committed element of the description of development would require a variation of the S106. The layout should provide the allotments the permission describes, or the matter should be resolved through the proper mechanism before this application is approved.

8. Scale, density, character and design

Density and over-development. The Council’s own Design Review Panel found, on this reserved-matters scheme, that “the proposed density is perceived to be excessive, resulting in an over-development of the site.” That is a material consideration of real weight — it is the Council’s independent design advisers, not an objector, reaching that view — and it engages Policy DP26 (Character and Design) of the District Plan, which requires development to reflect the distinctive character of the District’s villages, to “create a sense of place while addressing the character and scale of the surrounding buildings and landscape,” and to avoid parking that dominates the street “particularly where high density housing is proposed.” It also engages Policy BOLD1 of the made Bolney Neighbourhood Plan, which requires high-quality design reflecting Bolney’s rural nature through the “height, scale, spacing, layout, orientation, design and materials of buildings,” and the NPPF’s design policies. I recognise that the quantum of development (up to 200 dwellings) and the developable parcels were fixed at outline and cannot be reopened at reserved matters; I do not object to the number of homes. The point is that the way that fixed number has been arranged — its layout, spacing and scale, all reserved matters now before the Council — produces the over-development the Panel identified, contrary to DP26 and BOLD1. Tellingly, the applicant’s response to the Panel does not answer the concern: it states only that “the density was established at the Outline stage” and that 28 dwellings per hectare is “balanced.” That addresses the principle (which is not in issue) rather than the design quality of the layout (which is), and it does not displace the Panel’s finding. I ask the Council to give that independent finding due weight and to be satisfied that the layout and scale accord with DP26 and BOLD1 before approving the reserved matters.

The Panel’s other design concerns are not free-floating aspirations; each engages adopted policy and — being matters of appearance, landscaping, layout or scale — each is a live reserved matter for determination now. That the layout “lacks clear and intuitive wayfinding” and “lacks a strong sense of place and local character” goes to the core requirements of DP26, that development be “safe, well connected, legible and accessible” and “create a sense of place while addressing the character and scale of the surrounding buildings and landscape,” and to Bolney Neighbourhood Plan Policy BOLD1; these are reinforced by the Mid Sussex Design Guide SPD (2020) and the National Design Guide. That “improvements are required to the overall structure and movement network,” that “the hierarchy of streets should be

more clearly expressed,” and that “the link road should incorporate measures that naturally moderate vehicle speeds” engage DP21 (Transport), which requires safe and convenient routes for walking and cycling, design to adoptable standards, and protection of “the safety of road users and pedestrians,” alongside DP26. The call to enhance the northern-boundary public right of way engages DP22 (Rights of Way — “safe and convenient links to rights of way”), DP26 and DP38 (Biodiversity, the green-corridor role). That the landscape buffer between the parcels “should play a more positive role” engages DP26, DP37 (Trees, Woodland and Hedgerows) and DP38. And that the dwelling orientation “does not maximise opportunities for photovoltaic installation and solar gain” engages DP39 (Sustainable Design and Construction), which requires energy use to be minimised “through the design and layout of the scheme,” and DP40 (Renewable Energy). Only the concern about the junction with Cowfold Road is largely foreclosed, access having been approved at outline; but even there the landscaped arrival treatment remains a reserved landscaping matter. The applicant’s tabulated “Revised Design Responses” are its own assertions that these points have been met; they are not findings of the Panel, and (as set out at section 14) the proper course is for the same Panel to test them at the application-stage review its Terms of Reference require. Until then, the Council should treat each of these as an unresolved conflict with the policies above rather than as closed.

Scale is a reserved matter and must accord with the approved Building Heights Parameter Plan (P20074-RFT-XX-XX-DR-A-0114). The Storey Heights Layout (SHL.01) shows the scheme is limited to one, one-and-a-half and two storeys, which is likely to sit within the parameter plan, so I do not press height as a strong point. The applicant does, however, state only that the proposals are “in the main, in line with the parameters set,” so the Council should confirm, plot by plot, that every dwelling accords with the approved Building Heights Parameter Plan.

9. Highways, movement and pedestrian safety

On parking, the Design & Access Statement records 343 allocated, 93 garage, 28 integral and 42 M4(2) spaces but only 14 visitor spaces for 198 homes. Because the parking is predominantly allocated (on-plot), West Sussex County Council’s parking guidance expects additional unallocated visitor parking, and counts a garage as a space only where it is at least 6m x 3m internally — yet the garage drawings (for example the single garage, GAR1, which serves over forty plots) are undimensioned, so that standard is not demonstrated. The Council should confirm that the visitor/unallocated provision and the garage sizes meet the WSCC standard, since a shortfall would displace parking onto the streets in a location with high car dependency.

Electric vehicle charging is not shown to meet the WSCC standard. The Energy and Sustainability Statement commits only to providing EV charging “in accordance with the requirements of Building Regulations Part S” — broadly one charge point per dwelling with a parking space. That building-regulations minimum is not the planning standard. West Sussex County Council’s Guidance on Parking at New Developments (September 2020), Principle B and paragraph 4.7, requires “active” charging points at a minimum of 20% of all parking spaces with passive ducting to all remaining spaces, and — critically — indexes the active figure to the year of construction (paragraph 4.21 and Appendix B), rising to 53% of all spaces for a scheme built in 2026 (58% for 2027). A commitment limited to Part S does not demonstrate that level of active provision across all spaces (including unallocated and visitor spaces), nor the passive ducting to the remainder that the guidance expects. As drawn, the scheme neither cites nor shows the WSCC construction-year figure and appears to fall short of it. This engages DP21 (Transport) and DP39 (Sustainable Design and Construction). I ask the Council to require the EV provision to be quantified against the WSCC year-indexed standard (active provision of the order of 53–58% of all parking spaces for construction in 2026–2027, with passive ducting

to all remaining spaces) and confirmed by the County Council as highway authority, rather than left at a bare Part S commitment.

Cycle access to the northern public right of way. The application is internally inconsistent as to whether it provides cycle access to Footpath 44Bo along the northern boundary, and to the extent it does — or simply fails to prevent it — that conflicts with the legal status of the route. Footpath 44Bo is a public footpath, which carries a public right of way on foot only; there is no public right to cycle on it, and cycling would be a trespass against the landowner. The applicant's covering letter describes the northern connection as "footpath connections to the existing PROW," and the Design and Access Statement Part 1 consistently distinguishes a "new pedestrian link to existing PROW" to the north from a "pedestrian and cycle link to The Street" to the east. The Design and Access Statement Part 2, however, twice states the opposite — that "dedicated pedestrian and cycle paths" connect the site "to the existing Public Right of Way (Footpath 44Bo) to the north," and lists the northern PROW connection under "Pedestrian and Cycle Links." Nothing in the submission identifies any barrier, dismount point or other feature that would prevent cycles on the site's internal cycleway network from continuing onto the footpath. Either cycle access to the footpath is intended, in which case it is unlawful to cycle there and undeliverable without a separate upgrade of the route to a bridleway or cycle track (a process this application neither includes nor can secure); or pedestrian-only access is intended, as the covering letter states, in which case the layout should positively demonstrate how cycles are deterred from the footpath and the Part 2 statements are errors to be corrected. The Council should require this to be resolved (see also section 14); as drawn, the scheme either promotes unlawful cycling on a public footpath or leaves the position unclear.

The peripheral edge and pedestrian safety. The applicant presents a "Landscape-Led Outlook" in which "all peripheral dwellings [are] outward looking onto landscape buffer and open space," with "active frontages addressing... areas of open space." On the coloured site layout (CSL.01), however, many of the dwellings fronting the central open space have their on-plot front parking on that same open-space-facing frontage, so the outlook from the open space is in substantial part across driveways and parked cars, engaging DP26's requirement that parking be "well integrated" and "not dominate." Vehicular accesses run between the perimeter dwellings and the central open space — the applicant's own "Tree-lined Avenue" concept describes a "separation of carriageway and pedestrian footpath" along that edge — so a resident leaving even an outward-facing home to reach the open space, and the LEAP/LAP play areas within it (see ground 5), must cross their frontage parking and then a carriageway. Yet the only traffic-calming the submission demonstrates is on the central link road between the two parcels (build-outs and raised tables, added at the Design Review Panel's request); no pedestrian crossings, raised tables or equivalent measures are shown where the housing frontages and footpaths meet the estate roads around the open space and the play areas, and the "home zones/shared-surface" areas the Landscape Statement describes are stated only in general terms (the Panel having criticised the street layout for lacking a clearly expressed hierarchy). For a scheme whose play provision is aimed at young children — and which brings children with additional needs to the Kangaroos centre — the Council should require the layout to demonstrate safe, direct pedestrian routes and appropriate crossing points and traffic-calming between the dwellings, the open space and the play areas, in accordance with DP21 (safety of pedestrians), DP26 (safe, legible, pedestrian-friendly layout) and Manual for Streets.

The road geometry at the Kangaroos centre drop-off is a related safety concern. On the coloured site layout the estate road runs northwards before doing a near 90 degree bend to head west past the north side of the Kangaroos plot. The loop road connects also to the north of this east-west stretch, close to the coach drop-off, with the car-park access slightly further west. Locating stopping, coach manoeuvring and passenger set-down at or beside a sharp bend and a road junction is contrary to the forward-visibility and

conflict-avoidance principles of Manual for Streets: turning and bending traffic, reversing coaches and alighting pedestrians are brought into conflict at the one point, with restricted visibility. The concern is acute here because the centre is used by children and young people with learning disabilities and additional needs, including wheelchair users, who are least able to judge traffic — so DP21, DP26 and the Public Sector Equality Duty are engaged. I recognise that the Kangaroos building, its car park and the drop-off are to be determined under a separate reserved matters application and are not fixed by this one; but the road geometry — the bend and the loop-road junction — is part of this application's layout and will dictate where and how that drop-off can safely connect. The Council should therefore ensure that the road layout approved now provides a straight, low-speed, well-overlooked frontage capable of accommodating a safe drop-off for the community building clear of the bend and junction, with the input of West Sussex County Council as highway authority, rather than settling a geometry that constrains the later application into an unsafe arrangement. (The submitted coach vehicle-tracking drawings show only that a coach can physically pass through the geometry; they do not address the pedestrian-conflict and visibility risk of siting the drop-off at a bend and junction.)

Refuse collection raises both servicing and safety concerns. Measured from the Refuse Collection Layout (RCL.01) and its annotations, the scheme is not wholly within the recognised servicing standards (Manual for Streets, BS 5906 and the waste authority's requirements — broadly a resident drag distance of no more than 30m, a collection-crew pull distance of no more than 25m, and refuse-vehicle reversing to be avoided). Several resident bin-drag distances are at or over the 30m maximum — including one of 30.39m and a cluster of 26–29m drags, with the largest annotated distance on the drawing being about 38m — and at least one operator travel route (25.58m) exceeds the 25m crew limit. More seriously, the drawing expressly shows the refuse vehicle reversing in several locations (for example manoeuvres of around 12m in the southern parcel), among the housing and close to footpaths, the central open space and the play areas; reversing of a large refuse vehicle in such locations is precisely what Manual for Streets and waste authorities seek to design out, on pedestrian-safety grounds. The long drag distances also carry an amenity cost — wheeled bins hauled 26–38m along footways past neighbouring houses on early-morning collection days are a recognised source of noise disturbance — and, because much of the scheme relies on kerbside presentation from communal and garden stores, bins will be left on footways and verges on collection day, obstructing them for wheelchair users, the visually impaired and pushchairs. These matters engage DP21 and DP26 and should be confirmed against West Sussex County Council's highway/servicing requirements and Mid Sussex District Council's waste-collection standards before approval. (These distances are read from the drawing and its annotations; the applicant should be asked to tabulate them and confirm compliance.)

10. Landscaping — climate resilience, fire and establishment without mains irrigation

Landscaping is a reserved matter. The planting should be drought-tolerant and climate-adaptive, given the site's observed water stress, and fire-aware — avoiding concentrations of highly flammable planting hard against dwellings and the community building, with defensible space and an appropriate maintenance regime. Critically, South East Water operates in an area of serious water stress and its draft Drought Plan 2027 proposes Temporary Use Bans that (per its Appendix F) extend to gardens open to the public; the scheme's public open space, hedgerows, play-area planting and street trees could therefore not be hosepipe- or sprinkler-watered during a ban, including newly-planted stock. The landscaping and management scheme should be capable of establishing and being retained without reliance on mains irrigation. I also ask the Council to confirm the northern landscape buffer to the public right of way is retained at full width and not thinned from the approved Illustrative Landscape Masterplan (FHF-44).

A specific point on the planting schedule (drawing 0817/26/A/22): it includes 412 cherry laurel (*Prunus laurocerasus* 'Otto Luyken') and around one hundred Portuguese laurel (*Prunus lusitanica*). Cherry laurel is a widely-recognised invasive non-native that self-seeds and naturalises aggressively in woodland and hedgerow, shading out native ground flora; Portuguese laurel is a non-native that is less notoriously invasive but, like cherry laurel, is toxic (cyanogenic — its foliage and seeds release hydrogen cyanide if eaten). Mass planting of an invasive, toxic non-native (the cherry laurel), alongside a further toxic non-native (the Portuguese laurel), is inconsistent with the scheme's own biodiversity net-gain and native-hedgerow objectives; the cherry laurel in particular risks spread into the retained hedgerows and adjoining countryside, and both are undesirable in public open space close to the play areas. These species should be removed from the planting schedule and replaced with native, non-invasive alternatives, secured by condition.

A distinct and more serious child-safety point arises at the Kangaroos community building - the purpose-built centre on this site for children and young people with learning disabilities and additional needs (Statement of Community Involvement). The landscaping now before the Council (Landscape Planting Plan 8 of 11, drawing 0817/26/A/18) places, in the beds framing that building's coach drop-off, car park and the plots immediately to its north, a concentration of toxic species: ten yew (*Taxus baccata*) - among the most poisonous plants commonly grown in Britain, in which every part except the flesh of the berry is potentially fatal if eaten and for which there is no antidote; cherry laurel (*Prunus laurocerasus* 'Otto Luyken') and Portuguese laurel (*Prunus lusitanica*), both cyanogenic; and privet (*Ligustrum vulgare*), whose berries and leaves are poisonous. Yew, cherry laurel, Portugal laurel and privet are all listed as harmful if eaten in the RHS/HTA guidance on potentially harmful plants, yew being in the more toxic category. Other species in the same beds (*Viburnum tinus* and *Hydrangea*) are lower-risk but are also commonly cited as harmful if ingested. Children and young people with learning disabilities are, as a group, more likely to touch, mouth or ingest plant material and less able to heed a warning; established good practice (RHS and RoSPA guidance, and ordinary local-authority landscape practice) treats yew and cherry laurel in particular as unsuitable immediately adjacent to spaces used by young children or vulnerable people. The Kangaroos building itself will be delivered under a separate reserved matters application, but the soft landscaping that surrounds it - and the planting around the play areas - is part of this application and is being approved now. I ask that the planting adjacent to the Kangaroos plot and the play areas be redesigned to remove yew, both laurels and other species toxic on ingestion, and that this be secured by condition.

11. Trees — retained trees are at risk of post-occupation removal

The Arboricultural Implications Report devotes a section (Section 7) to the relationship of retained trees to the new dwellings, and identifies the risk that trees will come under pressure for removal after occupation "because of shading or apprehension." Several retained trees sit on what will become south-facing rear garden boundaries. Where the layout places dwellings and gardens too close to retained trees, the predictable result is post-occupation pressure to fell or heavily prune them — defeating the very screening and landscape character the scheme relies on. The layout should be shown to give retained trees enough space (and light to the dwellings) to avoid that pressure, and tree protection should be secured by condition.

12. Ecology and external lighting

The site supports protected species and retained hedgerows, a watercourse and a public right of way, and the outline permission already requires — by condition 31 — a biodiversity lighting strategy in accordance with ILP Guidance Note GN08/23 (Bats and Artificial Lighting) demonstrating that lighting will not disturb bats, and — by condition 32 — details of lux levels, times of use and obtrusive light. Neither condition is

among those this application seeks to discharge, so both remain outstanding. The Lighting Report submitted here is a road-lighting design to BS 5489-1:2020 (classes P2 and C3, average around 15.6 lux) using neutral-white 4000K luminaires. 4000K is a colour temperature, not a brightness: it is a comparatively blue-rich, cool white, whereas GN08/23 advises warm sources of 2700K or less near bat habitat. The Council should ensure the reserved-matters lighting is not fixed at 4000K in a way that pre-empts or conflicts with the condition 31 bat-lighting strategy, and that the external lighting is specified to a warm, bat-sensitive colour temperature with spill control and dark corridors retained along the hedgerows and the public right of way, consistent with the Habitats Regulations 2017 and the section 40 NERC Act 2006 duty.

13. Consistency with the undetermined discharge applications

The details on which this application depends — the affordable housing scheme and wheelchair provision, the play areas, the drainage, the levels, the boundary treatment and the allotments — are also the subject of the undetermined applications DM/26/1760 (S106 approvals) and DM/26/1962 (discharge of conditions 7, 12, 16, 17, 26, 30, 36, 37 and 41). Those applications remain pending and may or may not be approved. This reserved matters application cannot properly be approved inconsistently with the S106 or ahead of the resolution of the very conditions it also seeks to discharge, and its approval should not be used to pre-empt them.

14. Adequacy and coordination of the submission

The submission contains drawing-management errors that should be corrected so that what is being approved is unambiguous. For example, two different Abingdon house-type sheets (End Option 1 and End Option 2) both carry the drawing number HT.AB.pe1 Rev B; the Walnut Option 4 (Weatherboard) elevation appears under two different file titles for the same drawing number (HT.WA.e4); and the Wayfaring elevation options are inconsistently numbered (two “Option 4” sheets, e4 and e5). These, with numerous title/spelling inconsistencies across the set, should be reconciled before determination. The submission also contains substantive internal contradictions, not just clerical ones — for example, the Heritage Compliance Statement relies on the northern-boundary planting screening the development from the adjacent footpath (para 4.25), while the Design and Access Statement promises that same footpath will be “overlooked by new homes” with “natural surveillance” (see ground 3 above). Contradictions of this kind mean the Council cannot take the applicant’s conclusions at face value.

There is also a transparency point about the independent design advice. The Planning & Affordable Housing Statement records that the scheme was taken to the Mid Sussex Design Review Panel (met 10 June 2026, with written advice received on 15 July 2026), but expressly states that the Panel’s advice “will not be listed in full for conciseness,” reproducing only selected points and the applicant’s own responses to them. The Design Review Panel is an independent expert body whose views are a material consideration, and the applicant should not be the sole filter of what it said. I ask the Council to place the Panel’s full written advice of 15 July 2026 on the public file, so that its observations — including on any matters the applicant has not volunteered, such as inclusive and accessible design — can be seen and weighed in the round rather than only as summarised by the applicant.

More fundamentally, the scheme should be referred back to the Panel before the application is determined. The Panel’s adopted Terms of Reference provide that “schemes will normally be considered by the DRP twice ... with the first submission at pre-application stage, and the second submission at the application stage,” by the same panel, dealing with “points that have been previously raised or points arising from the changes ... made since the original presentation” — and the fee paid by the applicant expressly “cover[s] one re-submission.” On the documents submitted, the scheme has been to the Panel

only once, at pre-application stage (Panel meeting 10 June 2026, written advice around 15 July 2026). The applicant's "Revised Design Responses" in the Design and Access Statement are therefore its own account of how it says it has addressed the Panel's concerns; they have not been tested or endorsed by the Panel. That matters because at the application-stage review the Panel gives an overall verdict — support, support with amendments, or object (with "support with amendments" withdrawn where a decision is imminent) — and its first-round concerns included excessive density and over-development and a lack of local character. I ask the Council to secure the second, application-stage Design Review Panel review that its own Terms of Reference envisage (and which the applicant has already paid for) before determining this application, so that the adequacy of the Revised Design Responses is judged by the Panel rather than asserted by the applicant, with the Panel's comments published and reported to committee as the Terms of Reference require.

15. The Statement of Community Involvement does not reliably evidence the consultation

Limited weight should be given to the Statement of Community Involvement (SCI) as evidence of community engagement or support, for four reasons, which I put factually and take to reflect carelessness rather than any intention to mislead. First, the Conclusion states that the feedback "has been fed into the development of the *outline* planning application." This is a reserved matters application, and outline consent was granted on 18 November 2025, some months before this consultation (which ran to 14 August 2026); the feedback cannot have fed into the outline application, and the sentence appears to be text carried over from an earlier document. The SCI seems to be poorly structured, with information about two different consultations possibly jumbled together. Second, the reported numbers are not clearly reconcilable: the SCI states that "20 completed feedback forms" were returned, but the question-by-question summary then refers only to six or seven respondents ("All seven respondents..."; "Six respondents provided an answer"; options "selected by two/three respondents"). I recognise these lower figures may represent only those who answered each particular question rather than the total returned; but on that reading the document does not report how the twenty forms as a whole responded, and on the alternative reading far fewer than twenty people engaged. On neither reading does the summary, as drafted, clearly evidence the level of engagement the headline figure implies. Third, the SCI records that "a further two emails were received" and characterises the emailed comments as focused on "traffic on the A272... the need for the development, play areas and cycle infrastructure." I sent an emailed representation during the consultation, on 24 July 2026, which is not reflected in that summary; it is reproduced in full in the Appendix to this objection. Moreover, more than two people have confirmed today that they emailed the applicant in response to the consultation, so the statement that only "two emails were received" is, on the face of it, inaccurate and understates the level of written objection. Fourth, the information provided to consultees in the July 2026 leaflets was wholly inadequate to allow meaningful comment. On the SCI's own account, the leaflet's substantive content was limited to four generic headings — "About Cala Homes," "The site and planning background," "The application proposals" and "Contact details" — with no drawings, schedules or detail of what was actually being sought. Consultees were therefore left with nothing concrete to consult on and could only assume that the scheme accorded with the outline permission. That assumption is contradicted by the applicant's own concurrent submission DM/26/1760, which seeks to discharge the Section 106 obligations in a way that omits the M4(3) wheelchair-accessible affordable dwellings and alters the affordable housing mix (a submission that itself contains an unresolved error, a Second Schedule split totalling 116%). Consulting the community against the outline prospectus while asking the Council to approve something less accessible is not meaningful engagement and does not meet the front-loading and early, effective engagement expected by the NPPF and the Council's adopted Statement of Community Involvement. I raised this same concern in my email of 24 July 2026. I therefore ask the Council to give only limited weight to the applicant's own

characterisation of the consultation — in particular any suggestion that the scheme “responds positively to local feedback” or that concerns have been “appropriately addressed” — and to rely instead on the representations actually made to it.

16. The sustainability assessment is not tested against current and emerging climate and water policy

The Energy and Sustainability Statement, though dated June 2026, does not test the scheme against the current and emerging climate and water position. Its water section reproduces the Mid Sussex District Plan’s Policy DP42 supporting text, whose “Evidence Base” still cites South East Water’s superseded Water Resources Management Plan 2014; the current statutory plan is South East Water’s WRMP24 (its Water Resources Management Plan 2024, published October 2024), two review cycles later. The Statement engages neither WRMP24, nor South East Water’s serious-water-stress designation, nor the draft South East Water Drought Plan 2027, nor West Sussex County Council’s draft Climate Change Strategy (draft Mitigation and Adaptation Action Plans, 2026). I accept these are emerging documents that carry limited weight, and that the operative internal-water standard (110 litres/person/day, via DP42 and Part G) is unaffected. The omission nonetheless matters in two ways. First, a sustainability assessment resting on a decade-old evidence base cannot be relied on as demonstrating that the scheme reflects the up-to-date water-resources and climate position, so its “policy-compliant” self-characterisation should carry correspondingly less weight. Second, on external water the scheme runs against the direction of the draft Drought Plan: as set out at ground 10, the landscaping and play-area establishment rely on mains irrigation that a Temporary Use Ban would prohibit. Taken with the unreconciled drainage (ground 6) and the bare Part S electric-vehicle commitment and unmaximised solar orientation (grounds 8 and 9), the scheme is not shown to deliver the climate- and water-resilient design these current and emerging documents seek.

17. Reserved-matters concerns raised by outline consultees are not addressed

At the outline stage several statutory and technical consultees raised concerns that were expressly matters for reserved matters — appearance, landscaping, layout and scale all being reserved — so this application is the stage at which they fall to be resolved. On the documents submitted, the most significant of them are not addressed.

Crime prevention (Sussex Police, Designing Out Crime Officer). The Police made recommendations on the layout and design of the scheme under Secured by Design and CPTED principles, and confirmed on 28 July 2025 that “my previous comments remain extant.” Those recommendations included communal parking sited in small, overlooked groups; the discouragement of rear parking courtyards (which introduce concealment and anti-social behaviour); defensible-space boundary treatment (low walls and railings to frontages, robust 1.8m barriers and lockable gates to vulnerable side and rear boundaries); and — as summarised in the officer’s report — that the community building is at risk of graffiti and that play areas without adequate passive surveillance are at risk of anti-social behaviour. This application contains no Secured by Design or crime-prevention statement at all. On the contrary, the Design and Access Statement shows “Private Driveways and Parking Courts” — the very rear-court arrangement discouraged — without demonstrating that they are gated or overlooked; several play areas are not overlooked (ground 5); and graffiti is addressed only by reactive removal in the Landscape Management Plan rather than designed out. The Police concerns are therefore not shown to be met.

Landscape set-back (the Council’s Landscape Consultant). The Landscape Consultant, while not objecting in principle, had “remaining concerns regarding the detailed design and how the layout can accommodate these,” and recommended reducing the development away from the northern boundary to protect the rural amenity of Public Right of Way 44Bo, and setting the development back from Foxhole Lane. The

record shows the applicant chose not to pull the development back from the northern boundary. That concern is not addressed, and it compounds both the heritage-screening contradiction (ground 3) and the treatment of the northern edge and its footpath (ground 9).

Other consultee concerns engaging reserved matters are, at best, only partly addressed: the Conservation Officer’s conclusion of less-than-substantial harm to designated heritage assets is conceded rather than eliminated (ground 3); the Environmental Protection Officer’s points on lighting and noise remain live (grounds 12 and 4); and the Public Rights of Way Officer’s concern about damage to Footpath 44Bo from intensified use is unresolved alongside the contradictory cycle/footpath status of the northern link (ground 9). I ask the Council to require the applicant to demonstrate, before the reserved matters are approved, how each of these consultees’ reserved-matters concerns has been addressed — in particular by providing the Secured by Design / crime-prevention response, and by reconciling the layout with the Landscape Consultant’s recommendations.

Summary of conflicts

Issue	Requirement / policy	Why it conflicts
M4(3) wheelchair units	S106 Second Schedule Pt Two; DP28; Affordable Housing SPD 2018 (paras 2.46–2.49); Equality Act s.149	Statement recites the 4% requirement then omits it on an unevidenced “site location” basis
Play areas	S106 First Schedule (2 LEAP + 2 LAP, 0.15ha; LEAP ≥400m ²)	Six areas of different composition; LEAP/LAP classification of drawing /36 unclear
Drainage	Condition 7/30; approved FRA & Drainage Strategy rates	Northern rate 38.7 l/s ≠ approved 44.2 l/s; contributing areas inconsistent between the applicant’s own documents
Allotments	Description of development; S106; condition 41	Omission/substitution proposed; not deliverable by RM or condition discharge
Density / over-development	DP26; Bolney NP BOLD1; NPPF design	Council’s Design Review Panel finds density “excessive, resulting in an over-development”; layout/scale conflict with village character
Scale, parking & EV	Building Heights Parameter Plan (0114); WSCC parking guidance (incl. EV); DP21/DP39	Heights only “in the main” confirmed; 14 visitor spaces for 198 homes; garage sizes unconfirmed; EV committed only to Part S, not WSCC’s ~53% active for 2026
Affordable distribution	Affordable Housing SPD 2018 (tenure-blind, ≤10-unit clusters)	Groups appear within 10 units, but are single-tenure rows; tenure-blind integration and exact counts to be confirmed
Landscaping	Reserved matter; DP26/landscape policy; SEW Drought Plan (TUBs)	Must be drought/fire-resilient and establish without mains irrigation; northern PRoW buffer to be retained
Heritage	P(LBCA)A 1990 ss.66/72; NPPF 212/215; DP34/DP35	Applicant concedes less-than-substantial harm to a Grade I church, a Grade II cottage and the Conservation Area
Noise / amenity	Condition 16; BS8233; Approved Document O	Plots 44/45 need 1.8m walls; parts of the site need closed windows + mechanical ventilation, conflicting with overheating control
Ecology / lighting	Habitats Regs 2017; NERC s.40; BCT/ILP GN01	4000K road-lighting scheme with no bat-sensitive lighting strategy on a protected-species site

Issue	Requirement / policy	Why it conflicts
Trees	BS5837; DP26	Retained trees at risk of post-occupation removal where the layout crowds them
Sustainability assessment currency	WRMP24 (2024); draft SEW Drought Plan 2027; draft WSCC climate strategy; DP42	Relies on superseded 2014 WRMP; does not engage current/emerging water & climate policy
Outline consultees' RM concerns	Sussex Police (SBD/CPTED); Urban Design consultant; Landscape Consultant	No Secured by Design response; parking courts discouraged by Police; northern set-back declined

Conditions sought to be discharged by this application — my position on each

For completeness, DM/26/1961 also seeks to discharge nine outline conditions. My position on each is below; the fuller condition-by-condition analysis is in my separate representation on DM/26/1962, with which this objection should be read.

Condition	Subject	My position
7	SUDS / surface water	Object — the Northern discharge rate (38.7 l/s) departs from the approved 44.2 l/s and the applicant’s own contributing areas are inconsistent, so the drainage is not demonstrated (ground 6). Southern Water’s no-objection does not cure this.
12	Levels	No objection on the reserved matters; a drawing-numbering error is noted in the DM/26/1962 representation.
16	Noise	Object — the layout requires 1.8m garden walls (plots 44/45) and, in places, closed windows with mechanical ventilation, in tension with overheating control (ground 4).
17	Landscape around public apparatus	Object to scope — the whole landscape scheme has been submitted against a narrow public-apparatus condition; any approval should be confined to planting in proximity to Southern Water apparatus (ground 10; DM/26/1962).
26	Travel Plan	Not objected here; the wrong-document and reference-drift points are addressed in the DM/26/1962 representation.
30	Foul / surface-water disposal	Object — as condition 7; the two applications’ figures must be reconciled (ground 6).
36	Play space	Object — six areas of a different composition against the S106’s four; areas unstated and marked “preliminary”; positions not overlooked (ground 5).
37	Boundary treatment	Interacts with appearance and layout (reserved); confirm consistency with the defensible-space / Secured by Design points (grounds 9 and 17).
41	Allotments	Object — omission/substitution conflicts with the description of development and the S106, and is not deliverable by condition discharge (ground 7).

Conclusion

For the reasons above I ask the Council not to approve the reserved matters, and not to discharge conditions 7, 16, 17, 30, 36, 37 or 41, unless and until: (i) the affordable house types provide the M4(3) Wheelchair Accessible Units required by the S106, DP28 and the Affordable Housing SPD (or a lawful, consulted-on variation is made and the Public Sector Equality Duty is discharged in writing); (ii) the play provision is confirmed against the S106 on a consistent basis; (iii) the drainage is reconciled to a single, consistent set of contributing areas, discharge rates and storage volumes meeting the approved rates and the climate-change storm standards; (iv) allotments are provided as the permission describes, or the matter is resolved through a lawful variation; (v) every dwelling’s height is confirmed to accord with the approved

Building Heights Parameter Plan; (vi) the landscaping is shown to be drought- and fire-resilient and capable of establishment without mains irrigation; and (vii) the acoustic mitigation is shown to be necessitated by the layout rather than a substitute for a better one and to be compatible with overheating control (condition 16), any approval under condition 17 being confined to the planting in proximity to public apparatus. I am not aware of the published consultee responses to this application at the date of writing; this objection is made on the documents submitted by the applicant.

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

Yours faithfully,

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Appendix — my email response to the applicant's consultation

The following is the text of the email I sent to the applicant's consultation team on 24 July 2026, referred to at section 15 above. It is reproduced here in full.

Dear consultation team (presumably Cratus on behalf of Cala?),

Having reviewed your current “public consultation” on the Foxhole Farm development, I want to register two concerns.

First, disappointment that the very first thing Cala has submitted to Mid Sussex District Council since securing outline permission — application DM/26/1760, to discharge obligations under the Section 106 Agreement — waters down accessibility and changes the delivery of affordable homes. It omits the M4(3) wheelchair-accessible affordable dwellings the S106 requires, and it alters the affordable housing size mix. What the change to the mix actually is cannot even be verified, because the submission contains an error: the comparison table gives a Second Schedule split that totals 116%, which cannot be right.

The stated basis for dropping the wheelchair-accessible homes — an assertion of “limited demand” — is not supported by the evidence. Around 3% of households contain a wheelchair user (English Housing Survey: 3.3% in 2011–12, ~3% in 2018–19), and there are an estimated 1.2 million wheelchair users in the UK; the S106 requirement is only 4% of the affordable homes, equating to just two dwellings on this site. Wider mobility need is greater still: mobility impairment is the most common form of disability, affecting roughly 41% of working-age disabled adults and about 69% of disabled people of pension age, and studies of older adults in England find around a fifth use a walking aid indoors and closer to half outdoors. Need is also not static — households acquire it through ageing and injury, which is exactly why policy requires a small, fixed proportion of accessible homes in every scheme rather than responding to point-in-time “demand” at one site.

Second, despair — and I choose that word deliberately — that the “public consultation” provides nothing concrete to consult on. With no detail supplied, consultees can only assume that what is proposed is what the outline permission describes. Yet DM/26/1760 shows that this is precisely not what Cala intends to deliver. Consulting the community against the outline prospectus while simultaneously asking the Council to approve something less accessible is not meaningful consultation.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.