

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 05 July 2026 12:09:12 UTC+01:00
To: "Andy Watt" <andy.watt@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/26/1477

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 05/07/2026 12:09 PM.

Application Summary

Address:	Land Adj. To Nightingales The Street Bolney West Sussex
Proposal:	Erection of single dwellinghouse, associated car parking and landscaping.
Case Officer:	Andrew Watt

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Customer Details

Address: Weald Chase, The Street Bolney Haywards Heath

Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Dear Sir/Madam, I write as a neighbouring resident - having lived close to this site for nearly 25 years - to formally object to the above planning application. This application fails every relevant countryside, settlement-boundary, sustainability, heritage and ecology policy. The applicant's own documents concede conflict with Policies DP15, DP6, BOLBB1, DP12 and BOLE2. The proposal's case for acceptability depends on the retained openness of neighbouring

land that has no protection beyond those same policies. The benefit of a single market dwelling is negligible. The harms identified below are multiple, individually evidenced, and cumulatively decisive.

1. Summary of objection

In summary, I object to this application because:

- The Planning Statement itself concedes conflict with Policy DP15 (New Homes in the Countryside), DP6 (Settlement Hierarchy), Neighbourhood Plan Policy BOLBB1 (Built-up Area Boundary), Policy DP12 (Countryside Protection) and Neighbourhood Plan Policy BOLE2. It does not dispute these conflicts, only that the resulting harm should carry limited weight.
- That "limited weight" argument depends entirely on the Council's housing land supply shortfall engaging the tilted balance under NPPF ¶11(d) - but the benefit of a single dwelling is negligible against that shortfall, footnote 7 preserves full weight for designated heritage assets regardless, and the site's position adjacent to the High Weald National Landscape separately engages the setting test in Policy DP16 and NPPF ¶189.
- The applicant's case for acceptability is circular: it rests on the retained openness of neighbouring grassland that has no protection beyond the very policies this application itself does not comply with.
- The Council's own Conservation Officer has previously found, on this same site, that development would harm the settings of nearby listed buildings and the Conservation Area - directly contradicting this application's Heritage Statement, which finds no harm at all.
- The ecological appraisal is incomplete: reptile surveys are outstanding despite confirmed reptile presence nearby; the Scarps Side pond (where palmate newts are present) appears to have been missed from the survey used to dismiss further great crested newt surveys as "disproportionate"; badgers and deer are seen but unaddressed.
- Only 2 parking spaces are proposed against a minimum of 3 required by WSCC guidance and Policy BOLT3; no visitor parking or turning space is shown; fire appliance access has not been assessed, despite the dead-end access track far exceeding the 20m threshold in Approved Document B.
- Foul drainage is entirely unaddressed, and MSDC's own Flood Risk and Drainage Team has recommended refusing a concurrent application on the same unadopted stretch of The Street pending equivalent information.
- The Biodiversity Net Gain Assessment records a 79.67% loss of on-site habitat units, with the mandatory 10% gain achievable only by buying off-site credits - yet the Planning Statement still claims "Significant Positive Weight" as an ecological enhancement.

Summary of Policy Conflicts

Issue Policy / Legislation Evidence Source

Location / settlement boundary DP15; DP6; DP12; BOLE2;

BOLBB1; s.38(6) PCPA 2004 Planning Statement's own concessions; Bolney Neighbourhood Plan Sustainability / car dependency DP6; BOLBB1; NPPF §110 Planning Statement (footway claim contradicted by DAS); DM/26/0111, DM/25/2970, DM/18/3345 refusals Countryside character DP12; BOLE2; NPPF §187 Planning Statement's own concession High Weald National Landscape DP16; CROW Act 2000 s.85; NPPF §189 Heritage Statement; Planning Statement; Location Plan Heritage harm NPPF §215 Conservation Officer response to DM/24/2215; Heritage Statement Ecology / protected species NPPF §193; Wildlife & Countryside Act 1981 Preliminary Ecological Appraisal; Scarps Side pond Drainage & flood risk DP41; NPPF §§173-175 Application Form ('Unknown'); MSDC Flood Risk & Drainage Team response to DM/26/0764 Parking / highway safety DP26; BOLT3; WSCC Parking Standards; Approved Document B; WSCC Local Design Guide §5.5 Design & Access Statement; Application Form; WSCC Parking Guidance (Sept 2020) Biodiversity net gain Environment Act 2021 s.98; NPPF §193 Biodiversity Net Gain Assessment (applicant's own document)

2. Site context and Policy DP15

The application's own documents describe the site as surrounded by open grassland which "will retain the openness associated with the rural nature of Bolney village." The Planning Statement confirms the site is outside the Bolney Built-up Area Boundary, meaning it must be assessed as a new home in the countryside under Policy DP15. The scheme's claimed acceptability is itself premised on neighbouring land - outside the applicant's control - remaining undeveloped.

Policy DP15 permits new countryside homes only via four gateways: an essential rural worker dwelling, an isolated home of exceptional design quality, DP32 affordable housing, or a scheme meeting Policy DP6. This is none of those. The Planning Statement itself concedes: "No special justification exists for the location of a new home in the Countryside when assessed against DP15... in isolation." It argues only for limited weight to be given to that harm, on the basis the site sits between two dwellings and that it argues can be called "infill."

3. Policy DP6 and Neighbourhood Plan Policy BOLBB1

- The Planning Statement admits conflict with both policies, as the site is outside Bolney's built-up area and not contiguous with the Built-up Area Boundary shown on Map 2 of the Neighbourhood Plan.
 - On sustainability, the Statement asserts the site is "in a... sustainable location close to essential services." This is contradicted by the Council's own SHELAA assessment of the adjoining Glebelands Field (rated "Negative" for Public Transport
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and Health) and by the Council's refusal of DM/26/0317 on that site for the same reason. This application's site is more remote than Glebelands Field - at the end of an unmade, poorly maintained track with no footway, so difficult that MSDC uses a smaller waste vehicle and withdrew garden waste collection.

- The Planning Statement's claim (para 2.8) that services are "accessible via footway along The Street" is directly contradicted by the application's own Design and Access Statement, which states: "There is no formal pedestrian footpath in this part of Bolney."

- MSDC has refused at least four comparable countryside-edge dwellings in this area on identical car-dependency grounds: DM/25/2970 (Tyler House, Feb 2026), DM/21/4303 (Roseoak House, Feb 2023), DM/22/0157 (Bolney Park Farm, May 2022), and DM/24/2574 (Robins Wood, Jan 2025) - each finding future occupiers would be "heavily reliant on the private car" in conflict with Policy DP21. The Neighbourhood Plan states that Bolney parish already has the highest and rising car ownership in the district. Both limbs (2) and (3) of Policy DP6 therefore remain unsatisfied.

4. Policy DP12 and Neighbourhood Plan Policy BOLE2

The Planning Statement again concedes conflict: "The proposals conflict with Policy DP12 and BOLE2." No agricultural necessity is claimed, and once DP6/BOLBB1 are correctly found not to apply, no specific policy reference remains capable of supporting countryside development here.

5. The High Weald National Landscape (AONB)

The site lies adjacent to, not within, the National Landscape - confirmed by the Local Plan Policies Map. The applicant's own Heritage Statement wrongly states the site is "within the High Weald Area of Outstanding Natural Beauty", contradicting the Cover Letter, Planning Statement and Design and Access Statement, which correctly describe it as adjacent. Such an error is a further reason to treat the Heritage Statement's conclusions with caution. Because the site is contiguous with the National Landscape, harm to the National Landscape's setting is a material consideration.

6. Heritage impact has not been reliably assessed

- The Heritage Statement concludes there would be no harm to any heritage asset, and the planning balance relies on that conclusion to avoid the NPPF §215 test entirely. But the Planning Statement itself records (para 6.32) that the Conservation Officer's pre-application comments found the proposal would cause "the lower end of less than substantial harm" - meaning §215 must be engaged after all.

- This is not new: on the previous application for this same site (DM/24/2215), the Conservation Officer found development here would have "a fundamental impact on the currently open and verdant character of the site" and would "remove the positive

contribution which it makes to the settings of the heritage assets", directly contradicting the current Heritage Statement's "no harm" conclusion.

- Under ss.66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Council must give preservation of setting and character "considerable importance and weight" - a stricter duty than the applicant's "no harm" conclusion engages at all.
- The Heritage Statement's claim that the site "previously formed the east end of the garden of Nightingales" is incorrect: as a long-standing resident, I can confirm the site has been undeveloped grassland since before Nightingales itself was built (2015, ref. DM/15/1876).
- The Heritage Statement's listed "public benefits" (efficient site use, housing contribution, quality design) are, in substance, one benefit only: a single market dwelling.

7. Ecology and protected species

The Preliminary Ecological Appraisal defers and/or dismisses surveys: reptile surveys "are to be carried out" and have not been completed; great crested newt surveys are dismissed as "disproportionate" based on a pond 150m away, without addressing the closer pond at Scarps Side, where palmate newts are present - if that pond was missed from the survey, the underlying "disproportionate" conclusion is unsafe. Badgers and deer are not addressed at all. As a neighbouring resident I can confirm sightings on or around the site of bats, owls, slow worms, grass snakes, common lizards, badgers, deer, hedgehogs and newts - going well beyond the appraisal's "cannot be discounted" framing. This is a Full application; outstanding surveys should be completed and assessed before determination, not afterwards. The appraisal's own methodology confirms the required survey season (April-September) could not have been completed by this June 2026 submission.

A chimney and additional flank windows were added at the Council's own pre-application suggestion. Together with rooflights (which cannot practicably be shielded), these increase light spill in a way the application does not reconcile with the "low impact lighting strategy" its own ecological appraisal relies on to protect bats, under Bat Conservation Trust Guidance Note 8.

The Planning Statement claims the scheme will "ultimately deliver a BNG of 10%" and treats this as carrying "Significant Positive Weight." The applicant's own Biodiversity Net Gain Assessment shows a 79.67% net loss of on-site habitat units, met (if at all) only by purchasing off-site credits after significant on-site loss - not the on-site enhancement the Statement's "significant weight" claim implies.

8. Design and parking

- The application gives at least three different descriptions of the parking area surface, making it impossible to assess against
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Policies DP26/BOLD1.

- This is recorded as a 4+ bedroom dwelling (Application Form; "Office/Bed 4" on the floor plan). WSCC's September 2020 parking guidance requires 3 spaces for a 4-bedroom house in Bolney (Parking Behaviour Zone 1); Policy BOLT3 agrees and additionally requires visitor parking. Only 2 spaces, and no visitor parking, are proposed. Even if the dwelling were 3 bedroom, the parking guidance is not met.
- The claim that white window/door frames "reflect the traditional local vernacular" is inaccurate: none of the neighbouring properties (Weald Chase, High Gables, Strawdust, Pine End House) have white frames.
- Ridge height is compared only against Strawdust and Nightingales; no comparative section has been provided against High Gables or Weald Chase to the south, so the impact on those properties cannot properly be assessed.

9. Access, highway safety and accessibility

- The access track is potholed, largely unmaintained, has a blind 90-degree turn, no passing or turning space, and no separate emergency access; encountering a single vehicle already causes congestion. It is the sole access for at least thirteen properties already, well beyond the five-dwelling threshold at which Manual for Streets expects a properly made-up street rather than a shared private drive.
- The track's state makes it effectively inaccessible to wheelchair users or the visually impaired other than by car, contrary to Policy DP28 and NPPF ¶117(b). No electric vehicle charging provision is shown anywhere, contrary to NPPF ¶117(e) and Part S of the Building Regulations.
- The Planning Statement's suggestion that neighbouring private drives could serve as passing places is unworkable: those drives are not in the applicant's control, most are gated or obstructed, and the PPG confirms conditions requiring works on land the applicant does not control "often fail the tests of reasonableness and enforceability."
- No on-site turning is proposed, despite the single-lane track offering no realistic alternative - vehicles would have to reverse on or off a single-lane road. Fire appliance access is not addressed at all: Approved Document B requires turning facilities beyond 20m on a dead-end route and requires appliance access within 45m (with sprinklers/hydrants required beyond that, up to a 90m absolute limit). The unadopted section of The Street far exceeds 20m with no turning facility anywhere along it.

10. Drainage and flood risk

- The preferred infiltration drainage strategy is unconfirmed pending testing, and the neighbouring owner at Strawdust has confirmed infiltration was found infeasible on adjoining land.
 - Foul drainage is entirely unaddressed - marked "Unknown" on the Application Form, with no evidence Southern Water has been consulted. Deferring this to a condition may suit an Outline
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application, but this is a Full application, where foul disposal should ordinarily be resolved before permission is granted.

- The claim that flood risk elsewhere will not increase is asserted, not demonstrated, for High Gables and Weald Chase, which sit at lower elevation to the south. MSDC's Flood Risk and Drainage Team has already recommended against approving a comparable application nearby (DM/26/0764, Franc Jean Farm) pending equivalent missing information, on the same stretch of The Street and likely shared ground conditions.

11. A circular justification and damaging precedent

The applicant's case rests on the retained openness of surrounding grassland that has no protection beyond the very policies (BOLBB1, DP6, DP12, BOLE2) this application itself breaches. Accepting that reasoning here would make it equally available to future applicants on the neighbouring parcels, each pointing to the last approval as justification - an incremental process that would defeat the purpose of those policies. This is the applicant's own stated basis, not a hypothetical risk.

12. The housing land supply shortfall does not justify approval

The Planning Statement relies on the Council's confirmed 3.38-year housing land supply (Appeal Ref.

APP/D3830/W/25/3361729) to argue DP4, DP6 and BOLBB1 should carry limited weight under the NPPF ¶11(d) tilted balance.

- Under s.38(6) PCPA 2004 and s.70(2) TCPA 1990, the application must be determined in accordance with the development plan unless material considerations indicate otherwise; the only consideration relied on here is the shortfall.

- NPPF ¶11(d)(i) provides a prior gateway: where footnote 7 policies protecting heritage assets provide a strong reason for refusal, the presumption does not even engage - and that gateway is met here via the Conservation Officer's identified heritage harm, before any tilted balance is reached.

- Even taken at face value, the benefit of one dwelling against a district-wide shortfall is negligible, while the harms identified in this letter are specific and cumulative; approving isolated countryside dwellings plot-by-plot does not meaningfully address a shortfall, it erodes the same boundary policies the plan relies on to manage growth.

- The Statement's claimed "Significant Positive Weight" for ecological enhancement and wellbeing benefits is not soundly evidenced, for the reasons set out in Sections 7 and 9 above; nor can a single market dwelling properly be called a "very great" benefit.

- MSDC has refused at least three directly comparable countryside-edge applications in this parish since the shortfall was established, each finding the tilted balance did not overcome conflict with settlement and countryside policy: DM/26/0111 (Old Mill House, March 2026 - "the adverse impacts... significantly and demonstrably outweigh the benefits"), DM/25/2970 (Tyler House, Feb 2026), and DM/18/3345 (Old Highlands East, Oct 2018). This

application engages materially identical policies on a site more remote from services than any of those refused.

13. If permission is granted: request regarding the surrounding grassland

Made strictly in the alternative, and without prejudice to my request that the application be refused: since the applicant's case rests on the continued openness of neighbouring land, I would ask the Council to consider using its own separate statutory powers - an Article 4 Direction removing permitted development rights, and/or Local Green Space designation in a future Neighbourhood Plan review - to protect that land. A planning condition on this application cannot achieve this: it cannot bind land outside the site or third-party landowners, and cannot pre-determine any future application on that land. I recognise this is a matter for the Council's own separate judgement.

14. Planning balance

The applicant's Planning Statement concludes benefits outweigh harms "by a considerable margin." On each ground below, this representation identifies a specific, evidenced counter-consideration. On no ground is the identified harm outweighed by a material benefit.

Issue Assessment Weight

Housing Delivery Single market dwelling; no affordable/specialist element; negligible contribution to district-wide shortfall. Limited Positive

Location / Settlement Strategy Outside BUAB, in open countryside; conflicts with DP15, DP6, DP12, BOLBB1, BOLE2; no DP15 gateway met. Significant Negative

Sustainability No safe walking/cycling route demonstrated; car-dependent. Comparable refusals: DM/26/0111, DM/25/2970, DM/18/3345. Significant Negative

Landscape / Countryside Character Greenfield plot; erodes rural character. Retained-openness case is circular. Moderate-Significant Negative

High Weald National Landscape Site in the setting of National Landscape;. No public benefit identified to outweigh harm.

Potentially Significant Negative

Heritage Impact Conservation Officer found harm to settings of designated assets and Conservation Area; no material public benefit identified against NPPF §215. Moderate-Significant Negative

Ecology & Protected Species Appraisal incomplete; Scarps Side pond (amphibians present) not surveyed; 79.67% on-site BNG deficit; conflicts with NPPF §193. Significant Negative

Drainage & Flood Risk Foul drainage unknown; surface water unresolved; MSDC Flood Team objected to identical evidence nearby (DM/26/0764). Moderate Negative

Highway Safety & Parking 2 spaces for a 4+ bed dwelling (3 required); no turning space; fire appliance access unassessed against Approved Document B / WSCC Guide §5.5. Moderate-

Significant Negative

Design & Local Character Materials/window colours unconfirmed or out of character of neighbouring dwellings; no EV charging; waste storage unaddressed. Minor Negative

Cumulative Impact / Precedent Would set a precedent for further backland development in Bolney; inconsistent with recent comparable refusals. Moderate Negative

Conclusion

For the reasons set out above, I ask the Council to refuse this application. The applicant's own Planning Statement does not dispute conflict with Policies DP15, DP6, BOLBB1, DP12 and BOLE2; it asks the Council to give that conflict limited weight solely because of the District's housing land supply shortfall. I do not consider that shortfall justifies approval here, given the negligible benefit of a single dwelling, the full weight footnote 7 preserves for the designated heritage assets, the Conservation Officer's identified heritage harm, the harm to the setting of the High Weald National Landscape, the circular and precedent-setting nature of the applicant's case, and the further matters of parking, design and drainage addressed.

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

Kind regards