Planning Inspectorate

Appeal Decision

Inquiry held on 28 - 29 July, 4-6 & 13 August 2026

Site visits made on 28 & 29 July & 5 & 6 August 2026

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2026

Appeal Ref: 6005786
Land at Colwell Farm, Lewes Road, Haywards Heath RH17 7TB

- 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 Miller Homes Ltd against the decision of Mid Sussex District Council.
- The application Ref is DM/25/0445.
- The development proposed is up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.

Decision

1. The appeal is allowed and planning permission is granted for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses at Land at Colwell Farm, Haywards Heath, RH17 7TB in accordance with the terms of the application, Ref DM/25/0445, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. The application is made in outline with all matters reserved for future consideration other than access and is accompanied by a parameter plan (PP)[1] which is included within the approved plans showing the manner in which the site would be developed. Three residential development areas are shown which broadly relate to each field with vehicle and pedestrian links within the development site.

3. The main body of the site comprises three modestly sized fields behind existing properties on Lewes Road, from where an access would be taken through the grounds of North Colwell Farmhouse.

4. The Council refused the planning application to which the appeal relates in 2025. Principally due to the inclusion of the land to which the appeal site relates on a long list of housing sites for the Emerging Local Plan, the Council stated in June 2026 that they no longer considered it appropriate to resist the grant of planning permission for this proposal at this site[2]. They confirmed that they would no longer be defending any of the earlier reasons for refusal or submitting evidence to the Inquiry on those matters. The Council did maintain an active presence throughout the Inquiry and provided input where relevant including submitting opening and closing statements.

[1] CD 1.9 Parameter Plan 02.38(01)01.
[2] CD 10.2 Mid Sussex District Council Letter to Planning Inspectorate June 2026.

5. A Rule 6 Party (R6) - Protect Colwell Farm Action Group, who oppose the scheme, therefore played a central role at the Inquiry. They called their own witnesses on topics which were of concern to them. It is those areas of concern, along with the reasons for refusal cited on the decision notice which form the main issues.

6. The Council originally had concerns that the proposal would fail to provide the required affordable housing, infrastructure contributions and off site highway works. However, a completed S106 planning agreement including the Council addressing these matters has been received. I address this in more detail later.

7. It also became common ground during the Inquiry with the R6 that the appeal scheme could deliver BNG in accordance with statutory requirements and that BNG would not represent a matter on which the appeal should be dismissed[3]. The scheme is subject to the statutory BNG condition.

8. It is common ground between the Appellant and the Council that the Emerging Local Plan can only be afforded minimal weight. Contrary to this position, the R6 consider that the weight to be given to the emerging plan policies is substantial. The R6 identify conflict with a range of policies within the Emerging Local Plan. However, the evidence indicates that there are a range of unresolved objections to the policies within the plan. The detail however on those unresolved objections is limited and, in any event, I cannot be sure that the plan will be adopted in its currently proposed form.

9. Based on what is before me, I consider that only limited weight should be afforded to the Emerging Local Plan, and by extension to the status of the appeal site as a draft allocation. My attention principally rests with the current Mid Sussex District Plan (2018) (LP) and the Haywards Heath Town Council Neighbourhood Plan (2016) (NP) which form the development plan for the area.

10. I note the past delivery of the Council and have considered the appeal decision[4] brought to my attention. However, the weight to be afforded to that appeal decision is limited in that at the time the Council was found to have a Five Year Housing Land Supply (5YHLS). What is of most relevance is that it is common ground between the Council and the appellant that the maximum the Council can demonstrate is 3.75 years[5].

11. With regard to affordable housing, there is also common ground between the Council and the Appellant. Taking into account past under delivery, increasing numbers of households on the housing register and increase in households living in temporary accommodation it is agreed that there is an ongoing and pressing need for affordable housing within the district[6]. I have no reason to disagree on these matters and evidence on this matter was not challenged by the R6.

12. Following the close of the Inquiry, but prior to the date of this decision, a revised National Planning Policy Framework[7] (the Framework) was published which forms a material consideration. Written comments have been invited and supplied by the main parties and I have taken those into account when coming to my decision.

[3] CD ID 17 Colwell Farm Biodiversity Net Gain (BNG) – Position of the R6 Party and Appellant.
[4] Appeal Ref: APP/D3830/W/23/3319542 - Land south of Henfield Road, Albourne.
[5] CD 8.3 Five Year Housing Land Supply Statement of common ground Appellant and Council.
[6] CD 8.1, Master Statement of common ground Appellant and Council
[7] National Planning Policy Framework 2026.

Main Issues

13. The main issues are;

a) Whether the proposal would comply with the development strategy of the area for housing with regard to access to services and facilities;

b) The effect of the proposal on Lewes Road Conservation Area (the Conservation Area), the Grade II listed Colwell House and the non-designated North Colwell Barn;

c) The effect of the proposal on the character and appearance of the area;

d) The effect of the proposal on trees including whether ancient woodland (AW) is present on the site, the effect of the proposal on any such AW as well as the effect of the proposal on existing recognised AW; and,

e) The effect of the proposal on wider ecology interests including with regard to the suitability of the proposed reptile receptor site and the effect of the proposal on bats.

Reasons

14. The main body of the site consists of three separate irregularly shaped fields separated by bands of planting. The majority of the site is within the Countryside outside the Haywards Heath built-up area boundary (BUAB). Land levels on the site broadly fall when moving away from Lewes Road.

15. The access to the site from Lewes Road would be within the Conservation Area whilst the remainder of the site is outside of it. The grade II listed Colwell House sits to the north of the site. North Colwell Barn, a non-designated heritage asset also sits close to the site. Cains Wood, which is identified as AW on the Ancient Woodland Inventory (AWI) sits adjacent to the site.

Access to services and facilities

16. Haywards Heath is classified as a Category 1 settlement within the LP and offers a wide range of services and facilities including a railway station with regular services to a wide range of destinations including London and the south coast.

17. I accept that there is limited cycle infrastructure locally and that the journey from the site to the town centre and station may not be appealing to all cyclists especially given the busy nature of Lewes Road. However, the railway station would be within a reasonable cycling distance either using that route, or by cutting through and following the broadly residential estate streets via a back route.

18. There was disagreement at the Inquiry as to the appropriate measuring point when assessing distances future occupiers of the development would have to travel to access services and facilities. The appellant chose to take the measurement from the site access[8], whilst the R6 sought to choose a representative mid-point within the site[9]. Given the outline nature of the scheme, the R6 position would involve a degree of guesswork, but it is a logical approach because no one would be residing at the site access. I have therefore adopted the approach of the R6.

[8] CD 9.2 N Marhsall POE PDF P16 5.3.6.
[9] CD11.4 J Russel POE PDF P19 4.19.

19. The relevant section of Footpath HAH-29CU (FP) can be accessed a short distance from the proposed access point to the site on the other side of Lewes Road. It provides the most direct route to local services and facilities. Lewes Road is a reasonably busy road, but sight visibility is good.

20. The FP is unlit, although it does benefit from some natural surveillance at points along the relevant section given that residential properties and their gardens back onto it. A financial contribution to the upgrade of the FP surfacing is included which the Council must use for that purpose, with the intention that it would become more usable in periods of poor weather.

21. Using this FP, future residents of the site would be able to access a range of local services and facilities. These would include Northlands Wood Primary Academy over a distance of 875m, Tesco Express and Kamsons Pharmacy over a distance of 1025m and Northlands Wood GP Practice over a distance of 1065m. These represent a range of services and facilities that could provide for a range of daily needs for future occupiers of the site.

22. I accept that there will be times when residents may wish to access those services and facilities during hours of darkness, a situation that would be more prevalent during the winter.

23. During the dark hours, I accept that some future residents of the site may be dissuaded from using the FP given the lack of lighting. However, many of the trips to access those facilities would be likely to take place within in the daytime and within the hours of daylight. The length of walk along the FP would not be excessive and nearby properties which back closely onto it offer some actual and perceived surveillance.

24. I note the guidance which generally favours the distance of 800m as an acceptable walking distance to access things such as local facilities. However, that guidance should be interpreted with a degree of flexibility. The National Design Guide[10] for example uses the word ‘generally’ when suggesting the 800m distance, whilst other guidance[11] when referring to suggested acceptable walking distances indicates a preferred maximum of 2000m for school trips and 1200m for some other trips.

25. Therefore, because future residents would be able to walk to access those services and facilities using the FP, they would have a reasonably available alternative to the use of less sustainable modes of transport. In coming to this conclusion, I have been conscious of the needs of women and girls and other groups who may be vulnerable to crime or the fear of crime in considering the suitability of the FP.

26. The highways improvements proposed on Lewes Road and around Snowdrop Lane would also provide some support for the alternative walking route which whilst longer, would represent a viable alternative route. Distances using this route would be Northlands Wood Primary Academy 1255m, Tesco Express and Kamsons Pharmacy 1505m and Northlands Wood GP Practice 1555m.

27. There are bus stops within the vicinity of Tesco Express from where a bus service is available for Haywards Heath Town Centre amongst other destinations, albeit

[10] National Design Guide January 2021 - Planning practice guidance for beautiful, enduring and successful places – MHCLG - Definitions p20.
[11] CD 19.10 Guidelines for Providing Journeys on Foot - The Institution of Highways and Transportation - p49.

that those services are not particularly regular and are located outside the recommended walking distances for bus access.

28. There are also bus services available to destinations further afield from stops near to the Princess Royal Hospital. Although peripheral to the site and involving a walk along the busy Lewes Road in the case of the hospital, it is likely that future residents of the development would make some use of these services from time to time.

29. My attention has been drawn to the Department for Transport Connectivity Tool (CT). The Framework advises within Policy TR3 that the CT should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development. I accept that the site does not score well at all when the comparison is made nationally between other sites within the same Urban City and Town classification.

30. Set against this, the appellant suggests that the CT identifies the site as being in one of the most highly connected locations within the district. This is of high relevance given the need for housing within the district. I afford this point significant weight when considering the implications of the CT.

31. In any event, the Framework makes it clear that the CT forms only part of the consideration as to the sustainability of a site. In light of my findings above, informed by a number of site visits, the score of the site within the CT does not on its own point towards the site being in an unsustainable location.

32. Taking these matters and the wider evidence into account, having particular regard to the distances over which Northlands Wood Primary Academy, Tesco Express, Kamsons Pharmacy and Northlands Wood GP Practice could be accessed through utilising the FP, I consider that the site would comply with the development strategy of the area with regard to access to services and facilities. The site is sustainably located.

33. There would therefore be no conflict with Policy DP21 of the LP which amongst other things requires that decisions on development proposals take account whether the scheme is sustainably located to minimise the need for travel and whether appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car have been fully explored and taken up.

34. There would be conflict with DP6, DP12 and DP15 of the LP which amongst other things direct development to locations within towns and defined built up area boundaries and restrict the type of housing within the countryside to a type which is not reflected within this proposal.

35. There would be no conflict with Policy TR3 of the Framework and the location would limit the need to travel and offer a genuine choice of transport modes for residents.

Heritage Assets – Conservation Area

36. The significance of the Conservation Area sits in part with the scale and form of its buildings most of which are large and set within spacious grounds. It also sits with the presence of trees and hedges around and between the buildings along with the presence of grass verges, hedges and fingers of agricultural land between

dwellings which contribute to the rural character of the Area as well as the low density of development which creates a gradual transition from the countryside to the urban area.

37. The part of the site over which the access from Lewes Road would run incorporates some established trees and there is planting which forms hedging to the boundary of the site with Lewes Road. The appearance of this part of the site fits with the broader Conservation Area which is well planted. This part of the site therefore contributes positively to the significance of the Conservation Area and therefore its character and appearance.

38. The introduction of a modern access with associated infrastructure would involve the removal of trees and planting. It would introduce an urbanising element which would erode attributes that contribute positively to the significance of the Conservation Area. Its introduction would therefore harm the significance of the Conservation Area meaning that the proposal would not preserve the character or appearance of the Conservation Area.

39. However, given that only a small part of the Conservation Area which runs for a significant distance along Lewes Road would be affected and the wider extent of tree cover outside of the site which would serve to generally maintain the overall green appearance of the area, the level of harm to the significance of the asset would be low.

Heritage Assets – Setting of Conservation Area

40. The Conservation Area broadly covers larger properties within this part of Haywards Heath including their grounds. The appeal site in its current form is undeveloped. It is the case that the Conservation Area is broadly focused on the larger dwellings only and large parts of the Conservation Area are flanked by a range of other built development including other dwellings within this part of Haywards Heath.

41. However, the undeveloped land outside of the Conservation Area such as the appeal site by reason of its rural and undeveloped character which incorporates trees and other planting is reflective of key features that contribute positively to the significance of the Conservation Area. Therefore, whilst more modern housing does already fringe much of the Conservation Area the proposal would erode some of the positive characteristics of the site that contribute positively to the setting of the Conservation Area.

42. The proposal would therefore harm the significance of the Conservation Area through introducing development within its setting. However, given that only a small part of the Conservation Area would be affected and given that much of the Conservation Area is bordered by a range of buildings including modern housing development, the level of harm to the significance of the Conservation Area through development within its setting would be low.

Heritage assets – Colwell House

43. Colwell House is a grade II listed 1840 property in neo classical style set back from the site to the north. It has a degree of visual separation from the site by reason of the depth of land to its rear and because of planting on and around the boundary of the appeal site.

44. Much of the significance of the building is associated with its form, scale and detailing. However, its significance is also derived from its semi-rural setting which in part remains and the evidence indicates that the building was originally set away from the then much smaller Haywards Heath.

45. Colwell House, especially on its side towards the appeal site is currently experienced within a quiet and rural environment with limited activity, as it is always likely to have been. This contributes positively to its setting and therefore significance.

46. That positive contribution would be undermined through increased noise and activity on the site which would arise in association with a well sized modern housing development. The proposal would therefore harm the significance of Colwell House through introducing development within its setting.

47. However, given the intervening distance and land that would remain along with the presence of planting to the south of Colwell House which serves to provide a significant degree of separation from the appeal site, the level of harm to its significance would be low.

Heritage assets –North Colwell Barn

48. North Colwell Barn is the surviving element of the nineteenth-century former farmstead of North Colwell Farm and is now in residential use. It is located a short distance from the site and its significance is gained primarily from the form of the building along with its former agricultural use.

49. There is some intervisibility between North Colwell Barn and the appeal site and there are likely to be associative links between North Colwell Barn and the appeal site in terms of former land use. The appeal site in its undeveloped form makes a positive contribution to the setting of North Colwell Barn. The introduction of a modern residential development would detract from the setting and therefore harm the significance of North Colwell Barn in visual terms as well as severing associative links of former land uses.

50. I am however mindful of the now residential use of the building and note that the appeal site only makes up a limited part of the current setting of North Colwell Barn. The level of harm to the significance of North Colwell Barn through development within its setting would therefore be low.

Heritage – Conclusion on LP & NP

51. Given that I have identified harm to the significance of designated and non-designated heritage assets, the proposal would conflict with policies DP34 and DP35 of the LP and Policy E9 of the NP, which amongst other things require that development in a Conservation Area will be required to conserve or enhance its special character and protect its setting whilst also requiring that development protects the setting of listed buildings.

Character and appearance of area

52. The site is not located within any designated landscape and is not considered a valued landscape. It is set approximately 2km from the High Weald National Landscape and is on the boundary of the National character areas of the High Weald and Low Wield. At a local level, the site is located within the West Sussex

Landscape Character Assessment within the HW4 High Weald Fringes Landscape Character Area. No unacceptable landscape impacts have been identified by the main parties and I have no reason to disagree.

53. The site is physically well related to the settlement of Haywards Heath by reason of its position adjacent to it. However, the application site sits outside of the BUAB and would involve the provision of a modern housing development within the countryside. There would therefore inevitably be some harm to the character and appearance of the area through development within countryside which surrounds the settlement.

54. The appeal site is located within an area located on the proposals map of the NP as a green corridor under Policy E5. In terms of retaining the separate identity of communities it was discussed at the Inquiry that the area is intended to provide separation between Haywards Heath and Scaynes Hill.

55. Given the extent of development around Lewes Road to the north of the site, the development of this site would have no significant impact on the sense of separation between Haywards Heath and Scaynes Hill and a substantial degree of separation would remain between the settlements.

56. There would therefore be no conflict with the policy to the extent that it seeks to retain and enhance the separate identity of communities, nor to the extent that it requires that new development should not unduly erode the landscape character of the area.

57. However, given my findings above, there would be some harm to the setting of the town and general character and appearance of the area in this location. There would therefore be some conflict with Policy E5 of the NP. There would further be conflict with policies DP6, DP12 and DP15 of the LP which amongst other things seek to protect the countryside in recognition of its intrinsic character and beauty.

58. Policy E9 of the NP relates more broadly to matters relating to detailed matters within a development and I do not identify conflict with this Policy on this particular issue.

Trees - general

59. The proposal would involve the loss of a number of trees on the site to facilitate the development. However, the evidence indicates that all of the category A trees would be retained, 87% of category B trees would be retained whilst 76% of category C trees would also be retained across the site.

60. The trees on site as a whole contribute positively to the character and appearance of the area. Set against this, landscaping is a reserved matter and will likely offer the opportunity for significant replanting to be provided within the scheme as a whole.

Trees – ancient woodland

61. The Framework amongst other things defines Ancient Woodland (AW) as an area that has been wooded continuously since at least 1600 AD including ancient semi-natural woodland (ASNW) and plantations on ancient woodland sites (PAWS).

62. The currently identified ancient woodland within the AWI sits off of the site at Cains Wood. A 15m buffer zone is proposed. The Council do not consider that the proposal would adversely affect AW.

63. During the Inquiry, matters relating to AW were focussed on whether two particular areas of planting should be considered AW. The first of those is the planting which divides the central and eastern field at the site, this became known as the 'Central Eastern Divider'. The parameter plan shows that this planting would be severed at two locations to provide both road and foot access to the eastern field. The second area relevant to the Inquiry was the area at the northern end of the eastern field known as the 'Shaw'.

64. Both the R6 and the appellant acknowledged the local historical practice of assarting by which fields were cut out of the surrounding woodland. Noting this, my attention was drawn to the early 1800's tithe map[12] under which the central eastern divider is located within part of the area identified as The Wood, which includes Cains Wood, whilst The Shaw is identified on the tithe map as The Shaw, which I am advised is an old English word for a strip of woodland. However, relying on this evidence would place a significant emphasis on the naming of the areas of land and the map within which those names are set is limited in detail in terms of the features that it shows.

65. The appellant and the R6 drew various evidence to my attention to support their position as to whether these features should be considered AW. The earliest maps that have been put before me date from the late 18th century to the early 19th century[13]. Whilst I accept that the accuracy and level of detail on those maps is perhaps limited, they indicate, to my reading, woodland more in keeping with the location of Cains Wood.

66. Moving on in time, my attention was drawn to more detailed mapping from OS from 1874 – known as Epoch 1 and 1896 – known as Epoch 2[14]. The AWI Handbook advises that the Epoch 1 map is a very accurate and detailed map[15]. It is therefore important to my considerations. In considering the Epoch 1 map this map appears to show a part single line and part double line of trees within The Shaw. The AWI Handbook indicates that rows of single surveyed trees should not be treated as woodland. It also advises[16] that double rows of surveyed tree symbols with or without a routeway marked in between should be excluded except where in the context of a larger containing polygon of long-established woodland, parkland or wood-pasture. The AWI handbook does reference tree or shrub symbols along with a solid or dotted line[17]. However, the guidebook here is referencing the Epoch 1 Map which does not appear to include this feature as opposed to the Epoch 2 map. Taking all of these matters into account, I conclude that The Shaw is not AW.

67. Neither do I consider that the Epoch 1 or 2 maps lend support to identifying The Central Eastern Divider as AW. Neither map shows tree symbols in that area with the field boundary identified as a linear feature on the maps, more likely to represent a hedgerow or fence.

[12] CD 11.5 R6 Ecology and Nature Conservation Proof of Evidence PDF p14.
[13] CD 1.15 R6 Ecology and Nature Conservation Proof of Evidence PDF p12-13 – Gardner and Gream and OS Old series.
[14] CD9.3A Julian Forbes-Laird Expert Evidence Vol.2 Appendix PDF p15 onwards.
[15]CD 21.2 Ancient Woodland Inventory Handbook for England – Natural England 2018 para 5.2.1.1.1 PDF p54.
[16] CD 21.2 Ancient Woodland Inventory Handbook for England – Natural England 2018 para 3.3.3.8 PDF p43.
[17] CD 21.2 Ancient Woodland Inventory Handbook for England – Natural England 2018 para 3.3.3.8 PDF p43.

68. The 1938 map further supports that position showing a similar linear feature. Aerial photography from between 1940 and 1947 shows what can be best interpreted as a hedge boundary along the Central Eastern Divider. The 1944 photo appears to show that feature casting no shadow, something which would be expected to be cast from trees or woodland. The evidence is suggestive of a narrow hedgerow with well managed agricultural fields. To conclude on this matter, I do not therefore consider that the Central Eastern Divider is AW.

69. There is nothing to indicate that the proposed drainage arrangement for the site would harm known AW at Cains Wood. There would be a basin with an overflow system for the escape of surface water. When overflow from the basin would be necessary, surface water would be released into a shallow depression to then spill out along its length to flow into the ditch network to the south. In any event, full details of the drainage system can be agreed via condition.

70. The R6 were not permitted entry onto the site to carry out more detailed analysis of The Shaw or the Central Eastern Divider. In particular any such surveys were likely to have looked into the presence of AW vascular plants or AW indicator species albeit that some relevant plants were identified from the site boundary.

71. However, regardless of this matter, whilst the handbook does in places advocate for an overall approach to identifying ancient woodland including site survey, I am not convinced that the lack of such survey in light of the other evidence would have been useful or decisive when coming to my conclusions.

72. This is because the AWI Handbook[18] advises that there is no linear relationship between the precise degree of likelihood and the number of species present that can be routinely applied at site-level and there is no threshold species count above or below which the status of a wood becomes a certainty. Taking this into account, it is therefore unlikely that any further survey information would have been determinative to my conclusion on this matter in any event given the evidence above.

Trees – Conclusion

73. Amongst other things, Policy DP37 of the LP states that development that will damage or lead to the loss of trees, woodland or hedgerows that contribute to the visual amenity value or character of an area will not normally be permitted. The use of the word normally does not suggest that the policy restricts all tree removal, suggesting that there will be occasions when some tree removal could be considered acceptable. Given the level of retention and the scope for further planting in association with the landscape element of reserved matters, I find that there would be no conflict with Policy DP37 of the LP.

74. There is no evidence that there is AW on the site and there is nothing to indicate that Cains Wood would be adversely affected by the proposal and any associated drainage works. There would therefore be no conflict with Policy DP37 of the LP which states amongst other things that ancient woodland will be protected.

[18] CD 21.2 Ancient Woodland Inventory Handbook for England – Natural England 2018 para 6.1.3.2 PDF p107.

Ecology – Reptiles

75. The evidence indicates that the Appellant has surveyed the site for reptiles having undertaken seven visits to the site to check 124 refugia's for the presence of reptiles in combination with a visual observation transect.

76. These surveys[19] have therefore involved significant time and effort in order to gain an understanding of the presence of reptiles on the site. The surveys covered a range of conditions with variable temperatures and cloud cover including low, mid and high cover. The later surveys which were undertaken with higher cloud cover were taken within the higher range of air temperatures for the surveys. I do not therefore have concerns over the survey approach in this respect.

77. The R6 questioned the size of the proposed reptile receptor area which has been derived from the area of the site where reptiles were found. The central parts of the fields were not surveyed, but the Appellants Ecology witness at the Inquiry made it clear that they did not consider it likely that reptiles would be present within those locations.

78. Under the heading 'where to place refuges', the Frog life Advice Sheet[20] first and foremost advises that refugia's are placed in potential reptile hotspots for example sunny areas near to cover. It further advises that tins should be placed evenly over the habitat. The refugia's do appear to have been placed evenly across the habitat where reptiles could be expected to be found. The Appellant's ecologist has clearly used some of their own professional judgement in their approach, which I do not consider to be unreasonable.

79. The reptile receptor area which would comprise 40% woodland/dense scrub and 60% grassland seems an appropriate balance of habitat within the context of the areas of the site where the evidence indicates that most reptiles will be located.

80. The Reptile Management Handbook (RMH)[21] advises that reptiles require both warmth and shelter along with ready access to cover to escape from predators. Given the concerns of the R6 around cat predation which is inevitable when considering habitats in close proximity to housing this is a case where more shading and cover will be beneficial. The RMH recognises that there is little hope of restricting cats behaviour and suggests that a more productive approach is to ensure the site has plenty of refuge habitat, in this case this would be woodland /dense scrub. I do not therefore consider the approach of the Appellant in this regard unreasonable.

81. In terms of the management regime for the area, the RMH does not appear to completely rule out a more regular grass cutting regime. It advises that on sites where botanical interest requires cutting during reptiles active season, then survey should be carried out to identify any foci to exclude these areas from the cut. It advises that the remainder of the site should be cut at intervals staggered over several weeks, so that there is always some vegetation cover available and that the cut should be made as high as possible (minimum 15 cm). There is no reason that such guidance will not be followed. I consider the reptile receptor site to be suitable including with regard to size.

[19] CD 1.14 – Ecological Impact Assessment.
[20] CD 20.7 – Frog life Advice Sheet 10 – Reptile Survey PDF P4.
[21] CD 20.13 – Reptile Management Handbook - Amphibian and Reptile Conservation.

Ecology – Bats

82. The R6 has concerns over four trees which would have to be felled to accommodate the access through the grounds of North Colwell Farmhouse. It is the case that the proposal has been accompanied by a detailed Ecological Impact Assessment[22] which has included detailed consideration with regard to any potential impact on bats at the site.

83. Given the physical characteristics of those trees they were all classified as PRF-I. Such a potential roost feature, the evidence indicates would only be suitable for individual bats or very small numbers of bats amongst other things due to size.

84. I was referred to the UK Bat Mitigation Guidelines[23], in particular Figure 6.3 which is a flow-chart for inspections and felling. It sits within a section of the guidelines titled mitigating tree roost loss.

85. The guidance states 'this section assumes that the necessary surveys have been undertaken, the value of the tree resource has been established, an impact assessment has been undertaken, and relevant consent(s) and licence(s) are in place for removing the trees that are to be felled. The aim of this section is to provide guidance on mitigating the impacts of tree-felling (*in bold*), both during the felling process itself and for roost loss.

86. I therefore afford limited weight to the applicability of this guidance at this stage. In any event, even if that were not the case, there is no compelling evidence before me which would indicate that the relevant trees are unsafe to climb and inspect. On that basis, the trees are deemed climbable to enable a close inspection to enable the further progress through the flow chart without the necessity for further surveys.

87. There is nothing compelling which leads me to conclude that the Appellants approach to felling these trees outlined at section 6.2.2.1 of the ECIA is not in accordance with relevant guidance to be applied at this stage of the process in having regard to guidance within table 6.3 of the Bat Survey Good Practice Guidance[24].

Ecology – Conclusion

88. I therefore conclude that there would be no unacceptable adverse impact on ecology interests including with regard to the suitability of the proposed reptile receptor site and the effect of the proposal on bats. A Biodiversity Enhancement Strategy for protected Priority and threatened species is required via condition.

89. There would subsequently be no conflict with policies DP37 or DP38 of the LP or Policy E5 of the NP which amongst other things state that development that will involve the loss of trees that have wildlife importance will not normally be permitted, which seek to ensure development takes opportunities to improve, enhance, manage and restore biodiversity as well as protecting existing biodiversity and that development outside the built up area will only be permitted if it would not unduly erode the ecology within the area.

[22] CD2.20a – Ecological Impact Assessment (EcIA).
[23] UK Bat Mitigation Guidelines – December 2023 www.cieem.net – PDF P88.
[24] CD 20.3 - Bat Conservation Trust Bat Surveys for Professional Ecologists – Good Practice Guidelines P64.

90. I have had regard to the purpose of conserving biodiversity through the Natural Environment and Rural Communities Act 2006 when coming to my conclusions on this matter.

Other Matters

91. A completed planning agreement under S106 has been submitted. This would secure 30% of the total number of the dwellings as affordable. It makes provision for securing on site BNG and monitoring, and proportionate financial contributions towards community buildings, off site sports, education and libraries. It includes a TRO contribution and TRO Highways works scheme, travel plan and footpath improvements contribution.

92. The evidence indicates that the provisions within the agreement are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind such that they meet the relevant tests of being necessary to make the development acceptable in planning terms.

93. The R6 argue that the site is not needed to achieve housing targets moving forward and draw my attention to the housing requirement of 24,837 dwellings against an anticipated supply of 24,969 dwellings. However, that is not a substantial oversupply, there is little room for error and there is nothing compelling at this stage to indicate that the stated supply will be found sound. I afford this argument limited weight.

94. There were a wide range of objections to the scheme from local residents along with local Councillors including with regard to local infrastructure capacity and with regard to highway safety matters. Highways improvements are proposed and infrastructure impacts could be mitigated through the range of contributions within the planning agreement. I do not consider there would be any significant adverse impact on highway safety and significantly the Highways Authority for the area have not objected to the scheme. I have taken all these comments into account and considered representations made.

Planning Balance

95. The proposal would give rise to a low level of harm to the significance of Lewes Road Conservation Area. It would also cause a low level of harm to the significance of Colwell House and Colwell Barn.

96. The harm that I have identified to the significance of the designated heritage assets should be weighed against any public benefits resulting from the proposal. The harm that I have identified to the significance of the non-designated heritage asset should be weighed against the benefits of the proposal.

97. The Framework advises that any harm to a designated heritage asset will be a matter of considerable importance and weight. I am also required to have special regard to the desirability of preserving the setting of the listed building and I am required to pay special attention to the desirability of at least preserving the character or appearance of the Conservation Area.

98. Whilst I am mindful of those matters, I have identified a low level of harm to the significance of all the affected heritage assets. Public benefits associated with the scheme include the provision of up to 80 dwellings set against a shortfall of 5YHLS

along with the provision of up to 24 affordable dwellings within the context of an ongoing and pressing need. These public benefits are afforded substantial weight and they outweigh the harm to the significance of the heritage assets.

99. There would also be some harm to the character and appearance of the area given the proposal would result in the provision of a well sized residential development within what is currently countryside outside of Haywards Heath.

100. The proposal would subsequently conflict with policies DP6, DP12, DP15, DP34 and DP35 of the LP and policies E5 and E9 of the NP and would conflict with the development plan as a whole.

101. Policy S3 of the Framework states that decisions on development proposals should apply a presumption in favour of sustainable development. The parameter plan indicates that all of the housing would be provided outside of the settlement boundary. Policy S5 is therefore of relevance and states that only certain forms of development should be approved outside settlements.

102. One such form of development is that which would address an evidenced unmet need. This criterion is met given the 5YHLS position of the Council. Such development must also be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. This would be the case here given the close proximity of the site to the existing settlement of Haywards Heath and given the range of existing infrastructure associated with the settlement which is capable of supporting the development.

103. Where a development would meet these criteria, Policy S5 states that it should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.

104. The Framework identifies the government's objective of delivering a sufficient supply of homes. The Council itself has confirmed that it is unable to meet its housing needs without utilising sites which are outside of the boundaries of the existing built up urban areas[25]. The conflict with development plan policies which seek to contain housing within the BUAB should be afforded limited weight.

105. Up to 24 affordable homes would be provided amongst the up to 80 homes proposed. These benefits are afforded substantial weight within the context of the need. The benefits of the highways and footpath improvements should be afforded moderate weight and would have some wider benefits for the area. The economic benefits of the proposal in terms of construction are generic and usually associated with such a proposal but nonetheless should be afforded limited weight. The other contributions would be neutral within the planning balance as they are primarily in place to offset the impacts of the development

106. Set against these benefits there would be a low level of harm to the significance of designated and non-designated heritage assets. In this regard whilst I have had regard to my statutory duties, I have found that this harm would be outweighed by the public benefits of the proposal. There would be harm to the character and appearance of the area through the introduction of housing to what is an

[25] CD 8.2 Addendum SoCG with MSDC.

undeveloped site with a rural character. I afford the harm significant weight in the overall balance.

107. However, given the substantial weight to be afforded to up to 80 homes within the context of the 5YHLS and the provision of up to 24 affordable homes set against the affordable housing need, the benefits of granting permission overall would not be substantially outweighed by any adverse effects. Policy S5 of the Framework therefore weighs in favour of granting permission.

108. There are therefore considerations which lead me to conclude otherwise than in accordance with the Development Plan.

Conditions

109. The suggested conditions were subject to broad agreement between the Appellant and the Council, although the R6 suggested some amendments to some of the conditions. I have included reference to ground works and vegetation clearance within condition 3.

110. However, amendments sought by the R6 relating to ecology interests and relating to drainage conditions with regard to the AW would fail the tests of necessity. This is because a wide range of conditions with reference to construction impacts and ongoing matters to protect ecology interests are included, many of which will require the submission of additional details to the Council which will likely then have to be agreed with their own ecological experts such that the protection for ecology interests can be adequately maintained.

111. Any significant amendments to conditions relating to drainage are also unnecessary given that there is no evidence before me which suggests the drainage associated with the site will have any adverse impact on the nearby ancient woodland.

112. It would not be reasonable to ensure the developer completes the access before commencement on the main part of the site and impacts arising from construction and site access can be resolved through the submission of further details within a Construction Management Plan. It is not unreasonable to allow some work on Saturday morning/early afternoon and that is reflected within the working hours condition included.

113. Conditions 1, 2 and 7 are necessary to define the development. Conditions 3, 10, 15, 18 and 29 are necessary to protect ecology interests with regard to construction impacts and beyond at the site. Conditions 4, 9, 19, 21, 27, and 33 are necessary in the interests of the living conditions of existing occupiers. Conditions 5, 12, 16, 17 and 28 are necessary to ensure proper drainage of the site. Condition 6 is necessary to ensure that any archaeological interest at the site is accounted for.

114. Conditions 8, 14, 20, 30 and 32 are necessary to protect the living conditions of future occupiers. Condition 11 is necessary in the interests of the character and appearance of the area. Condition 13 is necessary to ensure appropriate air quality. Conditions 22, 23, 24, 25 and 26 are necessary in the interests of highway safety. Condition 31 is necessary to ensure there are a range of dwellings to meet the differing needs of future occupiers.

Conclusion

115. The appeal should therefore be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITONS

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 one year 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 the following drawings - Location Plan 02.38(01)00, Parameter Plan 02.38(01)01, Lewes Road Site Access, ITL19597-GA 004 REV H, Proposed uncontrolled crossing across Lewes Road ITB19597-GA011 REV B, Potential Lewes Road Footway Improvements at Existing lay by- ITL19597-GA 018 & Proposed footway improvements at Snowdrop Lane ITL19597-GA 021 REV A.

3. Prior to the commencement of development including any groundworks or vegetation clearance, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (Ecosupport Ltd., July 2025) and the Response to Ecology Comments (Ecosupport, April 2025).

The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities;
b) Identification of "biodiversity protection zones;
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
d) The location and timing of sensitive works to avoid harm to biodiversity features;
e) The times during construction when specialist ecologists need to be present on site to oversee works;
f) Responsible persons and lines of communication;
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
h) Use of protective fences, exclusion barriers and warning signs.

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

4. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide details as appropriate, including:

- a timetable for the commencement, construction, occupation and completion of the development;
- the anticipated number, frequency and types of vehicles to be used during construction;
- the method of access and routing of vehicles during construction;
- the siting and layout of site compounds and welfare facilities for construction workers;
- the arrangements for 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;
- measures to control noise or vibration affecting nearby residents;
- artificial illumination;
- dust control measures;
- pollution incident control;
- Measures to deal with surface water run-off from the site during construction; and
- site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved CMP.

5. Prior to the commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy SL/MHHAYWARDSHEATH.23 by Mayer Brown, February 2025, 3rd Issue, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- Additional detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed attenuation basin. If infiltration is proven to be unfavourable then greenfield runoff rates will Be attenuated and discharged at Qbar (10 l/s) as stated within section 5.20 of the FRA and Drainage Strategy.

- Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

- Detailed designs, modelling calculations using up to date parameters and plans of the of the drainage conveyance network in the:3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

- The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

- Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

- Details of all surface water management features, which are to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

6. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.

(iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

(v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

7. Prior to commencement of the development, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

8. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

a) a further site investigation, based on the phase 2 site investigation undertaken by Patrick Parsons, dated July 2024, reference: CHH-PPC-00-XX-RP-G-0002., to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

9. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

10. Prior to the commencement of development, a precautionary working method statement written by a suitably qualified Ecologist in respect of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

11. No development shall commence unless and until details of the landscaping proposals in proximity of public apparatus has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water). Works shall be carried out in accordance with the approved details.

12. No development shall take place unless and until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

13. No development above slab level shall be carried out unless and until the details of a scheme of mitigation measures to improve air quality relating to the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

14. No development above slab level shall be carried out unless and until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) outlined below shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS):
i. Maximising the spatial separation of noise source(s) and receptor(s).
ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources.
iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.
iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.
v. Using the layout of the scheme to reduce noise propagation across the site.
vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.
vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise.
viii. Using the building envelope to mitigate noise to acceptable levels.

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (i) or (ii) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy below shall be applied to the scheme:

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer such as through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.
Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

15. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment (Ecosupport Ltd., July 2025), shall be submitted to and approved in writing by the Local Planning Authority.

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

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs or product descriptions to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
d) persons responsible for implementing the enhancement measures; and
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter for the lifetime of the development.

16. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect

the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,
II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

17. Prior to first occupation of any dwelling a detailed surface water drainage verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme and shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

18. Prior to the first occupation of the development, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,

b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.

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. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

19. Prior to the first occupation of any dwelling forming part of the proposed development, the developer will at their own expense install the required fire hydrants in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker if adopted as part of the public mains supply in accordance with the Fire

Services Act 2004. Where a fire hydrant remains part of a private water network, responsibility for its maintenance shall rest with the owner or occupier of the dwelling.

20. The development hereby permitted shall not be occupied until a remediation verification plan by a competent person showing that the approved remediation scheme in relation to contamination has been implemented fully and in accordance with the approved details has been submitted to an agreed in writing by the Local Planning Authority. Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report and thereafter maintained.

21. No dwellings shall be occupied until details of the play area(s) to be provided have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play area(s) shall thereafter be permanently retained as such.

22. No dwelling shall be first occupied until such time as the vehicular access point serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Lewes Road (A272) and numbered ITL19597-GA-004 Rev H.

23. No dwelling shall be first occupied until the dropped kerbs and tactile paving works as shown on drawing ITL19597 Figure 6.2 have been provided.

24. No dwelling shall be first occupied until the highway improvement works shown in plan titled 'Proposed footway improvements at Snowdrop Lane' and numbered ITL19597-GA-021 Rev A, have been undertaken.

25. No dwelling shall be first occupied until the highway improvement works shown in plan titled 'Potential Lewes Road footway improvements at existing Lay-by' and numbered ITL19597-GA-018 have been undertaken.

26. No dwelling shall be first occupied until the highway improvement works shown in plan titled 'Proposed uncontrolled crossing across Lewes Road' and numbered ITB19597-GA-011 Rev B have been undertaken.

27. No residential dwelling shall be first occupied until details of the digital infrastructure for the development as a whole has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

28. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Details of such phasing shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) prior to the occupation of any part of the development and no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

29. Any works which will impact the breeding/resting places of Hazel Dormouse, shall not commence unless the Local Planning Authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

- a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

30. Unless otherwise agreed, any air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

31. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

32. If during construction, contamination not previously identified is found to be present at the site then no further development 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.

33. Works of construction or demolition, including the use of plant and machinery shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted.

END OF SCHEDULE OF CONDITONS

APPEARANCES

FOR THE APPELLANT:

James Corbet Burcher, Counsel, instructed by Nick Billington of SLR Consulting

He called:

Neil Marshall BSc (Hons) CMILT, FCIHT, Partner at i-Transport LLP

Julian Forbes-Laird, BA(Hons) DipGRStud MICFor MRSB MRICS MEWI DipArb(RFS), Senior Director of Forbes-Laird Arboricultural Consultancy Ltd

Lyndsey Barrett, BSc (Hons) PGCert MCIEEM, Principal Ecologist, Ecosupport Ltd

Nick Billington BA(Hons), MSc, MRTPI, Technical Director of Planning, SLR Consulting

The following witnesses were made available at the Inquiry by the Appellant and assisted the Inspector with their questions;

Jonathan Smith, BA (Hons) MA PGCE PGDip IHBC MCIfA, Director, Blake Turnbull Heritage Consultancy

Andrew Cook BA (Hons) MLD CMLI MISEP Env, Executive Director of Pegasus Group

Melissa Huree-Hopley, Solicitor, Miller Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Paul Brown KC, instructed by Mr Solomon Agutu, MSDC Legal Services

He called:

Ms Joanne Fisher (BSc (Hons), MATP, MRTPI Team Leader Planning Services, Mid Sussex District Council

FOR THE RULE 6 PARTY:

Piers Riley-Smith, Counsel, Instructed by Paul Wyard, Solicitor & Patrick Lyons, Associate: Richard Buxton Solicitors.

He called:

John Russell (CMILT MCIHT), Director, JR Transport Planning Limited

Ben Carpenter (CIEEM), Principal Ecologist, Bioscan (UK) Limited

Simon Greaves (Licentiate MRTPI) – Director, Castellum Consulting

INTERESTED PARTIES (IN ORDER OF APPEARANCE):

Lucie Baker – Local Resident

Simon Pockett - Local Resident

Cllr Harriet Martin – Wivelsfield Parish Council

Cllr Rod Clarke – Mid Sussex District Council

Cllr Paul Kenny – Mid Sussex District Council

Oliver Whaley – Representing Ecology Interests

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1 Land of Colwell Lane, Haywards Heath - MB Drainage Note

ID2 North Colwell Farm Statement of Common Ground R6 - FINAL - Rule 6 Accessibility

ID3 Appellant's Appearances List - 28 July 2026

ID4 MSDC Appearance List

ID6 Appellants Opening Statement

ID7 MSDC Opening Statement

ID8 R6 Opening Statement

ID9 Document Notes provided by Wivelsfield Parish Council – Harriet Martin

ID9a Evidence (news articles) provided by Wivelsfield Parish Council - Harriet Martin

ID9.1 Mr Pockett Evidence

ID9.2 Ms Baker Evidence

ID10 Higher resolution OS25 1896 Map (25” to a mile)

ID11 Letter from Biofarm dated 28th July confirming offsite BNG credits

ID12 Schedule of Main Modification (July 2026)

ID13 SA Main Modifications Report July 2026

ID14 SSP8 Post Hearings – Site Selection Review – Final Conclusions

ID14a Appendix 1 Individual Site Assessments against Site Selection Criteria

ID15 Final Draft S106 Agreement

ID16 Appellant's Arboriculture Presentation

ID17 Position on BNG - AppR6 agreed 05-08-26

ID18 Transport Technical Note

ID19 Cover Letter for Bewley Homes PLC v SoS

ID20 Bewley Homes PLC v Secretary of State for Levelling Up, Housing and Communities & Anor [2024] EWHC 1166 (Admin)

ID21LPA and Appellant FINAL - Table form of suggested conditons_v2 04.08.26

ID22Planning conditions- R6 Input 05-08-2026

ID23Planning Conditions-Inspector Input 06-08-26

ID23a Planning Conditions-Inspector Input 06-08-26

ID24 Appellant's Rebuttal to Rule 6 Party's Transport Note (ID18)

DOCUMENTS SUBMITTED AFTER THE INQUIRY

ID25 LPA Closing statement

ID26 R6 Closing statement

ID27Appellant Closing statement

ID28 Appellant's Response to Rule 6 Party and Council's Closing Submissions

ID29 Signed S106 Agreement

ID30 LPA Letter to Inspector on NPPF 2026

ID 31 R6 Party Letter to Inspector on NPPF 2026

ID32 Appellant Letter to Inspector on NPPF 2026

D33 Appellant Rebuttal Letter to Inspector on NPPF 2026