



Appeal Decision

Hearing held on 23 & 24 April 2025

Site visit made on 24 April 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/C1435/W/24/3353821

Land north of the A272, Buxted, East Sussex TN22 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Brooker of Brookworth Homes (Holdings) Ltd against the decision of Wealden District Council.
 - The application Ref is WD/2023/2157/MAJ.
 - The development proposed is the erection of up to 49.No dwellings, access, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 49 dwellings, access, landscaping and associated infrastructure at land north of the A272, Buxted, TN22 4BA, in accordance with the terms of the application, Ref WD/2023/2157/MAJ, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development set out in the banner heading is taken from the original application form. As part of my formal decision, I have made a minor revision to this description to omit the words 'up to' and 'No'. At the hearing, the parties were in agreement that this is a more accurate reflection of what is proposed.
3. A draft planning obligation made pursuant to s106 of the Town & Country Planning Act 1990 (as amended) was submitted during the course of the appeal, and was subsequently discussed at the hearing. A complete and executed version of this legal agreement, dated 16 April 2025, was submitted prior to the close of the hearing.
4. Following receipt of the draft planning obligation, the Local Planning Authority (LPA) confirmed that this addressed its second reason for refusal in relation to the effects of the proposal on the Ashdown Forest Special Protection Area. However, as the competent authority in this regard, I have addressed this matter as part of my decision.
5. On 11 December 2024 the Secretary of State for Culture, Media and Sport decided to add Harrock House Lodge including gate pier to the national list of buildings of special architectural or historic interest. As a result, the building is now listed at Grade II. This post-dates the LPA's decision notice and so represents a new material consideration for this appeal. The parties have provided their comments in relation to this issue, and I have had due regard to this matter.

Main Issues

6. The main issues in this appeal are:
 - (i) The effect of the development on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), with particular regard to recreational disturbance and air quality; and,
 - (ii) Whether the proposal would preserve the settings of nearby heritage assets.

Reasons

Effect on the Ashdown Forest SPA and SAC

7. The site is located within the 7km strategic mitigation zone relating to the Ashdown Forest SPA, a European-designated nature conservation site protected for its importance to specific species of breeding birds. The Conservation of Habitats and Species Regulations 2017, as amended, (the Habitats Regulations) requires a competent authority to consider whether the proposed development would, either alone or in combination with other plans and projects, adversely affect the integrity of the identified European site and, if so, to carry out an 'appropriate assessment' of the implications in view of the site's conservation objectives. This duty falls to me in the context of this appeal.
8. The qualifying features underpinning the SPA's designation are internationally important numbers of breeding birds and their habitats, specifically high concentrations of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as seeking to ensure that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.
9. Natural England's supplementary advice on conserving and restoring site features for the SPA identifies recreational disturbance as one of the principal threats to ground nesting birds. Research has shown that increased visitor numbers to and associated recreational activities within the SPA can result in damage to the qualifying species' habitat through trampling and erosion. These effects are likely to be particularly acute during the bird breeding season, when the presence of people can disturb ground nesting activities. Recreational dog walking can be particularly problematic in this regard.
10. The LPA has been working in partnership with neighbouring LPAs and Natural England (NE) to develop an evidence base and mitigation strategy¹ for protecting the ecological integrity of the SPA from the adverse effects of increased recreational pressures as a result of new residential development. The evidence underpinning this suggests that new dwellings within a 7km zone of influence of the SPA would, without suitable mitigation, likely result in significant effects on the protected habitats and species found within the SPA.
11. Being within the 7km zone of influence, the appeal proposal would increase the number of people living within a short drive of the SPA. The development could therefore give rise to additional visitors to the SPA, resulting in an increase in recreational pressure. This is likely to have a significant effect on the SPA, to the

¹ Wealden Local Plan Ashdown Forest SPA Mitigation Zone Background Paper, January 2019

detriment of its conservation objectives. Consequently, I am required to carry out an appropriate assessment.

12. It is necessary for me to consider whether the identified potential adverse effects could be mitigated. For the Ashdown Forest SPA, the mitigation strategy includes the provision of Suitable Alternative Natural Greenspace (SANG) to provide an alternative destination for visitors. This is so that development does not result in a net increase in visitors at the SPA. It also includes a programme of Strategic Access Management and Mitigation (SAMM) at the SPA itself. The purpose of this is to ensure that the potential for disturbance events is reduced should residents of the new development visit the SPA from time to time.
13. The appellant proposes financial contributions toward the provision of SANG and SAMM in accordance with the established per dwelling tariff-based approach set out by the Ashdown Forest SPA Mitigation Zone Background Paper (January 2019). The SANG contribution would be used to support the ongoing enhancement and maintenance of Horsted Green Park, Uckfield, a strategic SANG designed to provide high-quality, accessible natural greenspace. This alternative recreational resource serves to displace visitors away from the SPA, thereby reducing recreational pressure. The LPA has confirmed that this SANG currently has capacity to accommodate the visitor demand generated by the proposed development, including sufficient free parking.
14. The SAMM contribution would be used to monitor and limit recreational disturbance at the SPA. The contribution would fund measures including visitor education, improved signage, habitat management, access control and ongoing monitoring of visitor numbers and behaviour.
15. The contributions would be secured through the s106 planning obligation which commits the appellant to the provision of £245,000 towards SANG and £57,330 towards SAMM to mitigate the effects of the proposal on the SPA, with particular regard to recreational disturbance. I am satisfied that these contributions are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
16. An interested party has raised concerns in relation to the effectiveness of SANG and SAMM as a means to mitigate the potential adverse effects on the SPA. Nevertheless, this approach is well-established across England as an effective means of mitigation in relation to recreational disturbance. The LPA advises that visitor survey data indicates that these measures are successfully diverting visitors away from the SPA and towards the SANG. I have not been presented with any evidence to suggest otherwise.
17. Furthermore, NE supports this strategic approach, and it is of the view that these measures will be effective and reliable in preventing any adverse effects of the development on the integrity of the European site². As the Government's specialist advisor in relation to nature conservation, and with responsibility for and significant expertise in relation to these matters, I attach great weight to its advice.
18. The Ashdown Forest is also protected under the Habitats Regulations as a SAC, a European-designated nature conservation site. The SAC's qualifying features are

² Natural England consultation response, dated 8 November 2023

the presence of European dry heaths, North Atlantic wet heaths, and concentrations of great crested newt. The conservation objectives of the SAC seek to ensure the integrity of the site is maintained or restored by achieving favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring the structure, function and distribution of qualifying habitats and species within the site.

19. NE's supplementary advice on conserving and restoring the SAC explains that the heathland habitat is sensitive to changes in air quality. It is therefore vulnerable to atmospheric pollution from several sources including vehicle emissions. There is a potential pathway from increased vehicle movements associated with new development on roads which go through, or run adjacent to the SAC, and where such increased emissions exceed critical tolerance levels.
20. However, NE have previously advised that the air quality implications of the envisaged quantum of housing growth set out in the LPA's emerging Local Plan would not adversely affect air quality to levels that would threaten the integrity of the SAC. This issue must also be considered against an improving national picture, where ongoing advances in vehicle technology is likely to reduce emissions. Furthermore, NE does not suggest that the proposed development would result in significant levels of air pollution that could compromise the conservation status of the SAC. It raised no concerns or objections in this regard.
21. Consequently, for these reasons, and on the evidence before me, likely significant effects on the SAC can be screened out, and so the proposal would not adversely affect the integrity of this European site, in relation to air quality.

Conclusions on the Ashdown Forest SPA and SAC

22. To conclude on this main issue, I have found that, subject to the measures set out in the s106 agreement, the development would not have an adverse effect on the integrity of the Ashdown Forest SPA or SAC, with particular regard to recreational disturbance and air quality.
23. The development would therefore comply with saved policies EN1, EN7 and EN15 of the Wealden Local Plan 1998 (the WLP), policy WCS12 of the Wealden District Core Strategy Local Plan 2013 (the Core Strategy), the associated provisions of the National Planning Policy Framework (the Framework) and Regulation 63 of the Habitats Regulations. Together these policies and legislative provisions seek to achieve sustainable development and to safeguard designated nature conservation sites, and to avoid adverse effects on the integrity of the Ashdown Forest SPA and SAC.

Heritage assets

24. The Grade II* listed Harrock House, Grade II listed Harrock House Lodge including gate pier, Buxted Park Grade II* listed registered park and garden, Grade II listed Linden House, Grade II listed Old Mill, Grade II listed Mill House, and Grade II listed Hogge House all lie within a short distance of the appeal site. In addition to these designated heritage assets, there are two World War II (WWII) pillboxes located within the site, which the LPA considers to be non-designated heritage assets. I will deal with each asset in turn.

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. This statutory duty is reflected in the Framework, which advises that the significance of a designated heritage asset can be harmed or lost through development within its setting, and that such harm requires clear and convincing justification.
26. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Therefore, the national policy context acknowledges the twin roles of the setting of a heritage asset, that being: its contribution to the significance of the heritage asset; and/or, how it can allow that significance to be appreciated or understood.
27. The Framework also requires decision-makers to consider the effects of development on the significance of non-designated heritage assets, advising that a balanced judgement is required having regard to the scale of any harm or loss.

Harrock House

28. The Grade II* listed Harrock House lies to the immediate north-west of the appeal site. Originally built as a rectory around 1694, incorporating parts of an earlier house, associated with the Grade I listed Church of St Margaret the Queen that lies further south within Buxted Park. The house and its surroundings survive as an exquisite example of a late 17th century rectory. Indeed, it is considered to be one of the most remarkable original rectories in the country. It continued this use until around 1965, beyond which it was used as a school until 1994 at which point the house, and its lodge were sold in separate lots and became private residences.
29. While altered in the mid-19th century, much of its architectural form and composition draws heavily on its 17th century origins as a moated post-medieval country house. Its architectural composition comprises a two-storey building with attic, arranged in half-H plan layout and constructed from red brick and grey headers, decorative modillion eaves cornice, and casement windows framed by stone mullions. Its principal wings are flanked by pilasters and topped with hipped roofs covered in red tiles. The building's roofscape includes a number of individual dormer windows and is dominated by substantial decorative brick chimneys which tower over the house.
30. Its architectural significance is complemented by its historic interest as a high status and affluent rural rectory associated with a number of illustrious vicars that were directly appointed by the Archbishop of Canterbury. There are also significant historic associations with the Wealden iron industry, and notable historic figures including, amongst others, William Levett and members of the Wordsworth family. Thus, as a Grade II* listed building, Harrock House is a particularly important building of more than special interest.
31. The setting of Harrock House is formed by both the extensive grounds in which it sits, and the wider rural landscape that surrounds the property. Historical records and map regression reveal that the appeal site once formed part of an area of extensive glebe land associated with the former rectory, with this area shown on a

coloured estate map dated 1773. This 79 acres of glebe land, including the appeal site, was established in medieval times to generate income to support the incumbent vicar at the Church of St Margaret the Queen in the original village of Buxted.

32. Therefore, as a surviving part of this former vast and rich glebe land that once belonged to the rectory, the appeal site has a strong historic relationship with the listed building. The land provides a narrative as to the building's development and the origins of its wealth and status. In doing so, it also explains why Buxted Parish was once one of the most highly valued and desirable in England.
33. Therefore, the retained rural and undeveloped character of the former glebe land is pivotal for the understanding and appreciation of the historical origins and significance of the heritage asset and how it became a house of high-status, affluence, and grand design. The site's undeveloped rural character also contributes to planned views from the house to the open land beyond its immediate grounds and thereby intended to strengthen the bucolic character of its setting, allowing an appreciation of the building's architectural grandeur as a high-status country residence. This latter point is illustrated (quite literally) by a sketch depicting a view of the rectory from the appeal site by Dora Wordsworth, daughter of the famous poet, during her and her father's stay at the house in 1831, at which time the rectory was held by her uncle, Christopher Wordsworth.
34. There is no doubt that the former glebe land, including the appeal site, makes a valued contribution to the significance of the listed building, along with its undeveloped rural qualities enabling an understanding and appreciation of that significance. However, modern intensive agricultural practices have altered the character of this former glebe land. Therefore, without knowledge of the history of the area it is not particularly evident that the agricultural land surrounding the house, including the appeal site, was once associated with it. This changing character has therefore, over time, reduced its contribution to the significance of the heritage asset.
35. The development would lead to the loss of part of the former glebe land, and it would be visible in views of, and from, the listed building. However, the appeal site comprises less than 30% of the former glebe land, and of that land only the eastern part of the site is proposed for housing development with an area of parkland proposed for the western half of the site. Therefore, about 16% of the former glebe land would be developed for housing, with the vast majority retained as part of the surrounding undeveloped rural landscape. While there would be some loss of rural isolation and limited urbanisation of the asset's setting, the introduction of an open area of parkland to the western half of the site would provide a degree of visual relief and separation between the listed building and the proposal, tempering its overall visual impact.
36. Nevertheless, the proposed development of what is currently open land within the building's setting would result in some harm to the heritage asset and how it is appreciated. For the reasons I have set out, and in accordance with the terms of the Framework, this would result in a medium level of less than substantial harm to the significance of the listed building.

Harrock House Lodge

37. Harrock House Lodge including gate pier is a Grade II listed building that sits to the immediate west of the appeal site. The house was built around 1851 as the entrance lodge to the former Buxted Rectory (now Harrock House). Its significance principally stems from its architectural interest as a well-designed, well-crafted and largely unaltered example of an entrance lodge in a picturesque gothic style and is typical of its period. Being a former lodge house, it has a strong historic association and group value with Harrock House.
38. The setting of this heritage asset is much more intimate than that of Harrock House. Indeed, its relationship with the former rectory is key to understanding and appreciating its significance, and this forms the most important element of its setting. The tree-lined axial driveway adjacent to the lodge, running between it and Harrock House, emphasises its role as a lodge house and, along with its roadside position, is also an important element of its setting.
39. The appeal site forms part of the building's wider rural setting, emphasising its role as the former lodge to a grand country house. There is some limited intervisibility between the heritage asset and the appeal site, with the site providing some visual appreciation of the building's rural setting in views experienced from the first-floor windows of the property looking east over the site. However, beyond this, the appeal site makes a limited contribution to the significance of this heritage asset.
40. That said, the proposal would introduce a housing development within the undeveloped rural setting of the listed building. This would, to a limited degree, diminish the positive contribution the site makes to the setting of the heritage asset. However, the development would have little appreciable effect on the immediate setting of the listed building, from which its significance is generally most appreciated and understood. The introduction of parkland to the western half of the appeal site would also lessen any harmful visual effects, creating a green buffer between the listed building and the built form of the housing development.
41. Therefore, the proposed development would cause no more than a low level of less than substantial harm to the significance of the listed building, by way of change within its setting.

Buxted Park

42. Opposite the appeal site, to the south of the A272 public highway lies Buxted Park, a Grade II* listed registered park and garden (RPG). It is of remarkable historic interest, while also forming the setting to a number of listed buildings and historic features within its grounds. The medieval village of Buxted was originally located within the RPG, clustered around the Grade I listed 13th century church of St Margaret the Queen, and is now protected as a scheduled monument. The Grade II* listed 18th century mansion of Buxted Park is also centrally located within the RPG and is now in use as a country house hotel.
43. The RPG is an extensive area of planned 18th century parkland, featuring mid-19th century formal and woodland gardens. The planned landscape is of particular artistic and architectural interest, along with its historic interest associated with Buxted Park manor house and its various phases of development and notable residents.

44. The setting of the RPG is largely rural in character and includes the rolling wooded farmland to the north, which includes the appeal site and its surroundings. This rural setting allows an appreciation of the RPG as a planned landscape that sits apart, and away, from the modern relocated village of Buxted, the core of which lies to the east. This positively contributes to an understanding of the RPG's historical development. Owing to the size of the parkland and its topography, the RPG's setting is extensive, with long-ranging views afforded from both within the asset and towards it from the surrounding landscape, allowing an appreciation of its significance.
45. The development would introduce built form within the rural setting to the north of the RPG. This would have an impact on the significance of the RPG through the loss of some surrounding open farmland, and the rural context that the site currently provides. This is particularly pertinent in this case because the list entry specifically cites this area of land, thus acknowledging its contribution to the setting of the RPG.
46. This would undoubtedly erode the site's contribution to the rural setting of the heritage asset. As a result, this would harm the significance of the RPG. However, the development would cover only a small part of the RPG's extensive rural setting. It would be partially visible in some views from the higher ground within the RPG, looking north, but it would not overly dominate its setting, and an area of undeveloped rural landscape would still exist between the RPG and the built-up area of Buxted.
47. Nevertheless, the development would result in some harm to the significance of the RPG, due to development within its setting. I consider this to amount to a medium level of harm within the Framework's category of less than substantial harm.

Linden House, The Mill House, and The Old Mill

48. At its south-eastern corner, the site wraps around a cluster of residential properties including Linden House, The Mill House and The Old Mill. All of which are separate Grade II listed buildings.
49. Linden House is a two-storey residential property built with red brick and grey headers. It presents as an 18th century house with a polite Georgian façade but is thought to incorporate an earlier building. The building's significance is largely architectural with some historic interest gained from its origins as part of a grouping of historic rural buildings clustered around the nearby river crossing.
50. The Mill House dates back to the 17th century, with 19th century alterations to its external appearance. The building is visually robust with its stuccoed frontage, decorative scalloped pelmets to its eaves and gable bargeboards, tiled roof, and sizable central old red chimneystack all adding to its architectural interest. As a former miller's house, it has group value with The Old Mill, deriving from the historic functional relationship between the two buildings.
51. The Old Mill sits to the rear of The Mill House, well back from the public highway. It is an early 19th century watermill, likely on the site of a much earlier mill building. Now converted to a dwelling, the listed building's significance is derived from both its architectural features, illustrative of a typical 19th century watermill, and its historic interest as a former functioning mill, with surviving remnants of its mill workings.

52. There is a suggestion that this cluster of historic buildings once formed the central core of Buxted after the village was relocated from Buxted Park and prior to the modern village being established. Therefore, there is some historical significance and value to these buildings as a group.
53. The appeal site forms part of the wider rural setting of these listed buildings, allowing an appreciation and understanding of their rural origins. There is some evidence to suggest a functional relationship between the appeal site and The Old Mill. With the appeal site likely to have grown crops that would have been processed at mill. However, this would not have been the mill's sole source of raw material. Furthermore, there is very limited ability to understand or appreciate the heritage assets from within the appeal site, owing to a general lack of intervisibility due to mature and well-established boundaries between them.
54. Consequently, the appeal site makes a very limited contribution to the significance of these heritage assets. Nevertheless, the development would fundamentally change part of the open rural character of their landscape setting to that of a suburban housing development. This would result in a low level of less than substantial harm to the significance of these heritage assets, through change to the character of their setting.

The Hogge House

55. The Hogge House is a Grade II listed building located to the west of the appeal site. It comprises a late 16th century house that has been altered over time. Despite these later alterations, the building is clearly of architectural and historic interest as a post-medieval house that was latterly incorporated as part of Buxted Park. It's historic interest also derives from its association with the leading 16th century iron master and cannon maker, Ralph Hogge.
56. The setting of the listed building is largely confined to its surroundings as part of Buxted Park and its roadside location. The appeal site forms part of its wider landscape setting, mainly in terms of the approach along the A272 public highway. In such views, the appeal site is located some distance from the listed building and views between the two are largely screened by roadside vegetation and changes in topography. Therefore, the appeal site makes very little, if any, contribution to the listed building's special interest. For similar reasons, nor does it allow any particular appreciation or understanding of the significance of the listed building.
57. I appreciate that notable former residents of both Harrock House and The Hogge House have played significant roles in the historical development of the local iron industry. However, this does not establish an important historic relationship between the appeal site and The Hogge House, such that it would contribute to its significance.
58. As a consequence, the development would not be obvious from the listed building, and so it would not cause any harm to its significance. The special interest and setting of The Hogge House would therefore be preserved.

WWII Pill Boxes

59. In addition to the identified designated heritage assets, there are two WWII pillboxes set within, and on the edge of, Parsonage Wood, and located in the northeastern area of the appeal site. Both the LPA and Historic England have

identified the structures as non-designated heritage assets (NDHAs). Whilst of limited architectural merit, these buildings are of some historic interest as an illustration of WWII defensive military structures that were constructed in the early 1940s as part of the anti-invasion preparations for WWII. They also have group value along with a similar pillbox located in Buxton Park, which form a defensive line.

60. The setting of these pillboxes contributes to their significance by revealing their historic function and what strategic or other features they were intended to defend. In this case, the pillboxes formed a string of military structures that would have defended the Uck river corridor and the river crossing at Buxted Bridge. Therefore, the river corridor and the immediate rural surrounds contribute to their special interest.
61. Accordingly, the site makes a modest contribution to the setting of these NDHAs. The proposal would erode this rural setting. However, as part of the proposed landscape strategy and green infrastructure plan put forward as part of the development, the appellant proposes to introduce footpaths that would provide public access to these former military structures, allowing them to be appreciated, and linking them through a perimeter walk. This would better reveal their significance as NDHAs and allow a greater understanding and appreciation of their heritage value.
62. At the hearing the LPA confirmed that it no longer had any concerns in relation to any impacts to these NDHAs since the appellant had agreed to conditions that would secure further details and a maintenance plan for the repair and maintenance of these structures. Subject to these conditions, the LPA is satisfied that there would be no unacceptable harm to the NDHAs.
63. I have no reason to doubt this or take an alternative view. Therefore, subject to conditions, the development would not harm the special interest of the WWII pillboxes. In fact, I have found that the development would better reveal the significance of these NDHAs, resulting in a heritage benefit.

Other heritage assets

64. Reference has been made to the Grade II* listed mansion house of Buxted Park and the Grade I listed Church of St Margaret the Queen, which I have discussed above. However, the appeal site is distant from these designated heritage assets, located further south and beyond the busy A272 public highway. There is no intervisibility between them and the appeal site, and a lack of any significant relationship with the site.
65. The LPA nor Historic England found any harm to these heritage assets as a result of the proposal. Based on the evidence before me, I see no reason to take an alternative view.

Conclusion on heritage assets

66. The position of Historic England (HE) is worthy of mention, and as the Government's specialist advisor on the historic environment, its view carries weight. HE's assessment of the level of harm was greater than my findings. However, its assessment of the impacts of the proposal was early in the process and before additional information and further analysis was presented by the appellant at the

appeal stage. Despite some difference in the level of harm, I too have found that the proposal would result in less than substantial harm to the significance of various designated heritage assets.

67. Specifically, I have found that the development would cause less than substantial harm to the significance of Harrock House, Harrock House Lodge including gate pier, Buxted Park, Linden House, The Old Mill, and Mill House, because their settings would not be preserved. For the reasons given, I have found the level of harm to be within the low to medium range of less than substantial harm. Conversely, I have found no harm to Hogge House or, subject to conditions, the two WWII pillboxes.
68. The LPA have cited conflict with policies EN1 and EN27 of the WLP. These policies relate to general matters of sustainable development and design and do not specifically cite any policy requirements or specific standards in relation to heritage assets. Therefore, these policies are of no relevance to the proposal in terms of its specific effects on heritage assets or their settings. Reference has been made to Strategic Objective SP02 of the Core Strategy which, amongst other things, seeks to ensure that the intrinsic quality of the historic environment is protected. Having found harm to heritage assets, there would be a conflict with this Strategic Objective of the Core Strategy.
69. In finding less than substantial harm to the significance of designated heritage assets, the Framework requires that this harm be weighed against the public benefits of the proposal. I will return to this heritage balance later.

Other Matters

Planning obligation

70. In addition to the SANG and SAMM contributions that I have already considered, the planning obligations secures 35% of the homes as affordable and 5% would be secured as self-build. This would provide an appropriate and necessary housing mix in accordance with policy AF1 of the Wealden Affordable Housing Delivery Local Plan 2016, and it would assist the LPA to meet its obligations to provide self-build and custom housing. A contribution towards green infrastructure and youth and adult outdoor play space is to be provided in accordance with the LPA's Outdoor Playing Space Supplementary Planning Guidance. This would meet the open space and play facilities requirement generated by the quantum of development.
71. Highways improvements and a travel plan would also be secured and delivered as part of the planning obligation. This would deliver improved pedestrian facilities along the adjacent A272 public highway along with new crossing points and bus stop infrastructure. Along with the travel plan, these contributions are necessary to promote sustainable modes of transport and facilitate improved connectivity to and from the site for future occupants. A contribution towards a bus stop clearway consultation and improved bus services are also secured. This would provide improved sustainable transport options for future residents, reducing reliance on the private car.
72. The LPA's Community Infrastructure Compliance Statement sets out the justifications and policy requirements for the matters and contributions covered by the planning obligation. Based on this evidence, I consider that these obligations

would be necessary to make the development acceptable in planning terms, are directly related, and would be fairly and reasonably related in scale and kind to the development. Thus, complying with the Framework and Community Infrastructure Levy Regulations 2010.

Housing need

73. In relation to housing need, both parties agree that the LPA cannot demonstrate a five year housing land supply. The appellant considers the level of supply to be 3.27 years, while the LPA states 3.68 years. Nevertheless, it is agreed that this shortfall is substantial. I also heard that the LPA has been failing to deliver housing for a number of years and that its current emerging plan would not meet the housing requirements set by national policy. Therefore, there is no realistic prospect of the local plan-making process addressing this shortfall anytime soon.
74. Set against this background the delivery of 49 houses is a public benefit that attracts very significant weight. This benefit is amplified further with 35% of those units being secured as affordable housing. This housing delivery is particularly beneficial in light of the Government's objective to significantly boost the supply of new homes.
75. In addition, the parties have agreed to a condition to reduce the implementation period to 18 months. This would encourage the rapid development of the site, speeding up local housing delivery. The provision of 5% self-build housing would also make a positive contribution to meeting local housing need. Together, these matters attract further significant weight in favour of the proposal.

Local residents' concerns

76. In addition to the heritage impacts of the proposal, which I have addressed as a main issue, local residents have expressed concerns in relation to increased traffic congestion, adverse impacts on road and pedestrian safety, increased flood risk, and inadequate infrastructure to cope with the proposed development. They are also concerned as to the impact of the proposal on local wildlife and ecology.
77. However, there are no objections from the Local Highway Authority in relation to increased traffic flows or highway and pedestrian safety. Improvements to the footpath alongside the A272 public highway, and the provision of new crossing points, is likely to improve safety for pedestrians and make this a more attractive route for walking. In relation to flooding, there have been no objections from the Lead Local Flood Authority or the Environment Agency. Therefore, subject to conditions to secure the detailed design for the surface and foul water drainage systems, the proposal would not be at risk, or increase the risk, of flooding.
78. There is understandable concern that the increase in population as a result of the proposal would place an excessive strain on existing facilities and infrastructure, including the local water treatment works. However, there is very little evidence before me to suggest that existing local facilities and infrastructure could not cope with the population uplift that would occur as a result of the proposed development. Nor have any statutory bodies responsible for the provision and maintenance of public infrastructure, including utility providers, raised any concerns in these regards. Furthermore, the proposal would be liable for a Community Infrastructure Levy payment that the LPA can use to invest in local infrastructure. Therefore,

resisting the development on the grounds of the capacity of local infrastructure would not be justified.

79. The ecological assessments submitted with the proposal indicates that the appeal site is generally of low ecological value. This is perhaps not surprising given its current intensive agricultural use. However, that does not mean it is of no ecological value and residents informed me of various types of wildlife that they had observed at the site, including deer, owls, foraging bats, woodpecker and a variety of birds. The primary benefits of the site to wildlife relate to the existing hedgerows and trees, including the ancient woodland in the northeast corner of the site. For the most part, these natural features would be retained and enhanced as part of the proposal, in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Phase 2 Ecological Surveys. This, along with a Landscape and Ecological Management Plan for the ancient woodland, can be secured by condition.
80. There were concerns in relation to the frequency and reliability of local rail services, thus reducing sustainable travel options for future residents. However, there was no substantive evidence put forward in this regard. Increased population as a result of the homes is likely to sustain and increase demand for improved local rail and bus services.
81. Interested parties are also concerned with the loss of open countryside and the associated landscape impacts. However, beyond the impacts in relation to the setting of nearby heritage assets, there is no objection from the LPA in relation to landscape impact. Therefore, based on the evidence before me, there is no reason for me to take an alternative view.
82. The distance and orientation between the proposed houses and neighbouring dwellings, along with existing mature boundary treatments, would ensure that there was no adverse loss of living conditions, either through noise, increased light or loss of privacy.
83. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.
84. The Isfield and District Angling Club has raised concerns in relation to their members' access to Harrock House ponds, which sit to the north of the appeal site. They would also like to see the provision of parking for their members. However, these are essentially private matters between the club and the landowner, and any grant of planning permission would not override any legal rights of access if they so exist.

Other benefits

85. The proposal would generate both direct and indirect economic benefits. This would include short-term economic activity associated with the construction of the development, and longer-term economic benefits as a result of future occupants utilising local services and facilities, and contributing to the local economy. The proposal also includes green infrastructure and the introduction of open space to an area that is currently inaccessible to the public. This would include a new area of parkland on the western half of the site and biodiversity enhancements throughout.

The biodiversity net gain is estimated to be 101%, this figure has not been disputed and is far in excess of policy requirements.

86. The two WWII pillboxes would become publicly accessible and a scheme for their repair, ongoing maintenance and interpretation signage would be secured by condition. This would allow greater public appreciation and understanding of these NDHAs, resulting in a moderate heritage benefit. There would also be improvements to pedestrian facilities, including new road crossing points, improved pavements, new bus stops, and new public footpaths throughout the development. Although the need for these improvements is primarily generated by the additional housing, it would also be of benefit to other residents in the locality.
87. The dwellings will be of a high standard of design, incorporating various sustainability measure that will ensure energy efficiency and reduced carbon emissions. These measures are secured by condition and would exceed current statutory requirements/standards. This accords with the Framework's objectives of meeting the challenges faced by climate change.
88. Collectively, these benefits are of significant weight.

Heritage and Planning Balance

89. The proposal would conflict with the development plan as a whole. This is because I have found that it would result in less than substantial harm to designated heritage assets, to varying degrees, although the harm identified is medium at most. Nevertheless, I attribute considerable importance and weight to this harm.
90. In balancing this harm against the public benefits of the proposal, the totality of the benefits is more than sufficient to outweigh the identified harm to the designated heritage assets. Therefore, the heritage harm does not provide a clear reason to refuse the development under Framework paragraph 11 d)(i).
91. Consequently, having regard to the lack of a five year housing supply, there is a presumption in favour of granting planning permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
92. The harm to heritage assets is considered in the overall balance, and in light of any other harm. I have found no adverse effects on the integrity of European nature conservation sites, with specific regard to the Ashdown Forest SPA and SAC, and no further harm has been identified.
93. There is no obvious remedy to the housing shortfall as the LPA continues to fail to meet the housing needs of the district. The evidence indicates that there is a persistent shortfall in market housing and an acute need for affordable housing. The development would make a modest, and much needed, contribution to both.
94. Bringing all of these points together, I consider that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. This indicates that planning permission should be granted.

Conditions

95. I have considered the list of suggested conditions in light of the discussion at the hearing, and against the tests set out at paragraph 57 of the Framework. This requires conditions to be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise, and reasonable in all other respects.
96. Where necessary, I have amended the wording of conditions for clarity, and to ensure compliance with the tests of both precision and enforceability. I have also combined some conditions for succinctness, and in order to keep the number of conditions to a minimum.
97. It is necessary to confirm the time limit for the development (Condition 1), which, by agreement with the appellant, is reduced to 18 months in light of the pressing need to increase the supply of housing in the district. The approved plans are listed for the avoidance of doubt, and in the interest of certainty (Condition 2). An archaeological programme of works and investigations are necessary to ensure any heritage assets of archaeological interest are safeguarded and appropriately recorded (Conditions 3 and 4).
98. A Construction Management Plan and a restriction on the hours of works and deliveries is necessary to ensure a satisfactory effect on the living conditions of nearby residents (Conditions 5 and 6). For Condition 5, I have not required the number, frequency and types of vehicles used, nor the routing of vehicles during construction, because these matters are not enforceable. I have also removed reference to a Traffic Regulation Order as this relates to a separate regulatory regime.
99. In order to avoid pollution and flooding and to ensure a suitable means of foul water discharge from the development, conditions are required to seek further details for approval and the implementation of various measures in relation to these matters (Conditions 7, 8, 9, 14, 15, 24 and 29). To maintain highway safety a condition is necessary to ensure the provision of a suitable access and visibility splays (Conditions 10 and 11). A condition is also required to ensure future residents have adequate off-road vehicle and cycle parking facilities from the moment they occupy their new home (Condition 13). Construction and technical details of the on-site infrastructure is necessary to ensure that this is provided to the required standard (Condition 12).
100. Conditions are necessary to secure the details, and implementation and management, of hard and soft landscaping throughout the development (Conditions 16, 17 and 18). Submission and approval of the details/samples of materials would be necessary to ensure the external finish is acceptable (Condition 21).
101. Further conditions are necessary to promote sustainable building design and efficiency measures, and to safeguard ecology, ancient woodland, trees and hedgerows (Conditions 19, 20, 26, 27 and 28). A condition is also imposed to require some windows to be obscure glazed in order to secure the privacy of future occupants (Condition 25).
102. Finally, further details of the proposed footpaths and works to the WWII pillboxes, along with details of the construction methods and a management plan for their

upkeep is necessary (Conditions 22 and 23). This will ensure that these non-designated heritage assets are appropriately safeguarded.

103. I have not required a condition for evidence to be submitted of the installation of the surface water drainage system because Condition 7 requires it to be implemented in accordance with the approved details and so this would be unnecessary. I have also not imposed conditions requiring a survey of the surrounding highway network to assess any damage caused as a result of the implementation of the development. Nor have I imposed restrictions on the installation of lighting. Matters relating to the highway are subject to a separate regulatory regime, and the installation of flood lighting or other means of illumination is not proposed and would likely require further consent. Therefore, conditions to control these matters would be unnecessary and unreasonable.

104. All pre-commencement conditions are fundamentally necessary to be agreed prior to the commencement of development. Furthermore, in accordance with the regulations³, the appellant has agreed to the imposition of all pre-commencement conditions.

Overall Conclusion

105. Material considerations indicate a decision other than in accordance with the development plan. For the reasons given above, and subject to the conditions in the attached schedule, I conclude that the appeal should be allowed.

J M Tweddle

INSPECTOR

³ s100ZA of the Town & Country Planning Act 1990 (as amended) and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 18 months from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:
 - FL22-1973-050 Rev A, Site Location Plan
 - FL22-1973-055 Rev F, Master Plan
 - FL22-1973-056 Rev F, Proposed Site Plan – Coloured,
 - FL22-1973-060 Rev C, Building Heights
 - FL22-1973-061 Rev C, Building Mix
 - FL22-1973-062 Rev C, Refuse Strategy
 - FL22-1973-063 Rev C, Parking Strategy
 - FL22-1973-064 Rev C, Tenure Plan,
 - FA22-1973-80 Rev A, Proposed Site Sections
 - FA22-1973-81 Rev A, Street Scene AA, BB, CC
 - FA22-1973-82 Rev A, Street Scene DD, EE
 - FL22-1973-13, Plot 14-15 and 41-42 - Plans, Elevations and Section
 - FL22-1973-136, Plot 16 and 17 - Plans, Elevations and Section
 - FL22-1973-138 Rev A, Plot 18, 38 and 43 - Plans, Elevations and Section
 - FL22-1973-155, Plots 19, 47 - Plans, Elevations and Section
 - FL22-1973-165, Plot 21 - Plans, Elevations and Section
 - FL22-1973-170 Rev A, Plot 22 and 23 - Plans, Elevations and Section
 - FL22-1973-172, Plot 24 and 25 - Plans, Elevations and Section
 - FL22-1973-175, Plots 26, 27 and 28 - Plans, Elevations and Section
 - FL22-1973-180, Plot 29-30 - Plans, Elevations and Section
 - FL22-1973-185 Rev A, Plot 31-33 - Plans, Elevations and Section
 - FL22-1973-190, Plot 34-35 - Plans, Elevations and Section
 - FL22-1973-195, Plot 36-37 - Plans, Elevations and Section
 - FL22-1973-200, Single Garage - Plans and Elevations (plot 04, 10)
 - FL22-1973-201, Single Garage - Plans and Elevations (plot 12, 39, 40)
 - FL22-1973-205, Double Garage - Plans and Elevations (plot 05, 07, 09, 46, 49)
 - FL22-1973-206, Double Garage - Plans and Elevations (plot 06, 45, 48)
 - FL22-1973-207, Double Garage - Plans and Elevations (plot 08,18, 19, 38, 43, 47)
 - FL22-1973-208, Double Garage - Plans and Elevations (plot 41, 42)
 - FL22-1973-210, Double Car Port - Plans and Elevations (Plot 16- 17)
 - FL22-1973-215, Triple Car Port – Plans and Elevations (Plot 13-15)
 - FL22-1973-215, Plots 13-17 and 21-37 Cycle storage – Plans and Elevations
 - FL22-1973-217, Plots 01 - Plans, Elevations & Section
 - FL22-1973-218, Plots 02 - Plans, Elevations & Section
 - FL22-1973-220, Plots 03-04 - Plans, Elevations and Section
 - FL22-1973-220, Double Car port – Plans and Elevations (Plot 16-17)
 - FL22-1973-225, Plot 05 and 06 - Plans, Elevations and Section
 - FL22-1973-230, Plot 07, 09, 46 - Plans, Elevations and Section
 - FL22-1973-235, Plots 08, 45 and 48 - Plans, Elevations and Section
 - FL22-1973-240, Plot 10 - Plans, Elevations and Section
 - FL22-1973-245, Plot 11, 49 - Plans, Elevations and Section
 - FL22-1973-250, Plots 12 and 13 – Elevations
 - FL22-1973-251, Plots 12 and 13 – Plans and Section
 - FL22-1973-255, Plot 20-44 - Plans, Elevations and Section

FL22-1973-260, Double Garage - Plans and Elevations (plot 07, 09, 11, 14, 46, 49)
FL22-1973-265, Double Garage - Plans and Elevations (plot 08, 45, 48)
FL22-1973-270, Double Garage - Plans and Elevations (plot 10, 18, 19, 38, 43, 47)
FL22-1973-275, Plots 16-17 and 21-37 Cycle storage - Plans and Elevations
FL22-1973-280, Double Garage - Plans and Elevations (plot 01 & 15)
FL22-1973-285, Plot 39-40 - Plans, Elevations and Section
FL 22-1973-300, Substation - Plans and Elevations
7841/ASP3/LSP Rev D, Landscaping Strategy Plan
7841.PP.4.0 Rev E, Planting Plan Overview
7841.PP.4.1 Rev E, Harrock Field Planting Plan 1 of 7
7841.PP.4.2 Rev E, Harrock Field Planting Plan 2 of 7
7841.PP.4.3 Rev E, Harrock House Planting Plan 3 of 7
7841.PP.4.4 Rev E, Harrock House Planting Plan 4 of 7
7841.PP.4.5 Rev E, Harrock House Planting Plan 5 of 7
7841.PP.4.6 Rev E, Harrock House Planting Plan 6 of 7
7841.PP.4.7 Rev E, Harrock House Planting Plan 7 of 7
11723/SK002 Rev P1, Visibility Splay on Topo
11723/2100 Rev P2, Long Sections Through Vis Splay to Main Junction
11723/2101 Rev P4, Long Sections Through Vis Splay to Main Junction
11723/1100 Rev P3, Site Levels & Contours
11723/2201 Rev P4, Fire Tender Vehicle Tracking
11723/2200 Rev P6, Refuse Vehicle Tracking
11723/2100 Rev P8, Access Plan
11723/2100 Rev P14, Access Plan
11723/1600 Rev P5, Site Drainage Strategy

- 3) No development shall take place until the applicant has implemented a programme of archaeological works, to include historic building recording for the two WWII pillboxes within the site, in accordance with a written scheme of investigation which has first been submitted to, and approved in writing by, the Local Planning Authority.
- 4) The dwellings hereby approved shall not be first occupied until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition), including the historic building recording and reporting, has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition No. 3.
- 5) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details of:
 - the method of access and egress of vehicles used during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;

- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- temporary diversion or protection of public rights of way;
- arrangement of holding areas for construction vehicles;
- details of public engagement both prior to and during construction works;
- a scheme for the control of noise and dust; and,
- measures to manage flood risk, both on and off the Appeal Site, during the construction phase.

All works shall ensure compliance with guidance found in British Standard BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites.

- 6) During site preparation and the construction phases, no works or deliveries/removals shall be undertaken other than within the times Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00, and not at all on Sundays or Public/Bank Holidays.
- 7) No development shall take place until a detailed surface water drainage system shall be submitted to and subsequently approved in writing by the Local Planning Authority.

The surface water drainage system shall incorporate the following:

1. Surface water discharge rates shall not exceed 7.3 l/s for all rainfall events, including those with 1 in 100 (+ 45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The details of the outfall of the proposed attenuation basins and how they connect to the existing drainage system should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation basins should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The drainage shall be provided in accordance with the approved details before first occupation of the dwellings hereby approved.

- 8) No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to, and approved by, the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
- b. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

The drainage system shall be maintained and managed in accordance with the approved details for the lifetime of the development.

- 9) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and any other areas of hardstanding shall be passed through trapped gullies and silt traps to BS 5911:1982, and with an overall capacity compatible with the site being drained and shall be retained thereafter.
- 10) There shall be no vehicular access to the site until visibility splays of 2.4m by 120m are provided in both directions and maintained thereafter.
- 11) The dwellings hereby approved shall not be first occupied until the vehicular and pedestrian accesses serving the development have been constructed in accordance with the details shown on approved access plan 11723/2100 Rev P14.
- 12) No development shall take place until detailed plans, including levels, sections and constructional details of the proposed road, foul sewers, outfall disposal, and street lighting shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details before any of the dwellings are first occupied.
- 13) The dwellings hereby approved shall not be first occupied until the parking areas, including cycle parking/storage facilities, have been provided in accordance with the approved plans.
- 14) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 15) No development shall take place until an Emissions Mitigation Assessment and an Air Quality Assessment, along with mitigation measures, is submitted to and approved in writing by the Local Planning Authority. This shall be carried out in accordance with the guidance in the Air Quality & Emissions

Mitigation Guidance for Sussex (2021). The development shall be carried out in accordance with the approved details and the agreed mitigation measures shall be implemented before any of the dwellings are first occupied.

- 16) No development shall take place until the details of a scheme of hard landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatments, proposed finished levels and contours, hard surface finishes, including samples (or schedule if agreed), details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units). The hard landscaping shall be carried out in accordance with the approved details before the dwellings are first occupied.
- 17) All planting, seeding and/or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 18) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved. Thereafter, landscape management shall be carried out in accordance with the approved plan for the lifetime of the development.
- 19) The development shall be carried out strictly in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Phase 2 Ecological Surveys (both authored by PJC Consultancy) and the Ecological Assessment and Ecological Assessment Addendum (both authored by Ecology Solutions). The development shall be carried out in accordance with the approved details and thereafter retained.
- 20) No development shall take place until a Landscape and Ecological Management Plan (LEMP) for the ancient woodland has been submitted to, and approved in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a. description and evaluation of features to be managed;
- b. ecological trends and constraints on site that might influence management;
- c. aims and objectives of management;
- d. appropriate management options for achieving aims and objectives;

- e. prescriptions for management actions, together with a plan of management compartments;
- f. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. details of the body or organisation responsible for implementation of the plan;
- h. ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details prior to the first occupation of the development and remain in place for the lifetime of the development.

- 21) Before their first use as part of the development hereby approved, samples of the materials to be used on all external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 22) Notwithstanding the approved plans, prior to any works to provide the footpath to and around the two WWII pillboxes within the site, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority to detail the proposed footpath location and construction methods (inclusive of any changes in levels). The works shall be implemented in accordance with the approved scheme and retained for the lifetime of the development.
- 23) Notwithstanding the approved plans and submitted details, prior to the commencement of any works to or around the two WWII pillboxes (including the footpath detailed in the Landscape Strategy Plan detailed in the Green Infrastructure Scheme in the s106 agreement), details of any repair or other works to the pillboxes, a management plan for the upkeep of the structures, and a scheme of public interpretation (information boards) shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved details and retained for the lifetime of the development.
- 24) The dwellings hereby approved shall not be first occupied until a noise impact assessment considering road traffic noise from the A272 and noise from the Buxted Wastewater Treatment Works has been submitted to, and approved in writing by, the Local Planning Authority. If shown to be necessary, full details of a scheme for the insulation of the residential units against the transmission of airborne sound shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented before the first occupation of any dwelling and retained thereafter. The proposed scheme shall incorporate measures to ensure that internal ambient noise levels do not

exceed the guideline values in Table 4 of 'BS 8233:2014 Guidance on sound insulation and noise reduction for buildings' and that external noise levels in amenity areas of the development meet the design criteria for external areas (subclause 7.7.3.2 of BS 8233 refers).

- 25) All first floor windows on side elevations that directly overlook the rear garden(s) of adjoining properties shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level, and shall be retained as such thereafter.
- 26) The development shall be carried out strictly in accordance with the sustainable construction, sustainability measures and low carbon energy measures detailed within the Sustainability & Energy Statement date stamped 12 September 2023.

Before preparation of any groundworks or foundations for the dwellings hereby approved, a scheme to provide details of octave band sound levels and noise mitigation measures to limit the impact and demonstrate that all air source heat pumps (required by this condition) shall not be audible beyond the boundary of each individual premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall also include provision for post installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority. The scheme shall be provided in accordance with the approved details before first occupation of the related dwelling.

- 27) The development shall be carried out strictly in accordance with the recommendations and measures for tree protection set out within the Tree Survey Arboricultural Integration Report (Document Ref AR-4254-TSAIR230808) authored by Quaife Woodlands.
- 28) Other than in accordance with the plans and details approved by Condition No. 2, no trees and/or hedgerows on site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow:
 - i. levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow;
 - ii. No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow;
 - iii. No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow;
 - iv. No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction – Recommendations;
 - v. No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow; and,

- vi. No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.
- 29) No development shall take place until a scheme for the provision and implementation of foul drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The foul drainage works shall be implemented in accordance with the approved details before first occupation of the related dwelling. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage.

End of Schedule

APPEARANCES

For the Appellant:

Neil Cameron, King's Counsel, instructed by Mark Best of Parker Dean

Mark Best BSc(Hons), MSc, MRTPI
Director, Parker Dann

Patrick Maguire MA, MSt(Oxon), IHBC
Director, Asset Heritage Consulting Limited

Charlotte Mimms BA(Hons) MA(Hons) CMLI
Technical Director, Fabrik

For the Local Planning Authority:

Katherine Barnes, Counsel, instructed by Wealden District Council

Michael Taylor
Planning Officer, Wealden District Council

Heather Hall IHBC
Heritage Officer, Wealden District Council

Stacey Robins MRTPI
Head of Planning, Wealden District Council

Interested Parties who spoke during the Hearing:

Cllr Vivienne Blandford	On behalf of Buxted Parish Council
Mrs Lisa Chitty	Local Resident
Mr Nick Daines	On behalf of Sussex branch of the Campaign to Protect Rural England (CPRE)
Mr Richard Murray	Local Resident
Mrs Helen Percy	Local Resident
Mr Mark Percy	Local Resident
Mr Michael Wickham	On behalf of Isfield & District Angling Club

Documents submitted during the Hearing:

- HD1 Executed copy of Legal Agreement, dated 16 April 2025
- HD2 Photomontage / Photographic Views from Harrock House, produced by Mr Richard Murray
- HD3 Speaking Notes - Mr Daines
- HD4 Speaking Notes - Mr Murray

- HD5 Speaking Notes - Cllr Blandford
- HD6 Speaking Notes - Mrs Chitty
- HD7 Speaking Notes - Mr Wickham
- HD8 Speaking Notes - Mrs Percy
- HD9 LPA's Closing Submissions
- HD10 Appellant's Closing Submissions