



Appeal Decision

Site visit made on 24 June 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/U1430/W/24/3354261

Moorhurst, Main Road, Westfield TN35 4SL

- 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 Frontier Estates Ltd against the decision of Rother District Council.
 - The application Ref is RR/2021/3010/P.
 - The development proposed is the construction of a 64 bed care home (use class C2) over 2 storeys to include landscaping, access and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a 64 bed care home (use class C2) over 2 storeys to include landscaping, access, and car parking at Moorhurst, Main Road, Westfield TN35 4SL in accordance with the terms of the application, Ref RR/2021/3010/P, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is accompanied by a planning obligation to secure highway works and travel plan monitoring costs. I have had regard to the obligation in my consideration of the appeal.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - the ability of the area to meet its housing need; and,
 - the provision of primary care services to the village.

Reasons

Housing Need

4. Policy OSS1 of the Rother Local Plan Core Strategy adopted 2014 (Core Strategy) sets out the overall spatial development strategy for the district, identifying a need for at least 5,700 dwellings in the district over the period 2011 to 2028. Part C of this policy aims to facilitate the limited growth of villages that contain a range of services and which contribute to supporting vibrant, mixed rural communities. Core Strategy Policy RA1 further sets out a need for 1670 dwellings within villages over the plan period.
5. Policy WES2 of the Development and Site Allocations Local Plan adopted 2019 (DASA) allocates the appeal site for housing with care (Class C3), with the

provision of 40 units of which 40% are affordable. The Council indicates the large site requirement for Westfield is 89 dwellings, which includes the 40 allocated dwellings on the appeal site under Policy WES2.

6. Core Strategy Policy LHN1 sets out that housing developments should be of a size, type and mix which will reflect current and projected housing needs and in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings. The Council consider that the provision of smaller dwellings could allow older residents to downsize and stay within villages, however I see no reason that the appeal scheme would not enable this.
7. In their statements in support of the appeal scheme, 'housing with care' operators McCarthy and Stone and Churchill Retirement Living comment that the site would not be suitable for their product, each stating that a scheme for sheltered housing here would essentially be unviable with 40% provision of affordable housing on site. Both operators go on to note that there would be a conflict with on-site provision due to unaffordable service charges associated with care homes including staff costs, site maintenance, communal activities which in their experience Registered Providers are unwilling to take on. Although these comments are from operators within the sector and provide anecdotal evidence as to potentially why the site has not come forward as a 'housing with care' scheme, they are not conclusive evidence regarding the viability of the site as a whole for housing with care.
8. Nevertheless, the site has not come forward for development for its allocated purpose. There is evidence of active marketing in 2019-2020 which resulted in several offers, then re-marketing following an offer which was ultimately not pursued after April 2020. There is no substantive evidence before me that the Covid-19 pandemic prevented further marketing, or that re-marketing now would produce a scheme in line with the expectations of WES2. I note the comments of the Parish Council in this regard, citing examples of smaller McCarthy and Stone schemes locally, along with other examples of residential development with affordable housing in a rural setting. I have no substantive details before me of the examples quoted, and the appeal scheme must necessarily be assessed on its own merits.
9. With respect to affordable housing provision across the village, the Council acknowledges that 39 dwellings have recently been completed on another allocated site known as Westfield Down, and a further planning permission has been granted for this to become 100% affordable housing. There is no indication that the affordable housing on Westfield Down would be allocated to older people, as required by the appeal site allocation under WES2.
10. The DASA does not allocate any sites for the provision of care homes within the district. Policies CO1 and CO5 of the Core Strategy and DHG5 of the DASA facilitate provision on suitable sites through the development management process. I have not been directed to any policies within the development plan which would require the provision of affordable housing in connection with a care home scheme.
11. Set against this windfall approach to care home provision is the established need for care homes in the district. The Council's planning committee report indicated that including figures up to the end of 2023, there were planning permissions for

154 care home bed spaces within the market catchment area/local authority area and even if these permissions were all completed, there would still be a need for more care beds. This is supported by paragraph 4.52 of the DASA which states that the East Sussex Bedded Care Strategy and Integrated Estates Strategy 2018 estimates a net need of 250 beds for residential/nursing care to 2027. The appellant also refers to the Housing and Economic Development Need Assessment (updated in 2024) which identifies a need for all types of housing for older people, including an expected need for a further 961 care bed spaces by 2040. The appellant's own Planning Need Assessment is based on the local authority area and a 'market catchment area' based on completed and planned care homes, concludes that there would be a need for additional care beds within the area. I have no substantive evidence before me to the contrary.

12. Nevertheless, the proposal is not for Class C3 housing with care, and no affordable housing is proposed. It would therefore conflict with Policy WES2 of the DASA insofar as it specifically allocates the site for 40 dwellings with care (Class C3), with an affordable housing requirement of 40% and would therefore harm the ability of the area to meet its identified housing need.

Primary Care Services

13. Policy OSS3 of the Core Strategy states that in assessing the suitability of a particular location for development, when both allocating land for development and determining planning applications, sites and/or proposals should accord with the relevant policies of this Core Strategy. Part (ii) of the policy requires the location of development to be considered in the context of the capacity and access to existing infrastructure and services and of any planned or necessary improvements to them.
14. It follows that, in allocating the appeal site for the development of 40 homes for older people, the Council would necessarily have considered the allocation in the context of local services including the capacity of primary care services.
15. I have had regard to the objections of Westfield Surgery, the Parish Council and other interested parties in relation to their concerns over the capacity of Westfield Surgery in terms of staffing and logistics and the consequent effect upon the service provided to existing patients.
16. It is likely that a care home would provide more care and supervision than the 'housing with care' use allocated in the development plan. The appellant cites efficiencies in terms of GP visits due to the logistics of several patients being able to be seen in a single visit, alongside the benefits of continual care and monitoring of medical conditions.
17. Nevertheless, even with the on-site care and support services provided by a care home, there would be additional demand placed on primary care services as a result of the appeal scheme. This additional demand would have to be met by the relevant providers. However, this would also be the case should the site be developed for any other form of housing.
18. It would be a reasonable assumption that most people moving into a care home would already be registered with a GP, and it would also be reasonable to assume that not everybody moving into the care home would need or want to change their

GP. It follows therefore that it would be difficult to anticipate the exact number of new patients for Westfield Surgery directly arising from the appeal scheme.

19. In the analysis of the capacity of Westfield and Sedlescombe Surgeries provided in support of the appeal, the available statistics do not break down the patient list for the individual surgeries. Using the standard formula for GP provision per person in relation to building size, the physical buildings of the surgeries should be large enough to accommodate a population larger than they currently serve. The evidence before me indicates that both surgeries continue to have open lists.
20. The scheme is said to be decanting the 21 existing care home beds within the Whitegates care home to the appeal site, implying that there would be a net increase of 41 care beds. There is no guarantee that this would be the case, and my assessment of the proposal must necessarily assume a net increase of 64 care home beds. Nevertheless, there is little compelling evidence before me which demonstrates that the appeal scheme would in itself cause there to be unacceptable harm to the provision of primary care services to the village.
21. I therefore conclude on this issue that the proposed care home would be acceptable with regard to its effect on the provision of primary care services to the village and as such would be in line with the aims of Core Strategy OSS3(ii). Amongst other things, this policy requires proposals to be considered in the context of the capacity of, as well as access to, existing infrastructure and services.

Other Matters

22. There was formerly a care home on this site, and planning permission was granted in 2007 for a 48-bed residential care home. The appellant contends that it could be considered the 2007 scheme has been implemented following the demolition of the original care home building, however I have no substantive evidence before me concerning the implementation of the scheme. Irrespective of this, the development plan is clear that the site allocation is solely for C3 housing.
23. The layout, facilities and scale of the care home would be appropriate for its function. The drawings show that there would be level access to the site, along with a level threshold throughout the ground floor and lift access to the upper floor bedrooms. Bedrooms and communal areas would have natural lighting and there would be extensive outdoor space. Level access would also be provided to some of the outdoor areas. I have no reason to reach a different conclusion to the Council regarding standard of accommodation proposed.
24. Located centrally within the site, the 2-storey building would be set back from the site boundaries. The retention of many existing trees and the proposed landscaping would assist in screening the building from surrounding public and private vantage points and would maintain the verdant character of the area. Given the allocation of the site within the development plan, it would be a reasonable expectation that there would be an urbanising effect on the character and appearance of the area irrespective of the form of development proposed. In this context, the external appearance of the building would have a similar effect on the character and appearance of the area as a 2-storey block of flats, with articulation and visual interest provided by the use of varying roof heights, gables, timber cladding and red brick.

25. Nevertheless, the appeal site is within the High Weald National Landscape (HWNL). Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment requires relevant authorities “in exercising or performing any function in relation to or so as to affect land in an AONB... to seek to further the purpose of conserving and enhancing the natural beauty of the AONB”. Given the brownfield status of the site, along with the site’s allocation for 40 dwellings, the Council does not consider that the redevelopment of the site in principle would be detrimental to the landscape, quiet enjoyment or beauty of the HWNL. There is no substantive evidence before me which would lead me to disagree. Conditions would be necessary to control the use of materials, lighting and the provision of a long-term landscaping and management plan to maintain the site’s appearance and contribution to biodiversity. Subject to the conditions set out in the schedule, I am satisfied that the scheme would be consistent with the aims of Core Strategy Policy ENV1 and DASA Policy DEN1 regarding the HWNL, along with Framework paragraph 189.
26. I acknowledge interested parties’ concerns regarding highway safety on the A28 and the level of car parking proposed. However, I note that neither National Highways nor East Sussex County Council have raised any objection to the proposal in relation to the principle of a new vehicular access from the A28, or in relation to the effect of the proposal on the operation of the strategic road network including the A21. The car parking spaces would be in excess of the car parking provision set by the highway authority, who are satisfied that this would ensure there would not be overspill parking on the highway. I have no reason to conclude that the level of car parking would be insufficient for the proposed use.
27. The care home would be a more self-contained use than the allocated ‘housing with care’ as the care home would meet most residents’ day-to-day needs. The appellant anticipates that few care home residents would be in a position to use public transport or travel independently. Nevertheless, staff and visitors should be able to access the site without reliance on private transport, in line with the aims of the Framework. As such, there are a number of highway works which would need to take place to make the development acceptable.
28. These necessary works would include a new footway into the site alongside the vehicular access and continuing along the north-western side of the A28 adjacent to the appeal site. A dropped kerb/tactile paving near the site access which would enable a pedestrian crossing to the footway on the other side of the road would also be necessary to link the appeal site to the village. Provision would also be made for the upgrading or replacement of the northbound and southbound bus stops located to the south of the site. A financial contribution of £35,200 towards improvements to bus service 29 is also required by the Council. These provisions would be necessary to ensure that the site would be sufficiently connected to village services and other towns, particularly for access by staff or visitors.
29. Whilst I note the comments of interested parties and the Parish Council regarding the width of the footway on the east side of the A28 and the need for traffic calming measures, I have no substantive evidence before me which would lead me to contradict the Council’s view that these works would not be required to make the proposal acceptable in planning terms.

30. A planning obligation in the form of a unilateral undertaking has been provided with the appeal and I am satisfied it would secure the necessary highway mitigation described above. The obligation also secures provision for travel plan monitoring costs (pursuant to the requirement for a travel plan under condition 24) and the Council's monitoring costs. The mitigation would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, in accordance with the provisions of the Framework. Whilst I note the Council's concerns over the drafting, I am satisfied that the undertaking secures the mitigation referred to above. In respect of having a requirement to pay the Council's legal fees, I do not consider this would be reasonably necessary in respect of a unilateral undertaking which does not bind the Council itself.
31. In terms of the effect of the proposals upon the living conditions of neighbouring residents, I am satisfied that there would be sufficient separation between the proposed building and nearby houses to avoid an unacceptable degree of overlooking, loss of outlook or loss of daylight and sunlight. There would be some increase in noise and disturbance to nearby residents arising from the increased comings and goings from the site, including deliveries and general activity, along with temporary effects during construction. However, the effect of the proposed care home would in my view be no greater than what would reasonably be expected should the site be developed for its allocated purpose. Subject to conditions controlling plant noise and construction management, the proposal would be acceptable.
32. The Council are satisfied that the proposal would not cause unacceptable harm to biodiversity and would be in line with the biodiversity protection and enhancement aims of Core Strategy Policy EN5 and DASA Policy DEN4. A pre-commencement condition is recommended by the Council requiring an Ecological Design Strategy to address mitigation and compensation of loss of existing habitats and the enhancement of the site to provide measurable biodiversity gain.
33. I note that the County ecologist is broadly satisfied with the surveys undertaken in relation to the effect of the development on protected species. However, given the mobility of species and the potential for habitat change, along with the lapse of time between submission of the most recent surveys and the determination of the appeal, I agree that it would be necessary to require an updated set of surveys. These can be secured by an appropriate planning condition. Given the evidence of badgers, bats and reptiles on site, the scheme would only be acceptable subject to conditions which require the rescue and translocation of reptiles to a receptor site before the commencement of any works on site, along with details of the measures to protect badgers and a lighting scheme to ensure that bat commuting and foraging would not be adversely affected.
34. I am satisfied that in relation to its effect upon protected species and biodiversity, air quality, archaeology, flood risk and drainage that the proposal would be acceptable subject to appropriate conditions. I have taken account of comments made by interested parties in respect of these matters, however, I do not have compelling evidence before me to contradict the conclusions of the Council in this respect.

Planning Balance

35. The appeal proposal would conflict with the Council's site allocation for housing with care, including 40% affordable housing, as set out in DASA Policy WES2. The Council also identify that the scheme would not contribute towards the Community Infrastructure Levy and there would be no New Homes Bonus.
36. I have no reason to conclude that the site allocation for the appeal site would not reflect local housing need, including affordable housing, and as such the policy is consistent with the aims of the Framework in this respect. Nevertheless, a scheme has not so far come forward which reflects its allocation in the development plan. I have had regard to the evidence before me in relation to the site's marketing and the anecdotal evidence from 2 national 'housing with care' developers regarding affordable housing provision. Whilst I acknowledge this is not evidence of the site's financial viability for development in the form promoted by DASA Policy WES2, it is illustrative of the challenges of developing the site.
37. The Council acknowledges that they cannot demonstrate a 5-year supply of deliverable housing sites. The reported supply is equivalent to 2.63 years, a substantial shortfall. The most recently published Housing Delivery Test indicates the Council's performance to be at 43%. In these circumstances, paragraph 11d)ii of the Framework is applicable.
38. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
39. It has been established that there is a need for additional care-home beds within the district. Framework paragraph 63 states that in the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The groups identified include older people, with specific reference to care homes, amongst other forms of accommodation.
40. In accordance with the ratio in the housing delivery test rulebook referred to by the main parties, the scheme would provide the equivalent of 36 dwellings. This would make a meaningful contribution to the Council's housing land supply and would be in line with the Government's objective of significantly boosting the supply of housing and supporting the use of previously developed land. The proposed accommodation would respond to an established need and would expand the choice of specialist accommodation available in the area. It would provide high quality accommodation in excess of Care Quality Commission standards. It would release underoccupied properties for re-occupation and would relieve pressure on publicly funded care homes and care services. Taken together, these benefits attract significant weight in the overall planning balance.
41. There would be moderate economic benefits through the provision of up to 65 FTE jobs directly and indirectly from the proposed development through nursing, care, maintenance and administration. There would be additional temporary economic

benefits through the construction process. I attribute this moderate weight in the planning balance.

42. There would be wider public benefits from the highway improvements including works to bus stops and associated financial contribution towards the number 29 service. Given the reasonably small scale of these necessary highway works, I attach moderate weight to them as a public benefit.
43. The absence of harm to the character and appearance of the area including the HWNL, to the living conditions of nearby occupiers, biodiversity and to flood risk and drainage are neutral considerations which do not weigh for or against the proposal.
44. When assessed against the policies in the Framework as a whole, the moderate weight I have attributed to the conflict with the development plan would not significantly and demonstrably outweigh the benefits of care home accommodation for which there is a known need, in a sustainable location. The presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

45. The Council has provided some suggested conditions which I have considered in light of advice in the Framework and Planning Practice Guidance. As a consequence, I have amended or omitted some of the suggested wording.
46. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. Condition 3 restricts construction working hours and is necessary to safeguard the living conditions of nearby residents. Condition 4 requiring a Construction Management Plan is necessary to maintain highway and pedestrian safety and safeguard the living conditions of nearby residents.
47. Condition 5 requiring details of a surface water drainage system is necessary to ensure satisfactory drainage of the site, avoiding flood risk and to prevent water pollution. I have omitted the Environment Agency's suggested condition requiring details of surface water drainage since this matter is already covered by condition 5. Condition 6 would be necessary to protect groundwater from contamination. Condition 7 is necessary to ensure any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future. Conditions 8 and 25 to secure and implement a programme of archaeological works are necessary to protect any archaeological remains on site.
48. I have amended the Council's suggested wording for condition 9 regarding the Ecological Design Strategy, to remove the reference to Biodiversity Net Gain (BNG) trading rules since the planning application was submitted prior to the provisions of the Environment Act 2021 relating to BNG coming into force. The condition is necessary to ensure that there is sufficient biodiversity enhancement.
49. Condition 10 requires an air quality assessment for the construction phase with any necessary mitigation implemented prior to construction. It is necessary in the interests of the living conditions of surrounding residents. I have omitted the Council's suggested wording requiring an air quality assessment for the finished scheme as there is no substantive evidence before me that the site is within an area of poor air quality and it would not therefore be necessary.

50. As set out in my reasoning, conditions 11, 12, 13, 15 and 16 are necessary in the interests of protecting ecology and biodiversity. Condition 13 requiring the submission and approval of a lighting strategy is necessary in the interests of mitigating the effects of lighting on biodiversity, on the landscape and on the living conditions of nearby residents. Condition 14 is necessary in the interests of securing the long-term management of retained, enhanced or newly created habitats arising from the development. Conditions 4, and 6 to 12 are pre-commencement conditions which have been agreed by the appellant.
51. Conditions 17, 18 and 19 are necessary to protect the character and appearance of the area. Condition 20, 21 and 22 are necessary in the interests of highway safety. Conditions 23 and 24 are necessary in the interests of ensuring a choice of sustainable transport options. Condition 26 is necessary in the interests of protecting the living conditions of neighbouring residents.
52. I have omitted the Council's suggested condition regarding construction of the 'estate roads' since there is no indication that they would be intended to be adopted as highway. The space given over to vehicular parking on the submitted drawings is sufficient to accommodate the proposed spaces and it would not be necessary to set out dimensioned spaces by means of planning condition. I have also omitted the suggested condition regarding foul drainage since this would be covered by other legislation.

Conclusion

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

L Francis

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing numbers 4548-WRD-XX-ZZ-DR-A-0080 rev P01; 4548-VST-XX-00-DR-A-0200 rev P08; 4548-VST-XX-01-DR-A-0201 rev P08; 4548-VST-XX-RF-DR-A-0203 rev P05; 4548-VST-XX-ZZ-DR-A-0300 rev P013; 4548-VST-XX-ZZ-DR-A-0301 rev P013; 4548-VST-XX-ZZ-DR-A-0302 rev P012; 4548-VST-XX-ZZ-DR-A-0500 rev P015.
3. Demolition or construction works shall take place only between the hours of 8am to 6pm on weekdays, between 8am and 1pm on Saturdays and not at any time on Sundays, or on Bank or Public Holidays.
4. No development hereby permitted 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 as appropriate but not be restricted to the following matters:
 - a) The anticipated number, frequency and types of vehicles used during construction.
 - b) The method of access and egress and routes of vehicles during construction.
 - c) The parking of vehicles by site operatives and visitors.
 - d) The loading and unloading of plant, materials and waste to minimise noise and dust impacts.
 - e) The storage of plant and materials used in construction of the development.
 - f) The erection and maintenance of security hoarding.
 - g) The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.
 - h) The site lighting scheme and control of light spill to existing residential areas.
 - i) General noise and dust control measures.
 - j) Measures to manage flood risk, both on and off the site, during the construction phase.
 - k) Details of public engagement both prior to and during construction work.
5. Prior to the commencement of above ground works details of a surface water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall incorporate the following:
 - a) Surface water discharge rates should not exceed greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% 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.
 - b) The details of the outfall of the proposed drainage system and how it connects into the public sewer network should be provided as part of the detailed design. This should include cross sections and invert levels.

- c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) A maintenance and management plan for the entire drainage system, which ensures the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following: i) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence demonstrating that the surface water drainage system has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management plan for the entire surface water drainage system shall remain in place for the lifetime of the development.

- 6. The use of piling and penetrative methods for construction shall not be carried out other than in accordance with details to be submitted and approved by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- 7. A) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.
- B) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - iv. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - v. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 8. No development including demolition shall take place until a programme of archaeological works has been secured in accordance with a written scheme of

investigation which has been submitted to and approved in writing by the local planning authority.

9. No development hereby permitted shall take place until an Ecological Design Strategy (EDS) addressing mitigation and compensation for the loss of habitats and enhancement of the site to provide measurable biodiversity net gain, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

10. No development hereby permitted shall take place until an Air Quality Assessment for the construction phase, carried out by a competent person, has been submitted to and approved in writing by the local planning authority. This shall include an assessment of the potential for dust nuisance, using the Institute of Air Quality Management 7 (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. If mitigation measures are specified in the approved Air Quality Assessment for the construction phase of the development hereby permitted, then these shall be implemented in accordance with the approved details.
11. No development hereby permitted shall take place until an update to the Preliminary Ecological Appraisal dated February 2024 has been completed. The update shall review the ecological measures relating to reptiles and bats and, where necessary, shall be amended and updated. The review shall be informed by further ecological survey(s) commissioned to i) establish if there have been any changes in the presence and/or abundance of reptiles and bats, and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological effects not previously addressed, the approved ecological measures shall be revised. These revised measures and a timetable for their implementation shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works shall then be carried out in accordance with the measures and timetable as approved.

12. No development hereby permitted shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles, to include details of a receptor site(s) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in perpetuity.

13. No lighting shall be installed until a Lighting Design/Mitigation Strategy to limit the impact of light pollution from artificial light on the amenities of neighbouring residential properties, the High Weald National Landscape and biodiversity, has been submitted to and approved in writing by the local planning authority. The strategy shall relate to both internal and external lighting at the site and be prepared by a competent person having regard to the institute of Lighting Professionals guidance notes on The Reduction of Obtrusive Light and Bats and Artificial Lighting At Night.

It shall provide details as appropriate and shall include the following matters:

- 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.
- b) Identify the neighbouring residential properties that are likely to be impacted by artificial light from the site.
- c) Provide appropriate lighting contour plans and technical specifications etc. so that it can be clearly demonstrated that the internal and external lighting will not disturb or prevent the bats using their territory or having access to their breeding sites and resting places, or adversely impact the living conditions of the residents of the neighbouring residential properties.

The Lighting Design/Mitigation Strategy shall be implemented as approved prior to first occupation and maintained thereafter for the lifetime of the development.

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. 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; and,
- 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 shall be implemented in accordance with the approved details.

- 15. All ecological measures and/or works related to precautionary measures for badgers shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Project No: B21091), prepared by The Landscape Partnership Ltd and dated February 2024 and the Badger Survey Report (Project No: B21091), prepared by The Landscape Partnership Ltd and dated 9th December 2021.
- 16. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include: a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
- 17. The development hereby permitted shall be carried out in accordance with the tree protection measures detailed in the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement Rev B – February 2024, prepared by The Landscape Partnership Ltd.
- 18. No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:
 - a) Samples of the materials to be used in the external surfaces of the care home building.
 - b) Drawings to a scale of 1:10 fully detailing the proposed windows and doors (including their interface with the adjoining wall), roof verges, eaves and balustrades

- c) The finished ground floor level of the care home building in relation to existing and proposed site levels, the adjacent highway (Main Road) and adjacent properties, together with details of levels of all accesses to include pathways, driveways, steps and ramps.

The development shall be completed and thereafter maintained in accordance with the approved details.

19. No development above slab level shall take place until full details of the hard and soft landscaping scheme, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include:

a) Hard landscaping:

- i. Boundary treatments.
- ii. The materials proposed for hard-surfacing.
- iii. Details of all other structures proposed in the public and communal garden areas including garden outbuildings, external shelters, pergolas, refuse, cycle or other storage units and the ASHP compound.

a) Soft landscaping: -

- i. Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate (the plants should be native species and of local provenance).
- ii. The detail of all new trees, including their species, sizes, quantity, positions, the time of planting and how they will be protected and maintained until successfully established in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" (the trees should be native species and of local provenance).
- iii. Details of the measures to be employed to ensure the successful establishment of all planting, including new trees, and its maintenance into the future for a period of five years from the date of the planting being undertaken shall also be provided. Regard shall be had to the measures suggested in BS 8545:2014 "Trees: From Nursery to Independence in the Landscape – Recommendations".

All hard and soft landscaping works shall be undertaken in accordance with the approved landscaping works. Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed.

20. The development hereby permitted shall not be occupied until the new vehicular access serving the development has been constructed in accordance with approved drawing no. 4548-VST-XX-ZZ-DR-A-0500 rev P015.
21. The new vehicular access shall not be used until visibility splays measuring 2.4m x 104.4m to the north and 2.4m x 119m to the south of the access are provided and maintained thereafter.
22. The development hereby permitted shall not be occupied until the motor vehicle parking spaces have been provided in accordance with drawing no.

4548-VST-XX-ZZ-DR-A-0500 rev P015. Thereafter those spaces shall be retained for the parking of vehicles only.

23. The development hereby permitted shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority. The cycle parking area(s) shall thereafter be retained for that use for the lifetime of the development.
24. The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan, once approved, shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
25. The development hereby permitted shall not be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) have been completed and approved in writing by the local planning authority. The archaeological site investigation and post-investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 8.
26. The rating level (L_{Ar}, Tr) of sound emitted from any fixed plant and/or machinery associated with the development hereby permitted shall not exceed the plant noise rating limits of 45 dB between 07:00 and 17:00, 29 dB between 17:00 and 23:00 and 23 dB between 23:00 and 07:00 at any other sound-sensitive property as recommended in the Noise Assessment report by Hawkins Environmental (report no. H3437 – NV – v1, 11 January 2022). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 “Method for rating and assessing industrial and commercial sound” and/or its subsequent amendments. Where access to the worst affected sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the worst affected sound-sensitive property.

END OF SCHEDULE