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## Appeal Decision

Inquiry held on 17, 18, 22 & 23 July 2025

Site visits made on 16 & 18 July 2025

by **Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> August 2025

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**Appeal Ref: APP/C1435/W/24/3356658**

**Land at Bird In Eye Farm, south of Bird in Eye Hill, Framfield, Uckfield, East Sussex TN22 5HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Croudace Homes Ltd against Wealden District Council (the Local Planning Authority, or LPA).
  - The application Ref is WD/2024/1799/MAO. It was submitted to the Council on 31 July 2024.
  - The development proposed is outline planning application for up to 190 dwellings, associated works, parking, landscaping, publicly accessible open space and SANG provision, with access from the B2102.
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### Decision

1. The appeal is allowed and outline planning permission is granted for up to 190 dwellings, associated works, parking, landscaping, publicly accessible open space and SANG provision, with access from the B2102 at Land at Bird In Eye Farm, south of Bird in Eye Hill, Framfield, Uckfield, East Sussex TN22 5HA in accordance with the terms of the application, Ref WD/2024/1799/MAO, subject to the conditions in the attached schedule.

### Preliminary Matters

2. I conducted accompanied site visits on the day before the Inquiry commenced and on the Friday afternoon of the second day of the Inquiry. I also undertook my own unaccompanied visits, as agreed, during those days by driving down the local country roads highlighted by third parties (local residents) as being narrow and allegedly unsuitable for large traffic volumes and by viewing the site from the parking area of the community hospital and from the new suburban roads closest to the site (such as Wigeon Way) on the east side of Uckfield.
3. The development scheme is an outline application with all matters reserved except the access to the site. A S106 agreement (the S106) to deliver a series of planning obligations by the appellant was discussed at the Inquiry. The signed and dated (31 July 2025) version of this was provided on 1 August. I address and summarise this in more detail below.
4. In the run-up to the Inquiry, I held two case management conferences (CMCs). At the first CMC, held on 11 February 2025, I decided, with the agreement of the main parties, that the initial Inquiry commencement date scheduled for 25 March should be postponed until mid-July in order for the main parties to have hopefully agreed a safe access scheme or at least to have narrowed down the highway

safety issues, rather than trying to agree a design for such a suitable access scheme during the Inquiry itself. It was decided at the CMC that this timetable would allow for the submission of an amended highway access proposal – via new drawings to be considered by me under the Wheatcroft principle (henceforth known as the Wheatcroft application) – which could then be the subject of full statutory public consultation in advance of a second CMC.

5. To assess progress on this matter, I held a second CMC on 28 May, following the appellant's submission of the Wheatcroft application and my agreement to accept it on 9 May. The outline planning application, including the Wheatcroft amended highway access scheme, was the subject of full public consultation by the Council between 12-26 May. It had previously been agreed that highway safety issues were, as a result of the Wheatcroft application and as set out in the Highways Statement of Common Ground dated 21 May, no longer an issue of contention between the main parties, including East Sussex County Council in its role as Local Highway Authority (LHA).
6. At that second CMC, the July sitting days were agreed for the Inquiry timetable. It was also agreed, despite highway safety not henceforth being a contested issue between the main parties, that third parties including local resident Ms Kassie Smith who attended both CMCs, still had concerns regarding highway safety and other highways/transport issues and that it would therefore remain a main issue to be discussed via a Round Table Discussion (RTD) session at the Inquiry. This RTD took place on the afternoon of Day 1 of the Inquiry.

## Main Issues

7. Accordingly, the sole main issue between the Council and the appellant is whether the proposed development would cause 'less than substantial harm' in terms of the parlance of paragraph 215 of the National Planning Policy Framework (NPPF) to the significance of the Grade II listed Bird In Eye Oasthouse situated within the farmyard complex, and if so, whether any public benefits would outweigh any such harm – the heritage issue. The heritage evidence was also dealt with by a RTD (on Day 2 of the Inquiry).
8. However, as explained above, highways/transport remains an outstanding main issue in this appeal, despite there being no such contested issue between the LPA/LHA and the appellant.
9. Third parties also raise a number of other objections to the proposed development. But I consider these do not comprise main issues in this appeal, and I address them in **Other Matters** below.

## Reasons

### The Heritage Issue

10. To start, it is apposite to quote the most relevant part of the previous appeal decision for the 290-dwellings development dismissed in 2023<sup>1</sup>, as the Council does in its Opening Submissions:

*'57. The setting to the oasthouse contributes to its significance insofar as its historic use for drying hops and functional relationship with the surrounding fields*

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<sup>1</sup> APP/C1435/W/22/3307820 – CD14.3

*which grew the hops can still be appreciated today. These fields remain open, undeveloped, and in use as pasture. Consequently, they enable the oasthouse to be appreciated in broadly its historic rural scene. These fields also provide for a qualitative understanding of the significance of the oasthouse derived from its setting as they provide a degree of quiet and tranquillity which you would reasonably associate with such a rural, historic scene. Furthermore, the lack of development in these fields along with its elevated position above the town gives it a local landmark quality.'*

That is because, as the Council states in paragraph 9 of its Opening: 'A key issue in this appeal is whether the lesser number of dwellings and the consequent areas of the site which require development would now tip the heritage balance in the Appellant's favour.'

11. The Appellant, through its heritage witness, does not challenge the previous Inspector's above conclusion but argues that the scaling back of the proposed development on the western part of the site now means that the oasthouse's setting and thus its significance would no longer be harmed.
12. It is unclear exactly how many of the farm's fields and for how long were used for growing the hops that were dried and packaged in the oasthouse and the storage sheds that were extended onto it. Judging by the floorspace in these storage extensions (or stowage space as it was historically known in hop production and processing), including those added in the early twentieth century, it would appear that much of the farmland was probably used for growing hops for many years or even that hops were brought to the kiln from other neighbouring farms.
13. Consequently, I agree that the fields belonging to the farm, or at least those classified as hops or arable on the tithe map, comprise the setting of the oasthouse. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
14. However, in following the stepped approach set out in Historic England's GPA3<sup>2</sup>, it is important to put the oasthouse's setting in the context of its overall significance as a Grade II listed building.
15. The listing description is as follows:

*'FRAMFIELD BIRD IN EYE HILL 1. 5208 Uckfield Oasthouse to the north-west of Bird in Eye Farmhouse TQ 4820 43/860 II 2. C19. Square stone building with slate roof and retaining its cowl. Inside, a flue (still intact) winds round the walls of the kiln. Fresh air entering at intakes near the floor was heated indirectly from the hot flue wall before rising through the hop-drying floor. Said to be the only fresh air oast surviving in Sussex. Listed for technical rarity.'*
16. I acknowledge Ms Tucker's comments that many listing descriptions of the time (1982 in this case) were very (and perhaps too) brief in East Sussex, but it is undoubtedly the case, as per the listing description and as acknowledged by the previous Inspector (her paragraph 56), that it was listed as a rare example of a kiln with a preserved internal flue. It is acknowledged by the Council that this is a rare

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<sup>2</sup> The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), December 2017 – CD7.5

- in fact the only known preserved – example of the work of John Read in Sussex to improve the drying process for hops by constructing flues from the kiln to carry the hot air in a more controlled and consistent way to more effectively and efficiently dry the hops including by warming the incoming fresh air. This process was clearly very successful in this oast, given the large amount of stowage space attached to it.
17. That does not mean that the oasthouse's setting does not contribute to its significance, which I, the previous Inspector and the main parties all acknowledge, for the reasons set out above. But its setting is only one aspect or reason for its listing and, I would suggest, not the principal reason, which is the rarity of its preserved Read internal flue system. Hence, my assessment below of the proposed development on the setting of the oast must be seen in this overall context of the building's significance as a designated heritage asset, as Step 2 of GPA3's stepped approach mandates.
  18. Step 2 should also take into account the historical changes to Bird in Eye Farm and the land that surrounds it. When the oast was first erected in the 1820s the farm was in open countryside a long way from Uckfield. Indeed, apart from the houses on Bird in Eye Hill built later in the nineteenth century, it remained in open countryside until at least the 1960s. But the erection of the modern agricultural sheds for the dairy farm in the 1950s, the conversion of the old agricultural buildings to office/business space and the improved access in the 1980s have all changed the oast's immediate setting, not just visually but in terms of tranquillity including through more HGV traffic to the farm.
  19. The eastern expansion of Uckfield town from the 1970s/80s including the community hospital and particularly with the recent new suburban residential development nearest to the Framfield Stream and the western edge of the site has lent the farm, including the oast, an urban backdrop that significantly affects its setting because it is clearly visible from the oast, as the oast is visible from it. The site itself remains farmland – but it sits on the urban fringe and the farm itself consists of a small commercial/ industrial estate, albeit with still a farmhouse.
  20. Step 3 of this approach is to assess the effects of the proposed development on the oast's significance, bearing in mind that the building itself and its kiln and flue system will be preserved exactly as they are now. Only its setting is affected by the development. The key question is, as the Council acknowledges, whether the current scaled-back development scheme tips the heritage balance in the appellant's favour.
  21. The previous Inspector determined that any remaining ability to appreciate the significance of the oast in its historic rural setting would be largely lost because of the level or amount of development including the western access road and because it would visually compete with and distract from its local landmark quality. She also considered that the relatively quiet and tranquil setting of the oast would also be significantly diminished by 290 dwellings.
  22. That was entirely understandable. As she said (in her paragraph 59), the size of any open land to the west of the oast would have been modest in size in that scheme, flanked by new residential development and would not provide any meaningful historic views of the oast. But that is not the case with the current scheme.

23. Most of the previous development to the west of a line extended approximately north-south along the farmyard's western boundary has now been deleted from the Illustrative Site Layout plan. The only part of the development still remaining to the west of this line are the 10 proposed dwellings at the northwest of the site adjoining the rear gardens of the houses on Bird in Eye Hill, and the approximately 26 dwellings at the southwest of the site between this line and the line of the electricity poles/cables and its easement, which bisect the field. The proposal is now for up to 190 dwellings whereas the previous scheme was for 290: 100 dwellings have been excised so that an approximately 3.5 hectare (ha) area of public open space (POS) would now be retained here.
24. The farmyard, including the oast, sits on the plateau of the surrounding fields that slope to the south and west; indeed, the steepest part of this slope is immediately to the west of the oast towards the western boundary of the site as it drops towards the Framfield Stream. The 3.5ha retained POS area encompasses this area and the peripheral views to the northwest and southwest when looking from the western wall of the oast at ground level. It may just be possible to perceive the periphery of the proposed dwellings to the northwest and southwest from here, but they would not be prominent.
25. The Council argues that the evergreen tree screen on the western side of the manège should not be assumed to be there forever and therefore cannot be relied on to screen the 10 houses in the northwest corner of the site from the oast. However, I cannot see why it would be in the appellant's or the farm owners' interests to remove it or not replace it if such replacement was ever required and so consider it is likely to remain in situ for the foreseeable future. The south westerly dwellings probably would be seen from the oast's external timber staircase, but again, they would be recessive because of the downward slope of the land in that direction, and this view is a transient one seen only when entering or leaving the first floor of the oast itself. The nearest dwelling would in any case be 110m away, as illustrated.
26. The view from the west of the Framfield Stream, particularly from the community hospital and its car park, the allotments and from Wigeon Way are important views. They provide bucolic and tranquil views of the whole of the oast including its distinctive white painted timber cowl as part of a farmyard scene set atop sloping grassed fields, which appear to be used simply for the grazing of horses (and presumably cut for hay).
27. The Council maintains this view would be urbanised by peripheral views of the housing development, the construction of a flat 3m wide lit footpath/cycleway which would have to be cut into the slope of the fields, and by the necessary provision of swales and other features that would urbanise and detract from the current bucolic unspoilt view.
28. Landscaping is a reserved matter, but the appellant has shown on the Landscape Strategy and SANG Design Plan how they intend to landscape this 3.5ha POS area with open grassland, individual and groups of trees including orchard trees, wildflower meadows and SUDS swales. Such a landscaping scheme would alter the oast's landscape setting from one of agricultural fields to one of a more managed landscaped nature rather than a field of pasture, but in my opinion would not detract from it, including from these important views of it from the west. The swales would be shallow vegetated depressions unnoticeable from the oast itself

and unremarkable from western views. The land would remain open and rural in appearance. Anyway, the Council would still retain control over any landscaping scheme at reserved matters stage.

29. Whilst I appreciate that the 3m cycle/footway across this area would be level and be lit, it would essentially follow the contours of the slope and would be considerably below the level of the oast, from which it would not even be seen. Its lighting could be low level bollard lighting and have no effect on the oast at night, which would remain in the dark.
30. The row of 10 dwellings at the northwest of the site would clearly be visible from the above western viewpoints but the nearest dwelling shown on the illustrative layout plan would be 130m away from the oast and seen in conjunction with the existing houses on Bird in Eye Hill. Their design, as shown on the Illustrative Street Scene, could and should reflect the sensitivity and topography of their location. Importantly, the view of the oast from the northwestern corner of the site – for instance at the point where the cycleway/footpath from Bird in Eye Hill would split to go east to the northwest dwellings and south to the remainder of the dwellings, described by Dr Miele as a “*big, beautiful view*” – would be retained as such. The fact that the 10 northwestern dwellings would be seen dropping down the slope of the land to the left of this view would not, in my opinion, diminish this retained view of the oast.
31. The nearest dwellings to the oast on the south-westerly part of the site would not be prominent from such westerly viewpoints due to the slope of the land. They would be recessive, albeit anyone looking from those views would be aware of suburban housing development receding to the east.
32. In summary, the views from the west would change but they would still be views across open land, which would preserve the oast in broadly its historic rural scene and its local landmark quality. Change would not equate to harm in this regard.
33. The Council and third parties consider that the new access proposals onto the B2102 – the twin mini-roundabout junctions and connecting roadworks – would introduce an urban engineering solution that would detract from and delete the current view of the oast’s cowl from the site entrance.
34. The roundabouts would be at a lower level than the farmyard buildings including the oast and would be masked in views to and from the oast by intervening modern commercial buildings in the farmyard. Although the cowl of the oast can be seen from the current junction with the B2102, the oast is not prominent from there. The most prominent viewpoints of it are clearly from the west and these views will be maintained as open views that retain its bucolic open aspect.
35. A discussion was had during the RTD regarding Step 4 of GPA3, in terms of whether the 10 houses to the northwest of the site and approximately 26 houses in the southwest corner should be deleted from the illustrative layout. This became known as the ‘Redman Plan’, after the Council’s planning witness, since this was what the Council suggested would be sufficient to remove its heritage objections to the scheme, although the Appellant did not consider this to be necessary.
36. However, I adjudge that the most important part of the oast’s setting – the views to it from the west and from it westerly – would be largely preserved, albeit the 10 dwellings to the northwest would be noticeable and the 26 most south-westerly

dwellings would be at least perceived to be there. The landscaped setting would be altered from one of pure agricultural fields to a more managed landscape including by facilitating the cycling/pedestrian lit path from the southerly bulk of the development to the main road in the northwest corner of the site. But such an alteration would preserve its open rural appearance and importantly preserve the oast's local landmark presence atop these westerly sloping fields.

37. The oast's setting would still contribute to its significance and the proposed development would still allow this to be appreciated, fulfilling the twin roles of setting as identified by the Council in this case. It is not therefore necessary to excise a further approximately 36 dwellings from the scheme via the Redman Plan to make it acceptable.
38. In summary, there would undoubtedly be a change to the oast's setting, but for the above reasons such a change would not be harmful to it. Consequently, the listed building's significance would not be harmed and would indeed be preserved. It would be adequately conserved, as required by NPPF paragraph 212. Hence the proposed development would comply with Policy SP02 of the Wealden District Core Strategy (CS, adopted in February 2013) as well as with the relevant parts of the NPPF, which protect the historic environment. The other Policies mentioned by the Council are not policies that specifically apply to listed buildings or the historic environment.
39. There is therefore no requirement for me to conduct a heritage balance under NPPF paragraph 215. However, even if I had concluded that the change to the oast's setting would result in some less than substantial harm to its significance, this level of harm would have been at the lowest level of such harm for the above reasons. Furthermore, any such harm would be clearly outweighed by the proposal's public benefits.
40. First, because the scheme itself would deliver heritage benefits to the oast by removing the car parking from the western side of it and by undergrounding the power lines traversing the fields to the southwest, there would be enhanced access to views of it from the POS and interpretation boards would be installed at key points on the footway/cycleway to inform people of its history and significance.
41. Secondly, and more importantly, 190 dwellings would be provided in a District which only has a 3.68 year housing land supply (HLS) – a shortfall of 2,270 dwellings – and has not been able to demonstrate a 5-year HLS for nine years. 35% (67) of these dwellings would be affordable in a District which has a shortfall of 2,947 such units; this is a deep and longstanding issue, as acknowledged by the Council. 5% of the dwellings would be custom/self-build serviced plots, which the Council has a requirement for. Substantial weight should be given to these combined housing provision benefits, even if all the dwellings cannot be delivered in 5 years, not least because this part of the District is relatively unconstrained by the planning constraints that apply to the majority of it and there is relatively little previously developed land within it, leading to the acknowledged inevitability of greenfield land having to contribute to meeting its housing needs.
42. There is no doubt that these combined public benefits would clearly outweigh any such lowest level of less than substantial harm.

## The Highway Safety and Transport Issues

43. Third parties, Kassie Smith in particular, raise a number of specific objections to the access proposals. First, that the route for cyclists would be convoluted, unsafe and unacceptable, in part because it does not comply with the required Dft Guidance<sup>3</sup>. I don't accept that. The Guidance makes clear that LHAs are responsible for setting design standards for their roads and East Sussex County Council as the LHA here has approved the design of the proposed access, taking into account the standards in the Guidance, as has the Appellant as confirmed by Mr Stevens at the RTD. It may be that not all the specific standards in the Guidance are complied with to the letter, but that does not mean that the access is unacceptable for cyclists. The LHA has mandated what it requires, including in terms of the new access proposals being capable of adoption by it, and the Appellant has complied with such requirements.
44. There may well be a need for cyclists to demount when negotiating the cycle crossings between the first and second roundabouts and immediately to the west of the second smaller roundabout, as well as at the chicane barriers on the northern cycle path link. But this is not uncommon on cycle routes and is no more convoluted than many other such routes in and on the edge of towns.
45. In any case, a cyclist could simply stay on the carriageway to negotiate both roundabouts. Ms Smith's claim that some of the HGVs, such as articulated and refuse vehicles will cross lanes at the southern roundabout making it dangerous for cyclists to negotiate it on the carriageway is far-fetched, in my opinion. The volumes of HGV including refuse vehicle traffic to the site, including to the industrial/ employment premises in the farmyard and the 10 dwellings on the northwest of the site, would be low such that it would not in real life comprise a safety issue. Inter-visibility at the junctions in question would be good. Realistically, any cyclist, if they were faced with such potential HGV movements on the southern roundabout, could simply use the cycle lanes or would simply wait for the HGV to proceed and clear the roundabout.
46. These highway safety objections essentially amount to no more than a (slim) risk of conflict between cyclists and HGVs, and potentially between vehicles including HGVs, which in reality are very unlikely to occur and, if they do occur, will not result in any danger. They are, frankly, given the successful amount of time and effort spent by the LHA and the Appellant in designing the Wheatcroft application access proposals, of an overly forensic, technical and insubstantial nature.
47. Secondly, Ms Smith challenges the previous Inspector's conclusion that the site would be in a sustainable location because of the revised NPPF's prioritising in its paragraphs 115 and 117 of sustainable modes of transport, in view of the fact that regular flooding of Framfield Road would essentially prevent cyclists and pedestrians from the proposed development accessing Uckfield's facilities.
48. NPPF paragraph 115 a) states that sustainable transport modes should be prioritised in applications for development; paragraph 117 a) requires first priority in such applications to be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas and second priority to high quality public transport.

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<sup>3</sup> Local Transport Note 1/20: Cycle Infrastructure Design, Department for Transport, July 2020 – CD9.8

49. The proposal undoubtedly does this. There would be a dedicated lit footway/cycleway linking the northwestern corner of the site at Bird in Eye Hill to all the proposed dwellings. The main link would cross the POS and provide as flat a route as possible to the main body of the housing on the southern and eastern part of the site. Although there will inevitably be some steeper parts of this route given the slope of the land, it would not be steep since it would predominantly follow the contours of the slope and there would be a resting point along it.
50. Ms Smith claims that it will not be overlooked and would therefore lack appropriate surveillance thereby discouraging residents from using it. I disagree. It would be overlooked by the houses at its eastern end and by the northwestern houses at its northern end, and by views from the west side of Framfield Stream. It would be lit by low level bollard lighting. It is relatively short in length. I am confident that this and the northern cycle/pedestrian route would both be used regularly, including during hours of darkness, by residents walking and cycling.
51. This route would provide the quickest and safest pedestrian route to the bus stops on Bird in Eye Hill, which the Appellant will pay to upgrade with Real Time Information, which takes passengers to Uckfield town centre's facilities very quickly from here.
52. I understand from Cllr Bennett's letter (ID20) that in the last five years, the number of Flood Alerts issued by the Environment Agency for the Framfield Stream has been 89, with very nearly a quarter of these (22) being in the last 12 months. I am aware that Uckfield has experienced serious flood events in recent years. However, I am unclear how many times in that period Framfield Road has flooded in the manner shown on the photographs submitted by him and Ms Smith, such that it is impassable for pedestrians and cyclists. No one has argued that this main road into Uckfield floods so regularly that pedestrians and cyclists would generally have to find another route into the town. Consequently, I conclude that, on most days of the year, the pedestrian/cycleway links to Bird in Eye Hill and into the town via Framfield Road, would be quite useable.
53. For these reasons I conclude that, given its location on the edge of Uckfield and all its facilities, the site lies in a location that would be conveniently accessible by walking, cycling and by bus, and that these sustainable modes of transport would be likely to be used regularly by residents living in the development. I consider that the Appellant has done everything it reasonably can to ensure this is the case, including via the agreed conditions and the planning obligations that would be delivered by the S106, the details of which I set out below.
54. The LHA and LPA were right to agree the new access proposals in the Wheatcroft application, including the controls imposed by conditions and the S106 obligations. They comply with all the relevant highway/transport policies in the development plan, in particular CS Policy SPO12 and 'saved' Policy TR3 of the 1998 Local Plan, as well as with NPPF paragraphs 115-117. None of the third-party objections on highway/transport issues amount to viable reasons for dismissing the appeal.

### **Other Matters**

55. Flooding issues are raised again, including by Ms Smith, who argued that residents in the affordable housing without a car could be prevented by flooding on Framfield Road from accessing any facilities. But they would not be literally trapped or endangered by such off-site flooding. The only part of the site within

Flood Zones 2 & 3 is the run-off pipe to the Framfield Stream from one of the swales; the rest of the site is all in FZ1. Hence there is no need for a sequential test to be carried out. Such residents may have to ask their neighbours to pick up some food or medicine for them in the event of such a flood, something that neighbours regularly do for each other. There would be no danger to residents arising from such flood risk off-site.

56. Objection is raised to the impact of the new access arrangements including streetlighting on the rural character of the area. Such an access to new housing developments is commonly acceptable and there are many other examples of such on the edge of Uckfield. Any retaining walls have been kept to a minimum and no significant trees are affected.
57. Third parties argue that the ancient woodland would be adversely affected by residents and their pets gaining unauthorised access to it. But this scheme removes access to the ancient woodland by fences and imposes a 15m and 50m buffer strip to it. Although there would be swales within the latter zone, stout fencing could be employed to the former to ensure that no works came within the former 15m zone. The current path through Bird in Eye Shaw to the south of the site would be permanently sealed up. There would be hydrobrakes to control run-off from the swales being no more than existing greenfield run-off rates. I am content that the Appellant would take all reasonable steps to protect the ancient woodland from harm, notwithstanding that it cannot guarantee it from trespass.
58. Ms Smith considers that the Appellant's proposal to remove the parking area to the west of the oasthouse and replace it elsewhere on the farmyard complex risks further adversely affecting the setting of the listed building. However, given the Appellant's proposed plan in Appendix MS5 of Mr Steven's Proof, I consider this to be unlikely. In terms of the delivery of an alternative parking plan for the displaced parking spaces, I am confident that Condition 23 below can satisfactorily achieve that, because it prevents development above ground level until such a scheme has been agreed and commits to its implementation and the amendment of the 1986 planning permission.
59. Mr Daines from Sussex CPRE maintains that the Council's, and Natural England's (NE) acceptance that the provision of the SANG on the eastern part of the site and the SAMM contribution of £1,170 per dwelling to be paid to the Council prior to commencement of development is insufficient. That is because, he says, there is no proof that either of these measures are effective at preventing any harmful impacts to the Ashdown Forest Special Protection Area (SPA). He argues that for me to accept this would contravene the Habitats Regulations.
60. The provision of SANGs and SAMMs as a means to mitigate potential adverse effects on habitats sites including SPAs are well established nationally as an effective means of mitigation in relation to recreational disturbance by people and their pets. I have no reason to conclude that they would be ineffective here. For the avoidance of doubt, this constitutes my appropriate assessment under the Habitats Regs. Mr Daines' allegation that NE is failing to correctly discharge its statutory duty is mere conjecture. When I asked him why the CPRE, which is not shy of a legal challenge, had not brought a challenge based on this argument through the courts, he answered that such a challenge would be risky and costly.

## Conditions

61. The conditions in the Schedule below are agreed between the main parties. I agree that they all meet the tests for conditions in the NPPF and Planning Practice Guidance and that they are necessary for the individual reasons appended to each condition in the Schedule.

## The S106

62. I have mentioned some of the S106's obligations already and these are summarised in detail in the Summary itself (ID21). In brief they are as follows:

- Affordable Housing: 35% of the dwellings, including in each phase with suitable timing & delivery clauses; agreed mix of 40% Affordable Rented, 40% Social Rented & 20% Shared Ownership, subject to a cascade mechanism.
- Ancient Woodland: Carry out improvements subject to the agreement of a specification and management plan; transfer to a Management Company to ensure its long term management/maintenance, to be funded through an upfront payment by the Appellant and through service charges from each private dwelling; a confirmatory deed to be entered into prior to commencement of development to ensure it is bound by these provisions, given it is currently outside the S106 signatories' control.
- SANG: To be provided through an agreed spec and maintained through an upfront payment by the Appellant and relevant service charges from the private dwellings through a Management Co and be transferred to the Council upon completion.
- Financial Contributions: SAMMS of £1,170 per dwelling; Bus Link £1,430 per dwelling; Signal Optimisation System (MOVA or similar) £170,000 to be paid prior to commencement; formula-based youth and adult play space if the play spaces are not provided on site; Traffic Regulation Order fee of £6,000.
- Green Infrastructure: On-site play spaces and passive green infrastructure subject to an agreed spec & timetable, to be transferred to Management Co and maintained through service charges.
- Highways & Transport: To enter into a s278 agreement for the highway works prior to commencement and not to occupy the development until they are completed. Off-site works include shared footway/cycleway and crossings on Bird in Eye Hill, street lighting scheme, improvements to 2 bus stops adjacent to the hospital junction on Framfield Road to include shelters, seating, real time information boards & bus cage markings, footway crossing enhancements at 4 junctions on Framfield Road. On-site works include roundabouts lighting scheme, shared footway/cycleway, dedication of land as adoptable highway. Provision of Travel Plan including bond & auditing fee, on-site mobility hub and electric car club scheme.
- Self/Custom Build Units: 5% of the total number of dwellings, to be laid out and serviced prior to occupation of 50% of the market dwellings; scheme and marketing strategy for such to be approved by Council prior to commencement.

- Management Company: Provisions allowing Council to approve its structure & set-up and requires it to ensure that recovery of service charges from the dwellings is in place via suitable arrangements.

I agree that all these obligations are necessary to mitigate the impacts of the proposed development. They are all necessary to meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended), which states that a planning obligation may only constitute a reason for granting planning permission where it meets all of the following tests:

- a) It is necessary to make the development acceptable in planning terms:
- b) It is directly related to the development; and
- c) It is fairly and reasonably related in scale and kind to the development.

### **Conclusion**

63. For the reasons given above the appeal should be allowed.

*Nick Fagan*

INSPECTOR

### **Schedule of Conditions**

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan No. PRB/BIE/201C  
Proposed Access Arrangement No. 23138/001 Rev J  
Shared Footway/Cycleway Plan No. 23138/004 Rev F  
Overall Access Strategy Plan 2318/006 Rev H

REASON: For the avoidance of doubt and to clarify the extent of the site and the access proposals.

5. The development hereby permitted shall be carried out in general accordance with the Illustrative Parameter/ Land Use Plan No. 292403-TOT-SK-103.

REASON: To ensure the development follows the agreed land use principles and overall layout established at outline stage.

6. Prior to the commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the phasing of all elements of the development, including the delivery of associated infrastructure. The development shall thereafter be carried out in accordance with the approved Phasing Plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to regulate and control the orderly delivery of the development, in accordance with Policy CS1 of the Wealden

Local Plan 1998 and Spatial Planning Objective SPO15 and Policy WCS7 of the Wealden Core Strategy Local Plan 2013.

7. No development shall take place until a scheme for the archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the investigation and provision for the recording and reporting of findings. The archaeological works shall thereafter be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appropriate recording of any archaeological or historical remains that may be present on the site, in accordance with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

8. No phase of the development hereby permitted shall be occupied until the archaeological site investigation and post-investigation assessment for that phase, including provision for analysis, publication and dissemination of results, and archive deposition, has been completed in accordance with the programme set out in the scheme approved under Condition 7.

REASON: To ensure the proper recording, analysis, and dissemination of any items of archaeological or historical interest, in accordance with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

9. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
  - i) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011, Investigation of Potentially Contaminated Sites - Code of Practice, or where superseded the most up to date standards/guidance.
  - ii) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011, Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
  - iii) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  - iv) If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN1 of the Wealden Local Plan 1998 and Policy WCS14 to the Wealden Core Strategy Local Plan 2013.

10. For each phase of development, no enabling works (including vegetation clearance, demolition or below-ground works) shall take place until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:

- a) An indicative programme for carrying out the works;
- b) Measures for the protection of protected and notable species, retained habitat features and surface water bodies on or adjacent to the site;
- c) A scheme for the control of noise and dust, in accordance with British Standard BS5228-1:2009+A1:2014 (Code of practice for noise and vibration control on construction and open sites);
- d) Management of construction traffic, including the anticipated number, frequency and types of vehicles; delivery and collection times (which shall avoid peak traffic flow periods between 08:00–09:00 and 16:30–18:00); and measures to ensure highway safety;
- e) Details of construction access, including any temporary access points, on-site turning, vehicle egress, routeing and provision of temporary parking or holding areas;
- f) Parking arrangements for site operatives and visitors;
- g) Loading, unloading and storage arrangements for plant, materials and waste;
- h) Provision and use of wheel washing facilities, and any other works required to mitigate construction impacts on the public highway (including the potential use of temporary Traffic Regulation Orders);
- i) Measures to prevent pollution of groundwater and surface water;
- j) Details of temporary flood risk management measures for both on-site and off-site areas during construction;
- k) The location and design of site security hoardings, offices and storage compounds;
- l) Arrangements for public consultation and liaison throughout the construction period.

The development shall be carried out in full accordance with the approved CMP for that phase.

REASON: In the interests of highway safety, residential amenity and environmental protection, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

11. During the construction phase, no works shall take place outside the hours of 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays. No construction works shall take place on Sundays or Public/Bank Holidays.

REASON: To protect the residential amenity of neighbouring occupiers, in accordance with Policy EN27 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

12. For each phase of development, no part of the development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and supporting hydraulic calculations based on an agreed drainage strategy shall be submitted. The strategy shall demonstrate that surface water run-off from the development will be limited to greenfield run-off rates (where not discharged to ground) and that attenuation storage will be provided to manage rainfall events up to and including those with a 1% (1 in 100) annual exceedance probability (AEP), plus an appropriate allowance for climate change, without resulting in flooding on-site or downstream.
- b) Full details of the outfall arrangements from the proposed attenuation basin(s), including how they connect into the receiving watercourse or other outfall, shall be provided. This shall include cross-sections and invert levels, with specific reference to the landownership boundary.
- c) The detailed design of any shallow soakage or attenuation systems shall be informed by groundwater monitoring undertaken between autumn and spring, along with infiltration testing at the proposed soakaway design depth and location. The design shall ensure a minimum 1 metre unsaturated zone between the base of the soakaways and the highest recorded groundwater level. For tanked attenuation systems, details shall be provided to demonstrate how high groundwater levels will be managed to protect both the hydraulic capacity and structural integrity of the system.
- d) The design shall include details of how surface water flows that exceed the capacity of the drainage system will be managed on-site to ensure they are conveyed safely without increasing flood risk.

The surface water drainage system shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings within the relevant phase. Prior to occupation of each phase, evidence shall be submitted to the Local Planning Authority (including as-built drawings and photographs) to demonstrate that the key Sustainable Drainage System (SuDS) components, such as attenuation storage, flow control structures and outfall arrangements, have been constructed in accordance with the approved detailed drainage designs.

REASON: To ensure a satisfactory standard of development and to avoid an increase in flood risk, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

13. A maintenance and management plan for the entire surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works on site. The plan shall ensure that the design of the drainage system accounts for the standards and requirements of the body or bodies responsible for its long-term maintenance. The submitted plan shall include:

- a) Clear identification of the party or parties responsible for managing all aspects of the shared surface water drainage system; and
- b) Evidence demonstrating how these maintenance responsibilities will be secured and remain in place for the lifetime of the development.

The approved maintenance and management plan shall be implemented in full and adhered to for the duration of the development's lifetime.

REASON: To ensure the effective long-term management of the surface water drainage system, in order to secure a satisfactory standard of development and to prevent increased flood risk, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

14. No foul or contaminated drainage shall be discharged into groundwater or any surface waters, whether directly or via soakaways. Surface water drainage from all parking areas, roads and hardstanding shall incorporate appropriate pollution prevention measures and be treated in accordance with the Simple Index Approach set out in CIRIA C753, to achieve suitable water quality standards prior to discharge. These measures shall be implemented prior to first use and retained and maintained for the lifetime of the development.

REASON: To prevent pollution of the water environment and ensure appropriate treatment of surface water, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

15. For each phase of development, no part of the development shall commence 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 approved foul drainage works shall be implemented to the reasonable satisfaction of the Local Planning Authority before any of the associated buildings are first occupied. Where upgrades to the existing infrastructure are required to provide sufficient capacity for the proposed development, such works shall be completed prior to the connection and acceptance of the development's foul sewage.

REASON: To ensure the development is served by adequate foul drainage infrastructure, to protect water quality and the water environment, and to secure a satisfactory standard of development, in accordance with Policy CS2 of the Wealden Local Plan 1998, and Spatial Planning Objective SPO13 and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

16. No development shall commence until the following highway schemes have been technically accepted and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

1) Bird in Eye Hill:

- Layout of the roundabout and mini-roundabout;
- Extension of the 30mph speed limit from Framfield Road;
- Definition of the extent of the 40mph speed limit;
- Street lighting scheme;
- Uncontrolled pedestrian crossing points;
- Footway/cycleway provision on the west side of the site;
- New bus stops including shelters, seating and Real-Time Passenger Information (RTPI).

2) Framfield Road:

- Provision of dropped kerbs and tactile paving at four junctions.

3) The submitted highway details shall also incorporate the recommendations of a Stage 2 Road Safety Audit and the corresponding Designer's Response.

The approved highway schemes shall be fully implemented prior to the first occupation of the development hereby permitted.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and travelling along the highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

17. No development shall take place until a scheme to secure the extension of the 30mph speed limit and a section of 40mph speed limit along Bird in Eye Hill (B2102), to be implemented by way of a Traffic Regulation Order under the Highways Act 1980, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the proposed timing of the works in relation to the development permitted by this permission, to ensure that the reduced speed limits are in place across the site frontage at an appropriate stage of the development.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and travelling along the highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

18. No development shall take place until a temporary access arrangement has been provided for the occupiers of Lycroft, 18 and 19 Bird in Eye Hill, and the Bird in Eye Farm employment units, to be used for the duration of works until the new roundabout(s) are completed. Details of the proposed temporary access arrangement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works affecting the existing or proposed public highway within the site.

REASON: In the interests of highway safety and to safeguard the amenities of existing properties affected by the development, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998.

19. No development, including any demolition works, shall take place on the site until a pre-commencement condition survey (including photographic evidence) of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage to the highway directly attributable to construction traffic associated with the development shall be repaired at the applicant's expense.

REASON: In the interests of highway safety and to protect the amenities of the area, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998.

20. The main access shall not be brought into use until a means of shielding headlamp glare has been installed on the land immediately east of the access road serving properties 18 and 19 Bird in Eye Hill, in accordance with drawing 23138-001 Rev J. The shielding measures shall be retained thereafter on private land and not within the public highway.

REASON: In the interests of highway safety, in accordance with Policy TR3 of the Wealden Local Plan 1998.

21. The new estate roads shall be constructed in accordance with a specification submitted to and approved in writing by the Local Planning Authority. All roads shall be constructed to an adoptable standard.

REASON: In the interests of safety for persons and vehicles using the site and/or the adjoining road, having regard to Policy TR3 of the Wealden Local Plan 1998.

22. For each phase of development, and prior to the commencement of any groundworks or preparation of ground levels, detailed plans shall be submitted to and approved in writing by the Local Planning Authority. These shall include levels, sections and constructional details of the proposed internal access roads, surface water drainage, foul sewers, outfall disposal and street lighting, with a view to their subsequent adoption as maintainable highway infrastructure. The development shall thereafter be carried out in full accordance with the approved details.

REASON: In the interests of the safety of persons and vehicles using the site and/or the adjoining highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

23. No development above ground level shall take place until a scheme for the re-provision of the 18 parking spaces, as shown on plan no. 23128/017F, has been submitted to and approved in writing by the Local Planning Authority, and an application to vary planning permissions 1986/1823/F and 1986/1824/LB has been submitted to and approved by the Local Planning Authority to reflect this re-provision. The approved scheme shall be implemented in full prior to the first occupation of any part of the development and shall thereafter be retained for parking purposes.

REASON: To ensure that adequate parking provision is maintained for the existing farmstead and associated commercial units in light of the loss of parking immediately outside of the Oast, in the interests of highway safety and the continued operation of existing land uses, in accordance with Policies TR3 and TR16 of the Wealden Local Plan 1998.

24. For each phase of development, a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities, and maintenance schedules for all landscaped areas (excluding privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints that may influence management;
- c) the aims and objectives of management;
- d) appropriate management options for achieving those aims and objectives;
- e) detailed prescriptions for management actions, including a plan of management compartments;
- f) 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; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery. The plan shall set out how any necessary contingencies and/or remedial actions will be identified, agreed, and implemented if monitoring indicates that the conservation aims and objectives of the LEMP are not being met, to ensure that the development continues to deliver the approved biodiversity objectives. The LEMP shall be implemented as approved and adhered to for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the protection of wildlife and supporting habitat, and to secure opportunities for enhancing the site's nature conservation value, in accordance with Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

25. No development, including any site clearance, shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by up-to-date survey data and shall include details of:

- a) the timing of works;
- b) methods for the protection of reptiles during construction;
- c) receptor site(s) if translocation is required;
- d) habitat enhancement measures; and
- e) a programme of monitoring and management.

The development shall be carried out in full accordance with the approved strategy.

REASON: To ensure adequate protection and conservation of reptiles and their habitats, in accordance with Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

26. Details of landscaping as required by Condition 1 shall include those trees and hedgerows to be retained (including protection zones), those to be removed and new planting. No trees and hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, topped, lopped or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the written consent of the Local Planning Authority:
- 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.
  - vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies EN12 and EN14 of the Wealden Local Plan 1998, and Policies WCS13 and WCS14 of the Wealden Core Strategy Local Plan 2013.

27. Before the commencement of any groundworks or foundation works for each phase of the development hereby approved, full details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how water and energy efficiency measures, the use of renewable energy and sustainable construction techniques will be incorporated within that phase of the development. The approved measures shall be implemented prior to the occupation of the relevant phase and shall be retained and maintained thereafter.

REASON: To promote sustainable building design, reduce environmental impacts and support the transition to a low-carbon future, in accordance with Policy EN1 of the Wealden Local Plan 1998 and Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

28. No floodlighting, security lighting or other external means of illumination shall be installed, operated or provided within the development other than in accordance with a detailed lighting scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all external lighting

is low level, directional and designed to minimise light spill and glare. It shall conform to the requirements for Environmental Zone E2 as set out in Table 2 of the Institute of Lighting Professionals' Guidance Note 01/21: The Reduction of Obtrusive Light, and to the guidance set out in the Bat Conservation Trust and Institute of Lighting Professionals' Guidance Note 08/23: Bats and Artificial Lighting at Night, or any subsequent guidance that supersedes it.

The approved lighting scheme shall be implemented in full prior to the installation or operation of any external lighting and shall be retained and maintained in accordance with the approved details thereafter.

REASON: To protect the rural character of the area and safeguard the residential amenities of neighbouring occupiers, and to avoid adverse impacts on bats and other light-sensitive protected species through inappropriate or excessive artificial lighting, in accordance with Policies EN27 and EN29 of the Wealden Local Plan 1998, and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

29. No part of the development shall be occupied until a scheme for the provision of a public heritage display or interpretation board, including details of its design, content and location, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation and permanently retained thereafter.

REASON: To enhance public understanding and appreciation of the site's heritage interest, in accordance with Spatial Planning Objective SPO2 of the Wealden Core Strategy Local Plan 2013.

30. The development shall be carried out in full accordance with the construction-phase mitigation measures set out in Section 7 of the Air Quality and Emissions Mitigation Assessment (Rev 2), prepared by SLR Consulting Limited and dated 26 July 2024. The approved measures shall be implemented for the duration of the construction works.

REASON: To minimise air quality impacts arising during the construction phase of the development, in the interests of public health and environmental protection, in accordance with Policy EN27 of the Wealden Local Plan 1998, and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

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## APPEARANCES

FOR THE APPELLANT: *Andrew Tabachnik KC* of 39 Essex Chambers called:

- Matt Stevens MIHT, Executive Director, Milestone Transport Planning – Highways evidence
- Dr Chris Miele IHBC, MRTPI, Senior Partner, Montagu Evans LLP – Heritage evidence
- Steven Brown, MRTPI, Managing Director, Woolf Bond Planning Ltd – Planning evidence

FOR THE LOCAL PLANNING AUTHORITY: *Victoria Hutton* of 39 Essex Chambers called:

- Kal Kamboh & Dan Witcher, Highways Dept, East Sussex County Council – Highways input (only where necessary)
- Joanna Tucker MRTPI, Senior Heritage Officer, Wealden District Council (WDC) – Heritage evidence
- Declan Redman, Licentiate MRTPI, Assistant Team Leader (Major & Strategic Sites Team), WDC – Planning evidence

\* As indicated above, the highways and heritage evidence was considered in two respective RTDs; only the planning evidence was subject to cross-examination by the respective advocates.

## INTERESTED PARTIES:

- Kassie Smith, local resident (representing a group of 43 local residents)
- Jackie Love, Uckfield Town Council, speaking on its behalf
- Alison Strickland, local resident
- Ann Newton, local resident, District Cllr for Framfield with Cross in Hand, & Parish Clerk for Framfield speaking on its behalf
- Rose Celano, local resident
- Nick Daines, CPRE (Sussex), speaking on its behalf
- Cllr Donna French, who read Cllr Ben Reed's written comments; Cllr French is a District Cllr for Uckfield New Town & Uckfield East Ward; Cllr Reed is a District Cllr for Uckfield Ridgewood & Little Horsted Ward.
- Nick Johnston, local resident

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## DOCUMENTS SUBMITTED AT THE INQUIRY & SHORTLY AFTERWARDS\*

ID1	Appellant's Opening Submissions
ID2	Wealden District Council's Opening Submissions
ID3	Schedule of Local Resident Speakers
ID4	Statement by Uckfield Town Council
ID5	Speaking Note on behalf of CPRE (Sussex)
ID6	Speaking Note from Kassie Smith
ID7	Agenda for the Highways Round Table Session
ID8	Agenda for the Heritage Round Table Session
ID9	Appeal Decision at Ham Road, Faversham, Kent (APP/V2255/W/24/3350524)
ID10	Picture of Hopper Huts at Bottom Farm, Kent
ID11	Understanding List Entries (Historic England) (Jan 2025)
ID12	Opportunities and Constraints Plan PRB/BIE/PA3C from the Previous Appeal Scheme
*ID13	Engrossment Version of the S106 Agreement
ID14	Appeal Decision at Rectory Farm, Yatton (APP/D0121/W/24/3343144)
ID15	Note Summarising the Content of the S106
ID16	Speaking note from Cllr Ben Reed (read by Cllr Donna French)
1D17	Speaking note from Nick Johnston, local resident
ID18	Updated Schedule of Draft Conditions
ID19	The Redman Plan
ID20	Submission from Cllr Duncan Bennett, member for New Town Ward, Uckfield Town Council, dated 22 July 2025
ID21	Council's Closing Submissions
ID22	Appellant's Closing Submissions

NB All the Core Documents available at the Inquiry can still be accessed (at the time of the issue of this decision and until the end of the judicial challenge period) at [Land at Bird in Eye Document Library - Wealden District Council](#)

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