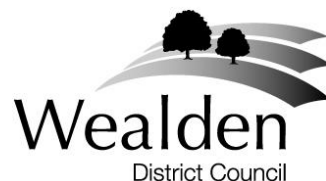


Town and Country Planning Act 1990

Notice of Decision

Application No. **WD/2023/1712/F**



DOWSETTMAYHEW Planning Partnership
Mocatta House
Trafalgar Place
Brighton
BN1 4DU

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

REDEVELOPMENT OF SITE COMPRISING THE DEMOLITION OF EXISTING TWO-STOREY BUILDING AND ERECTION OF 3 NO. TWO-BEDROOM DWELLINGS, WITH PARKING, LANDSCAPING AND PUBLIC REALM IMPROVEMENT WORKS.

LAND AT AND TO THE WEST OF HEATHERBANK, THE BROADWAY, CROWBOROUGH, TN6 1DE

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

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

REASON: The Council are seeking to expedite the delivery of housing. The standard time limit for the commencement of development has been reduced from 3 years to 18 months in line with advice contained within the Planning Practice Guidance and as set out under paragraph 81 of the National Planning Policy Framework, and to meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1379 GA 03 Rev B	28 November 2023
1379 GA 04	28 November 2023
1379 GA 05	28 November 2023
1379 GA 06 Rev A	28 November 2023
1379 GA 09	28 November 2023
1379 SI 07 Rev C	28 November 2023
1379 SI 00 Rev D	13 December 2023
1379 SI 01 Rev D	13 December 2023
1379 SI 04 Rev G	13 December 2023
1379 SI 05 Rev F	13 December 2023
1379 SI 08	13 December 2023
593/D02 Rev P1	30 October 2024
593/D03 Rev P1	30 October 2024
593/D04 Rev P1	30 October 2024
593/D05 Rev P1	30 October 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at <https://planning.wealden.gov.uk>.

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

3. The development hereby permitted shall not commence until a schedule (photographs and/or catalogue details) of the external materials to be used on the external surfaces of the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved schedule.

REASON: To safeguard the appearance of the site and the character of the area generally, and to ensure a satisfactory environment and high quality design, having regard to Policy EN27 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

4. The development hereby permitted shall not commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented and adhered to in full throughout the construction period. The CTMP shall include details of:
 - a) the anticipated number, frequency and types of vehicles used during construction;
 - b) the method of access and egress and routing of vehicles during construction;
 - c) the parking of vehicles of site operatives and visitors;
 - d) the loading and unloading of plant, materials and waste;
 - e) the storage of plant and materials used in construction of the development;
 - f) the erection and maintenance of security hoarding;
 - g) wheel washing facilities;
 - h) works to mitigate the impact of construction upon the public highway;
 - i) measures for the control of noise and dust;
 - j) delivery hours and construction phase working hours; and,
 - k) measures to manage flood risk, both on and off the site, during the construction phase.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact, having regard to Policies EN27 and TR3 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

5. Prior to commencement of development hereby permitted, an updated walkover and monitoring survey for badgers shall be undertaken to ensure that there have been no material changes to the existing sett and that no new setts are present. The findings of the survey and any additional mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

6. The drainage system shall be implemented in full accordance with the Surface Water Means of Disposal & SuDS Report prepared by JDH Consulting, dated 29 October 2024, alongside the approved drainage details and drawings. Prior to the occupation of the development, evidence (including as-built drawings and photographs) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the drainage system has been constructed in accordance with the approved specifications. The drainage system shall thereafter be maintained and managed in strict accordance with the approved details for the lifetime of the development.

REASON: To minimise flood risk both on and off site, enhance and protect water quality, and support improved habitat and amenity, in compliance with Policy CS2 of the Wealden Local Plan 1998; Policy WCS14 of the Wealden Core Strategy Local Plan 2013; and the guidance set out in the Planning Practice Guidance and National Planning Policy Framework.

7. No dwelling hereby permitted shall be occupied until the access has been provided in accordance with drawing ref. 1379 SI 04 Rev G and laid out and constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Policies EN27 and TR3 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

8. No dwelling hereby permitted shall be occupied until the parking and turning areas have been provided in accordance with drawing ref. 1379 SI 04 Rev G. Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges).

REASON: To ensure there is sufficient on-site parking and turning and to secure a satisfactory standard of development, having regard to Policies EN27, TR3 and TR16 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

9. No dwelling hereby permitted shall be occupied until the cycle storage has been provided in accordance with drawing refs. 1379 SI 04 Rev G and 1379 GA 09.

REASON: To provide for alternative modes of transport, having regard to Policy EN1 of the Wealden Local Plan 1998; Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in accordance with the Arboricultural Report (ref. AR/AIA/114/23) prepared by Daniel Wynn Arboricultural Consultant and dated 26 November 2023. This shall include the installation of tree protection measures in full accordance with the details contained in the Arboricultural Report prior to the commencement of development. Those measures shall be maintained in full accordance with those details until all external construction works are completed.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character and appearance of the area, having regard to Policies EN12 and EN14 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Chapter 3 of the Wealden Design Guide 2008; together with the requirements of the National Planning Policy Framework.

11. The development hereby permitted shall be carried out in accordance with the Soft Landscaping Scheme prepared by Daniel Wynn Arboricultural Consultant. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping comprised in the approved details of landscaping shall be carried out prior to the first occupation of the dwellings or the completion of the development, whichever is the sooner, and shall be retained as such thereafter.

REASON: To secure native planting in the interests of visual amenity and the character of the area, and to ensure a satisfactory environment, having regard to Policies EN14 and EN27 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

12. The development hereby permitted shall be carried out in accordance with the recommended schedule of works set out within the Badger Monitoring Report 2023 prepared by The Ecology Partnership and dated November 2023. This shall include the creation of a 10m buffer zone through the installation of Heras fencing prior to the commencement of development, which shall be retained until all external construction works are completed.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

13. The development hereby permitted shall take place in accordance with the ecological enhancement measures set out within the Preliminary Ecological Appraisal and Building Inspection prepared by The Ecology Partnership and dated September 2023. The approved ecological enhancement measures shall be retained as such thereafter.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, and to provide biodiversity enhancement, having regard to Spatial Planning Objectives SPO1 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

14. Prior to the installation of any external lighting to the site, details shall first be submitted to and approved in writing by the Local Planning Authority. The details should provide for lighting that is low level, hooded and directional. External lighting shall only be installed and maintained in accordance with the approved details.

REASON: In the interest of biodiversity and to preserve the rural and residential amenities of the locality, having regard to Policies EN27 and EN29 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

15. The dwellings hereby permitted shall not be occupied until the windows at first floor level on the rear (north-west) elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained as such thereafter.

REASON: To safeguard the privacy of the occupiers of adjoining properties, having regard to Policy EN27 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Classes A-F of Part 1, Schedule 2, inclusive of that Order, shall be erected or undertaken on the site.

REASON: In the interest of visual amenity and the character and appearance of the area, and to enable the Local Planning Authority to regulate and control the development of land, having regard to Policy EN27 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure as defined within Classes A of Part 2, Schedule 2, inclusive of that Order, shall be erected or undertaken on the site.

REASON: In the interest of visual amenity and the character and appearance of the area, and to enable the Local Planning Authority to regulate and control the development of land, having regard to Policy EN27 of the Wealden Local Plan 1998; Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; together with the requirements of the National Planning Policy Framework.

INFORMATIVE - The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.

INFORMATIVE – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wealden District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because

one or more of the statutory exemptions or transitional arrangements is considered to apply. This development is considered exempt because the application is:

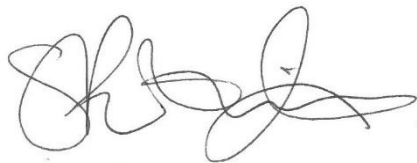
1. The application for planning permission was made before 12 February 2024.

Please see Notes section below for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the ['Approval of Details Reserved by Condition' Form](#) which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 8 January 2026

A handwritten signature in black ink, appearing to read 'Stacey Robins', with a stylized, flowing script.

Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2023/1712/F

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local

planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Commencement of Development

The Levelling Up and Regeneration Act 2023 has introduced an amendment to the Town and Country Planning Act 1990 (TCPA), specifically adding section 93G. This new section requires that applicants must inform the Local Planning Authority about their planned start date for any development that has received planning permission, including development that has been granted a variation permission under section 73 by way of notice. [Further information and an online form](#) to submit details of commencement is available on our website

Should there be a change in the planned start date provided in the initial notice, the applicant is required to issue a new commencement notice detailing the revised expected start date. This requirement applies both to situations where the development has not started by the initially stated date and when the applicant decides to commence earlier or later than originally planned, prior to the actual start of development.

Please note, this notification does not remove the obligation for you to formally discharge planning conditions and does not remove the need to submit a [CIL Commencement Notice](#) if your development is CIL liable.

Biodiversity Net Gain

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

October 2024