

Contact:

Steve Ashdown
Steve.ashdown@midsussex.gov.uk

4th September 2026

Planning Inspectorate
c/o Aimee Peckham
Operations Officer
Major Casework & Inquiries

Dear Sirs,

Re: 6002030 - Land East of Ansty, Cuckfield Bypass, Cuckfield – New NPPF

Further to the Inspectors request of 17th August 2026 please find below comments on behalf of the Council in respect of the revised National Planning Policy Framework and Housing Delivery test results (both published 17th August) and their impact/relevance in respect of the Council's case put forward as part of the above appeal process.

Annex 1 para 1 of the National Planning Policy Framework 2026 states that 2026 NPPF is a material consideration which must be taken into account in decision-making from the day of its publication.

It was an agreed matter between the Council and appellant that the development plan policies for the supply of housing are out of date. Annex A of the NPPF at paragraph 2 states that development plan policies (of parts of those policies) which are materially inconsistent with the national-decision making policies in the Framework should be given very limited weight. The Council has reviewed its development plan policies in relation to this appeal scheme in light of this and can confirm that it considers that the following policies are considered materially inconsistent with the new Framework, and therefore can be given very limited weight;

Mid Sussex District Plan

DP4: Housing
DP6: Settlement Hierarchy
DP12: Protection and Enhancement of Countryside
DP13: Preventing Coalescence
DP16: High Weald Outstanding Natural Beauty
DP20: Securing Infrastructure
DP21: Transport
DP22: Rights of Way and Other Recreational Routes
DP24: Leisure and Cultural Facilities and Activities
DP25: Community Facilities and Local Services
DP26: Character and Design
DP29: Noise, Air and Light Pollution
DP33: Gypsies, Travellers and Travelling Showpeople
DP34: Listed Buildings and Other Heritage Assets
DP35: Conservation Areas

Working together for a better Mid Sussex

DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Drainage
DP41: Flood Risk and Drainage
DP42: Water Infrastructure and the Water Environment

Mid Sussex Site Allocations Development Plan Document

Policy SA38: Air Quality

Ansty, Staplefield and Brook Street Neighbourhood Plan

AS1: New Housing Development
AS2: Preventing Coalescence

Cuckfield Neighbourhood Plan

CNP3: Preventing Coalescence between Cuckfield and Haywards Heath
CNP4: Protect and Enhance Biodiversity
CNP5: Protect and Enhance the Countryside
CNP9: Small Scale Dwellings
CNP16: Transport Impact of Development
CNP21: Securing Infrastructure

All other refereed policies are considered consistent with the New Framework and the weight set out in evidence remains unchanged.

The Framework is a material consideration of critical importance for making decisions on development proposals in England (paragraph 1) and it maintains support for a planning system that is “genuinely plan-led”. It sets out that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 3). It confirms that the new Framework is a material consideration and the policies should be read alongside the policies in the development plan.

The starting point for determining the appeal therefore remains the development plan and it continues to be the Council’s case that the appeal proposal is contrary to the development plan, albeit that the weight that can be attached to that conflict is very limited due to material inconsistencies between the development plan policies (as set out above) and the policies contained in the revised Framework.

The determination of the appeal therefore, as previously set out, falls on whether other material considerations indicate permission should be granted. The revised Framework is therefore material in this context and specifically policy S5 (1)(j), which states:

‘1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

j. The development of land allocated for that purpose in the development plan (where this lies outside settlements); and Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be

*accommodated taking into account the existing or proposed availability of infrastructure;
or*

- ii. Comprise major development for freight and logistics purposes which accords with policy E3.'*

Policy S5 (2) clarifies:

'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'

The above policy replaces the former paragraph 11(d) test of the 2024 NPPF and it is noted that the previous 'strong reason for refusal' (para 11(d)(i) of 2024 NPPF) no longer forms part of the Framework. Instead, Policy S5(2) refers to development proposal which fail to comply with the one of the decision-making policies that indicate proposals should be refused in specific circumstances. However, S5(2) makes it clear that the circumstances in which the benefits of approving development proposals are substantially outweighed by adverse effects are not limited to such cases.

Policy N4 of the revised Framework relates to 'Protected Landscapes', of which the High Weald National Landscape is one, and sets out at N4(1) that substantial weight should be placed on the importance of conserving and enhancing natural beauty of these areas. Policy N4(2) refers specifically to major development within a National Landscape and sets out the circumstances that permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is on the public interest. Policy N4(4) sets out that development proposals within the setting of a National Landscape should be sensitively located and designed to avoid or minimise adverse impact on the National Landscape.

The policy retains the guidance contained 2024 NPPF in respect of development both in, and within the setting of, a National Landscape and therefore the evidence put forward on this matter by the Council remains unchanged. It is however accepted that the concept of a strong reason for refusal no longer exists and policy N4(2), which could trigger a specific reason for refusal, does not apply to the appeal proposal. The adverse effects put forward by the Council that result from the proposed development within the setting of the National Landscape therefore fall to be considered within the balancing exercise set out in the second sentence of S5(1).

Policy DM4 of the revised Framework is of relevance and deals with the emerging development plan proposals and in the context of the Council's case policy DM4(2) sets out the limited circumstances that would justify the refusal of development proposals on grounds of prematurity, which reflects the previous guidance set out in the 2024 NPPF. Policy DM4(3) sets out that where prematurity is a reason for refusal, reasons need to clearly indicate how granting permission for the development would prejudice the plan-making process. Although the substantive tests set out in DM4(1) and (2) are essentially the same as those found in paras 49 and 50 of the 2024 NPPF, the Council considers the difference between the opening words of DM4(2) and para 50 reinforce its submission that (i) the weight to be given to policies of an emerging plan and (ii) prematurity are two distinct concepts.

With regard to DM4(2), the Council's evidence clearly indicates how the grant of permission would prejudice the plan-making process and it remains the view of the Council that the conclusions it has set out on this matter fall squarely within the limited circumstances where, even in the context of the presumption in favour sustainable development, prematurity can be justify the refusal of permission.

If the Secretary of State is of the view that this is not a reason to refuse permission in its own right, then it is an adverse effect that needs to be taken into account on the overall planning balance required under policy S5(1)(j), as previously indicated in the Council's closing submissions (ID34).

It is recognised that policy HO7 gives substantial weight to the benefits of the providing homes which will contribute to the meeting the evidenced needs of the local community. This weight reflects that agreed between the Council and appellants in the Statement of Common Ground (SoCG) (CD7.1) and taken into account in the overall balancing exercised in the Council's evidence.

Furthermore, policy HO13(1) and (2) of the revised Framework is relevant as these relate to the delivery of housing and require proposals for major residential schemes to be capable of bringing housing forward within a reasonable period (HO13(1)), with HO13(2) enabling consideration of a condition imposing a shorter time period for commencement of the development.

This is material as the appeal proposal was forwarded on the basis that it would help address the lack of the Council's 5YHLS, however the Council's evidence by Ms Salisbury, as summarised in the Council's closing statement (ID34), clearly indicates that the scheme's contribution to the Council's 5YHLS will be minimal, further emphasised by the agreed condition giving 5 years to require the submission of the reserved matters. As previously presented, this is matter that falls within the overall planning balance exercise that needs to be undertaken.

It is noted that the revised Framework at policies HE4, HE5, HE6, HE7 and HE9 have changed the approach to the consideration and assessment of potential effects on designated and non-designated heritage assets and conservation areas. However, the agreed position between the Council and appellant in the SoCG (CD7.1) that the public benefits outweigh the identify harm remains unchanged. Policy HE6(1) clarifies that substantial weight should be given to conservation of designated heritage asset.

Having to the regard to the balancing exercise that is required under policy S5(1)(j), the benefits of the scheme (and their weighting) remain as previously agreed in the SoCG (CD7.1). In respect of the adverse effects then the list of the harms set out in the Council's closing (ID34) remain the same, expect with regard to the following minor changes (number kept the same for ease of reference):

- i. The harm arising from the conflict with policy DP12 should be given very limited weight, rather than the previous agreed moderate weight.
- v. It is accepted that the harm to the setting of the National Landscape is not capable of providing a standalone reason for refusal (as the concept of a "strong reason" does not exist in the revised NPPF), however policy N4(1) tells us that substantial weight needs to be placed on the importance of conserving and enhancing the natural beauty of National Landscapes.
- vi. Harm has been identified to heritage assets and policy HE6(1) sets out that substantial weight to this matter.

It is the Council's submission that the cumulative weight of these adverse effects is more than enough to "substantially" outweigh the benefits, when assessed against the decision-making policies in the Framework taken as a whole.

While the revised NPPF is a material consideration of considerable importance, the Council is of the view that it does not raise matters that require the submission of new evidence or the re-examination of evidence that has already been tested at the Inquiry.

On the basis of the Council's case as presented at the Inquiry, and in the context of the above comments on the revised NPPF, the Council invites the Secretary of State to the dismiss the appeal.

Yours sincerely

A handwritten signature in dark ink, reading "S. Ashdown". The signature is written in a cursive, slightly slanted style. The first letter "S" is large and loops around. The last name "Ashdown" is written in a more compact, cursive script.

Steve Ashdown
Head of Development Management