



Representation to the Examination of the Mid Sussex District Plan

2021-2040 - Matter 1 – Sufficient provision for new
homes

DMH Stallard LLP on behalf of Haywards Heath Golf Club
Ltd

Land at Haywards Heath Golf Course, Haywards Heath

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1. INTRODUCTION

1.1 This representation is submitted on behalf of Haywards Heath Golf Club Ltd (HHGCL) in response to the Matters and Issues raised by Inspector Jonathan Bore relating to the examination of the Mid Sussex District Plan 2021-2040. This representation responds to the Inspector's Matter 1 questions and addresses the soundness of the Plan as proposed to be modified by the Council, with particular reference to the additional housing provision set out in Topic Paper 2.

1.2 Aspects of the Council's housing requirement methodology require further scrutiny to ensure the Plan is sound, robust, and capable of maintaining a rolling five-year supply throughout its lifetime.

1.3 HHGCL does not consider that the proposed housing requirement makes sufficient provision for housing and, as such, the District Plan is currently unsound. This is for the following key reasons, which reflect the Inspector's Matters and Issues at (a)-(d):

a) Whilst the proposed housing requirement meets local housing need under the 2023 method (18,981 units), attributing 1,693 units to neighbouring Crawley's need means Mid Sussex's credited requirement covers only 73.56% of the 2024 method figure (25,802 units). This falls short of the 80% threshold required to avoid triggering an immediate obligation to commence work on a new plan.

b) The Council's approach to unmet needs is unsound;

c) Affordable housing needs would not be met by the current housing requirement; and

d) The stepped trajectory is indicative of a need to find additional allocations.

2. LOCAL HOUSING NEED

2.1 The DP is being examined under the transitional arrangements accordingly, the relevant policies for the purposes of the examination are those in the NPPF 2023.

- 2.2 HHGCL does not consider that the proposed housing requirement makes sufficient provision for housing and, as such, the DP is currently unsound.
- 2.3 Paragraph 236 of the December 2024 NPPF introduces a threshold test which, if not met, would require the Council to begin work on a new plan immediately upon adoption. Accordingly, it is necessary to consider how the housing requirement in the Plan relates to this 80% threshold.
- 2.4 Whilst exceeding the 80% threshold is not said to be a requirement for soundness in the NPPF 2023, because it is set out in the transitional provisions in the NPPF 2024, in reality it would be surprising for an Inspector to recommend adoption of a plan that needed to be reviewed on Day 1 because it gave rise to a shortfall in housing need in terms of this metric.
- 2.5 If a transitional plan failed to meet the 80% threshold, it could not be regarded as "effective", and would be unsound as a result, since it would be bound to be reviewed and replaced by a new plan.
- 2.6 The Council's position is that if the words "*housing requirement in the plan to be adopted*" in paragraph 236 means the proposed housing requirement in the DP including unmet need, then the 80% threshold would be met by only 0.1%.
- 2.7 However, HHGCL consider that read in its context, paragraph 236 is inviting a comparison to be made between:
- the requirement in an emerging local plan for its own area (including any headroom or contingency for that area); and
 - the December 2024 Standard Method-derived Local Housing Need for that authority's area.
- 2.8 In that context, the DP's contribution towards Crawley's unmet needs falls to be disregarded when it comes to applying paragraph 236. On that basis, the DP would only meet 73.56% of the Council's December 2024 Standard Method-derived Local Housing Need, and the 80% threshold would not be met.

2.9 HHGCL submits that the Inspector should instruct the Council to increase the DP requirement for its area to a level that is clearly greater than 80% of the 2024 Standard Method-derived Local Housing Need. In doing so the DP would be sound and future proof.

2.10 Paragraph 236 of the December 2024 NPPF creates a binary outcome: either the Plan meets 80% of LHN and has longevity, or it does not and must be immediately reviewed. The Council's current proposal exceeds this threshold by just 0.1%. This margin is so fine that:

- any subsequent reduction in supply would be likely to cause the Plan to drop below 80%;
- unmet need contributions should be excluded from the calculation, which would result in only 73.6% being achieved; and
- a recommendation to adopt a Plan with such a narrow margin would create uncertainty about the Plan's long-term effectiveness and may necessitate immediate review.

2.11 The Plan should exceed 80% with sufficient margin to absorb any reasonable reduction in supply, thereby providing certainty and avoiding the need for immediate review.

3. **UNMET NEED FROM NEIGHBOURING AUTHORITIES AND ITS EFFECT ON THE PLAN'S HOUSING REQUIREMENT**

3.1 The Inspector's Initial Letter at Annex 3 indicates that the DP should "*seek, as far as is reasonably possible, to respond to the declared unmet housing need*" and "*to make an allowance based on a reasonable proportion of [the declared unmet needs of] Crawley*" but without ignoring the unmet needs of other authorities.

3.2 Paragraph 35(a) of the NPPF 2023 states that one of the requirements of soundness, specifically the need for a plan to be "*positively prepared*", is that "*unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development*".

- 3.3 The Council proposes to meet only 22% of Crawley's declared unmet needs, representing 1,693 dwellings. This contribution does not appear to be based on any evidence or judgment relating to the extent to which it would be reasonable in planning terms to accommodate more having regard to paragraph 35(a) of the NPPF 2023. The 22% figure appears to have been selected simply to exceed, by 0.1%, the 80% threshold in paragraph 236 of the December 2024 NPPF, rather than on the basis of any analysis regarding how much need could in fact practically and reasonably be accommodated in the Council's area. This approach fails to accord with the NPPF's expectation that unmet need to be addressed as far as possible. It is, therefore, unsound.
- 3.4 The Inspector's request for some additional work and evidence before a judgment can be reached about what is in fact reasonable and possible has not been met. Consequently, the DP is unsound. MS-TP2 does no qualitative analysis of how much of the declared unmet need could reasonably be met within the Council's area, and certainly no assessment of how much of it could be met "*as far as is reasonably possible*".
- 3.5 In the Inspector's Report 12 March 2018 into the Mid Sussex District Plan 2014-2031, the Inspector, at paragraphs 21-25 stated, in relation to Crawley's need;
- 'Its shortfall is in the region of 335 dpa, of which 150 dpa is being taken by Horsham, leaving a residual unmet need of 185 dpa.*
- The proposed Mid Sussex housing requirement of 800 dpa would leave only 46 dpa to meet this need. Given the position of Mid Sussex immediately adjacent to Crawley, and within the same HMA, this aspect of the plan is not sound. Mid Sussex is the only authority other than Horsham that can make a significant contribution towards accommodating Crawley's unmet housing need. Opportunities in other authorities are very limited. It is reasonable for perhaps 35 dpa to be catered for elsewhere. The Mid Sussex District Plan should therefore include a contribution of 150 dpa, the same as that of Horsham, to meet this need.'*

In respect of the very significant housing need/shortfall within the Coastal West Sussex area it was concluded that;

Several local authorities, including Mid Sussex, are collaborating on a study, but it is in its early stages and there is not enough evidence available now to ascertain the proportion of this unmet need that ought to be accommodated in Mid Sussex.

It follows that there is no strong basis at the present time to make a numerical addition to the housing requirement of the Mid Sussex District Plan to address this need. But the cross-boundary study should be progressed as quickly as possible to bring an end to the uncertainty over how the unmet need is to be provided for. The District Plan should make a commitment that the Council will co-operate with Brighton and Hove and the relevant authorities in the Coastal West Sussex HMA to bring forward the study within a short space of time, and that it will be taken into account in the next review of the District Plan.

3.6 Furthermore, the Council's approach has ignored the declared unmet needs of other relevant authorities including Horsham and Tandridge. HHGCL submits that the Inspector should, in order to make the DP sound, instruct the Council to make a reasonable, numerically specified contribution towards the declared unmet needs of its neighbouring areas, which include authorities other than Crawley. In an environment where the duty to cooperate has been removed, the Inspector has a responsibility to ensure that there is a mechanism to meet unmet needs wherever that is possible, as the NPPF 2023 clearly states.

3.7 HHGCL submits that the Council should be required to:

- meet a much higher percentage (circa 50%) of Crawley's declared unmet needs i.e. minimum 3,753 units.
- meet an identified proportion of the Council's other neighbours' declared unmet needs, even if it is a low percentage, for example 5% of Brighton's unmet needs, i.e. approximately 1,750 units.

4. **WHETHER THE HOUSING REQUIREMENT NEEDS TO BE UPLIFTED TO MEET ANY OTHER NEED SUCH AS THAT FOR AFFORDABLE HOUSING**

4.1 The Council's evidence base identifies an annual need for 383 affordable rented homes. At a 30% affordable housing requirement, the Plan would need to deliver approximately 1,277 market dwellings per annum simply to meet affordable housing need through planning gain; significantly above the proposed requirement of 1,088 dpa. This calculation does not discount for the impact of small sites (less than 10 or less than 6 in Protected Landscape) that would not deliver affordable housing or for any sites coming forward and seeking a lower percentage of affordable housing on viability grounds. So, the true housing requirement figure to meet in full affordable housing needs would be much higher.

5. **WHETHER A STEPPED REQUIREMENT IS APPROPRIATE**

5.1 Even with a stepped trajectory in place, there is predicted to be a shortfall in five-year housing land supply by 2034/35 (Year 10) of 4.77 years. This outcome does not fully accord with national policy expectations as set out in the NPPF 2023, which requires there to be a five-year supply of housing plus the relevant buffer.

5.2 HHGCL submits that the Council should be instructed to increase the number of allocations in the DP. This would result in greater certainty that the objective in national policy of a continuous supply of housing land enough to provide five years' worth against the adopted requirement, plus a buffer, can be maintained throughout the DP period, which is essential for soundness.

5.3 Critically, if the DP included a uniform, rather than a stepped, trajectory, there would not be a five-year supply on adoption.

5.4 Whether stepped or uniform the outcomes are important indicators that the Council has, unarguably, failed to allocate sufficient sites, regardless of what the housing requirement is.

5.5 HHGCL considers that MSDC should be required to utilize a uniform trajectory. However, either way the Council should be instructed to find more allocations and to present them as main modifications.

6. **CONCLUSION**

6.1 The Plan does not currently make sufficient provision for housing and is unsound as set out above.

6.2 The Council's approach to local housing needs, unmet needs, and the stepped trajectory all indicate that additional allocations are required to achieve soundness.

6.3 The Inspector should instruct the Council to bring forward additional allocations by way of main modifications. In identifying suitable additional allocations, the Inspector may wish to have regard to sites that are conveniently located to existing sustainable settlements, particularly those within easy walking distance of Haywards Heath station and its main line services to London, Gatwick and Brighton.