Planning Inspectorate

Examination of the Mid Sussex District Plan 2021-2039

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Dear Mr Marsh

Interim conclusions following the November 2026 hearings

I am writing in connection with the examination into the soundness and legal compliance of the Mid Sussex District Plan 2021-2039, which was submitted for examination on 8 July 2024. Under the relevant transitional arrangements, the plan is being examined under the September 2023 version of the National Planning Policy Framework. Any references to the Framework below are to the 2023 version unless indicated otherwise.

Background

The examination began with Ms Louise Nurser as the appointed Inspector, but the hearings which commenced on 22 October 2024 did not proceed far because the Inspector had concerns that the legal Duty to Cooperate had not been met. However, through a Written Ministerial Statement issued on 27 November 2025, the Government announced its intention to remove the Duty to Cooperate. The Duty to Cooperate was removed from the local plan system on 25 March 2026.

This enabled the examination to continue and I was appointed in place of Ms Nurser in December 2025. At that point I decided that it would be better to begin the examination afresh. I should make it clear at this juncture, given the history of this examination, that the engagement undertaken by the Council during both plan preparation and the examination meets the expectations for cooperation set out in national policy. I have only found unsoundness in respect of the submitted plan's alignment with the work of Crawley Borough Council and to a degree Brighton and Hove in respect of unmet housing need, as discussed below, but this has been rectified through the main modifications.

Hearings in February and March 2026

I held a set of hearings from 24 February 2026 to 19 March 2026. These considered the plan period, the plan's housing requirement, unmet housing needs in nearby authorities, affordable housing, housing supply and headroom, homes to meet the needs of all the community, business and industrial needs, the spatial strategy, the site selection process, the sustainable communities site allocations and two other large housing allocations. I also had a written discussion with the Council on certain of the development management policies (IDJB-02, MS-08, IDJB-06), and on some of the site allocations (IDJB-10, MS-15, IDJB-16).

After the hearings I wrote to the Council on 24 March 2026 (IDJB-12) with my interim conclusions on the topics discussed at the hearings. The figure for local housing need was established at 19,243 homes to a revised end date of 2040 based on the standard method formula applicable at the time of the 2023 National Planning Policy Framework, using the latest evidence. The submitted plan met this level of local housing need with a small amount of headroom which the Council said could contribute towards meeting a proportion of the unmet housing needs of Crawley which, like Mid Sussex, lies within the North West Sussex Housing Market Area.

However, that headroom could disappear should the delivery projections of one or more sites prove too optimistic, which is not an unusual occurrence. In that event the plan would make no contribution at all towards Crawley's unmet housing needs which, at 7,505 dwellings as evidenced through its adopted local plan, are very high indeed, and much higher than the identified headroom. Mid Sussex and Horsham Districts are the only two districts in the housing market area that present an opportunity to meet those needs.

Having regard to Paragraphs 11 and 67 of the National Planning Policy Framework, I concluded that a main modification was required to make the plan sound by raising the housing requirement to accommodate a significant proportion (up to half) of Crawley's unmet need, the remainder being taken by Horsham District, whose plan I am also examining. I also asked the Council to consider an allowance toward unmet need from the Brighton and Hove housing market areas which partly overlaps the southern part of the District. These matters were included among the action points in my interim conclusions letter of 24 March 2026, one of which was that, to meet these needs, the Council should test for delivery an overall housing target in the range of 1,200 to 1,300 dwellings per annum.

Main modifications

All the action points in my letter of 24 March have been discharged. My conclusions on local housing need and in particular the need to provide for a proportion of the unmet housing need arising in Crawley and the south coast are reflected in the Council's proposed main modifications, which raise the housing requirement to 24,071 dwellings delivered through a realistic stepped trajectory, or an average of 1,267 dwellings per year over the whole plan period. This figure and the components that make it up are set out in Policy DP1 as modified by MM28. I shall deal with this subject in more detail in my report, but I consider that the raised housing requirement

and stepped trajectory are sound. I also consider that the proposed main modifications are sound in respect of affordable housing, business needs, and development management policies.

The increased housing requirement has meant that the Council have had to select additional housing sites. The Council developed a methodology for this purpose (MS-12) which was subject to consultation and the comments published (MS-14). Thirty five new sites were chosen, and these were fact-checked with the site promoters (MS-16). The supporting evidence has been adequately updated, the sustainability appraisal and site selection process are sound and the sites have been satisfactorily tested in combination.

These additional sites are included in the Council's draft schedule of main modifications, along with a number of wording alterations to the policies and supporting text. The schedule was subject to public consultation between 27 July and 7 September 2026 and I have considered all the representations made. I raised questions with the Council on certain of the housing sites in IDJB-16.

November 2026 hearings

I held a further set of hearings from 3 November to 6 November 2026 to consider 10 of the largest sites and groups of sites that were introduced by the main modifications. I have considered all the hearing statements provided by representors and participants and the verbal evidence given at the hearings.

I will not go through all the site allocations in this letter; there will be more detail in my report. The sites follow the spatial strategy objective of locating the largest amount of development close to sustainable settlements, and in the case of Sayers Common in seeking to create a new sustainable community. However, there are two matters that I want to address here.

The southern cluster of sites

The first matter concerns the cluster of sites, both in the submitted plan and in the main modifications, around Burgess Hill, Sayers Common, Albourne, Hurstpierpoint and Hassocks. There is much well-articulated local concern about congestion in Hurstpierpoint High Street, traffic on unsuitable lanes, and the potential coalescence of these towns and villages. The Council produced additional evidence on Hurstpierpoint High Street at my request.

These sites are in my view in highly sustainable locations. Burgess Hill and Hurstpierpoint have a good range of facilities, Burgess Hill and Hassocks have railway stations with good connections to London, Crawley, Gatwick and Brighton, and Sayers Common has the capability over time of becoming a sustainable settlement. They are connected by bus services and a good footpath network which is capable of being augmented, and they are all close to the A23/M23 corridor. Employment, educational, retail and community facilities are within easy reach.

These sites are all in the southern part of the District and in a good position to serve a proportion of the District's housing needs as well as a proportion of unmet need from the south coast, without involving lengthy travel distances. Developing in

sustainable locations and reducing the need to travel long distances is an important element of the strategy to combat climate change.

Most of the local concerns are rooted in highway conditions that already exist and I fully appreciate the basis for these concerns. However, the site allocation policies in the proposed modifications would add relatively modestly to existing traffic, and not to the extent that they would be unsound individually or in combination. The policy requirements and criteria promote active travel and bus service improvements, and where necessary they support suitable interventions on the highway network, both on site and through development contributions, which would help to ameliorate existing conditions and improve highway safety. It is reasonable to expect these requirements to be followed through when the Council are considering planning applications. The plan contains a requirement for conditions to be monitored and managed, allowing for appropriate interventions during the life of the plan.

None of the allocations creates de facto coalescence, and the plan contains criteria to introduce appropriately located landscaping and planting buffers to reduce intervisibility and avoid the perception of coalescence.

I do not consider that the combination of these allocations, either in the submitted plan or the main modifications, is unsound.

Major development in the National Landscape

The second matter that I want to address is the proposal to allocate three sites for major development in the High Weald National Landscape. These are sites MM88, MM89 and MM90 at Handcross and Pease Pottage. The submitted plan's spatial strategy does not support such development. National policy gives great weight to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues. Permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. This policy has been taken forward into the 2026 National Planning Policy Framework. Planning Practice Guidance on the Natural Environment states that the policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Under the Countryside and Rights of Way Act, relevant authorities must seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in National Landscapes.

That summarises the legal and policy framework consequent on the inclusion of these sites in the designated National Landscape. The human reality is that Crawley has a severe level of unmet housing need, including affordable housing need, with no opportunity to meet those needs. To the north is Gatwick Airport and to the south is National Landscape. Indeed, National Landscape covers nearly half the area of Mid Sussex District. To the east and west, Crawley and Horsham Districts have already allocated strategic sites in their submitted plans, but these do not approach

the level of unmet need identified in Crawley. In any case those sites have to fulfil the dual role of meeting their own districts' needs too.

Together the three proposed allocations in the National Landscape would provide 1,000 greatly needed homes close to Crawley, thus helping to maintain community cohesion. The sites are within reach of excellent public transport links to the town's wide range of retail, social and community facilities and employment opportunities, and to Gatwick Airport, with its large employment base. Households in affordable housing may be more reliant on public transport, and the sites have great advantages in this respect. The sites provide the opportunity for Crawley to take a proportion of affordable housing nomination rights. In addition to these strong community advantages, the sites are in a good position to help to reduce the need to travel and thus combat climate change.

All locations in the National Landscape, whatever their character, are subject to the same policy protection. However, when deciding whether exceptional circumstances exist, it would be wrong to ignore individual site characteristics in the balance of considerations. I have looked at all these sites and consider that they are well enclosed, affected by urbanising influences, and whilst they exhibit certain National Landscape characteristics, they are, to be quite blunt, not particularly special in landscape terms and do not in my assessment contribute strongly to the character of the National Landscape. It must be recognised that Mid Sussex is a rural district in which a good deal of the countryside outside of the National Landscape is also of high quality.

The policies contained within the plan and the main modifications would ensure that the development schemes would be landscape-led, and the enclosed nature of the sites would limit their wider impact. I do not consider that the allocations would affect the integrity of the National Landscape or its purposes to any material extent. The duty under the Countryside and Rights of Way Act is capable of being discharged at the planning application stage through high quality landscape-led design.

Given the urgency of housing need and the location and character of the sites, this is not a situation in which the housing requirement should be reduced having regard to National Planning Policy Framework paragraph 11 b) i).

The Council's site appraisals provide justification for these site allocations, and on present evidence it appears that other sites in the housing market area capable of delivering a significant number of homes would involve much longer travel distances, would not provide direct and close access to Crawley and would not be in a position to take advantage of the high quality public transport links that exist in close proximity to the town. However, in view of the policy context, I have asked the Council to produce a further brief topic paper based on existing evidence explaining in more detail how they compare with other suitable and available sites outside the National Landscape, if there are any, and to publish this and allow one week for any response. Any response should be strictly limited to the subject matter of the topic paper and not seek to return to the hearing subject matter on the National Landscape and the individual sites, which have already been thoroughly debated.

To conclude on this matter, the National Planning Policy Framework allows for exceptional circumstances, and on current evidence and subject to the additional work, it appears that there are exceptional circumstances for the allocation of these sites, and the public interest would be served by allocating them for housing development. Should the additional work confirm this, I consider that any well-designed and landscape-led scheme would be capable of meeting these national policy tests. In those circumstances, I would be confident that the sites are capable of delivery.

The Ansty appeal

As regards the outstanding recovered Secretary of State appeal decision for the site at Ansty, omission sites are outside my remit and I do not know what the recommendation was for that scheme, and do not know what the decision will be. But I would make the observation that if the plan is sound, the decision on the appeal scheme, whatever it is, should not need to affect the plan and main modifications, or impede the adoption of the plan.

Concluding remarks

There a few additional tasks for the Council to complete. I do not need to list these now: they were discussed in our final hearing session on Friday 6 November. Some changes to the main modifications wording were discussed at the hearing and in writing. These are mostly for clarity and do not change the effect of the policies, so they can be regarded as minor changes that do not require further consultation.

In conclusion, my preliminary view is that the plan is sound subject to the main modifications and the outcome of the additional work relating to the sites in the National Landscape. As regards timescale, I aim to submit my final report to the Council by 8 December.

Jonathan Bore

INSPECTOR