

**2031**

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2031

**Response Ref:** Reg19/2031/5

**Respondent:** Ms S Mizen

**Organisation:** JLL

**On Behalf Of:** Wates - Snowdrop Lane

**Category:** Promoter

**Appear at Examination?** x

**From:** Mizen, Stefanie <Stefanie.Mizen@eu.jll.com>  
**Sent:** 28 September 2020 16:14  
**To:** ldfconsultation  
**Subject:** Draft Site Allocations DPD (Regulation 19) Consultation  
**Attachments:** 200928 Lindfield Reps - Wates.pdf; Snowdrop lane vision document.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir / Madam,

On behalf of Wates Developments please find our comments on the Draft Site Allocations Development Plan Document.

Look forward to confirmation of receipt.

Kind regards,

Stefanie  
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28 September 2020

Dear Sir / Madam,

**Consultation on Site Allocations Development Plan Document – Regulation 19  
Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex**

We write on behalf of Wates Developments ('the client'), to provide our comments on the published Site Allocations Development Plan Document ('DPD') which is now out for consultation.

Paragraph 67 of the National Planning Policy Framework (2019) ('NPPF') requires that local authorities have a clear understanding of land available in their area and identify a sufficient supply and mix of sites. It requires planning policies to identify a supply of specific and deliverable sites.

We understand Mid Sussex District Council ('the Council') is seeking to identify sufficient housing sites across the borough to meet housing need and provide a sustainable five-year housing land supply. The Site Allocations DPD forms part of the Mid Sussex District Plan ('DP') 2014-2031, which was adopted in March 2018. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031. The Site Allocations DPD proposes a number of new housing and employment sites for allocation in order to meet this need.

The Council is seeking views on whether the Plan is legally compliant and meets the test of 'soundness' set out in the NPPF. We therefore provide our comments below in particular in relation to our client's Site - the Land off Lyoth Lane and Snowdrop Lane, Lindfield, Mid Sussex ('the Site').

Our representations are in two parts: the first part seeks to consider whether the Site Allocations DPD will deliver sufficient homes to meet the need and whether the tests of soundness are met; whilst the second part considers the settlement of Lindfield and the Site being promoted.

**The DPD**

The Site Allocations DPD purports to deliver sufficient new homes to meet the requirement set out in the District Plan 2018. It is a 'daughter' document to the 2018 District Plan. What it does not do is consider the 'real' housing need in Mid Sussex. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, significantly above the current District Plan's figure. Whilst legally, the Council does not have to allocate additional sites to meet this higher need, it is our view that it would be prudent and good planning to do so.

The Council in its Regulation 19 consultation sets out that it is allocating additional homes over and above the requirement. Policy SA10 makes the case that the Council has 484 additional homes over and above the

requirements. However, it is our view that not only does the DPD not provide additional homes over the requirement, but that it fails in meeting even the minimum number required. This is because, a significant number of the sites being allocated will not deliver homes within the Plan period. Indeed, we consider that only 694 of the 1,764 homes set out by the Council can be considered as either deliverable or developable. This leads to a shortfall of 1,070 homes. If the Council is correct and there are an additional 484 homes, this still will lead to an overall shortfall of 586 homes. As such, the Site Allocations does not provide sufficient homes to meet the requirement set out in the District Plan and therefore is unsound. Additional sustainable sites should be included to meet the minimum number of homes required, and, in our view, there should be additional homes allocated in any case in order to meet the significant real need for housing in Mid Sussex.

The Sustainability Appraisal ('SA') that accompanies the Regulation 19 consultation does not refer to the latest evidence and data and is therefore not a sound basis to develop the Site Allocations against. For example, in paragraph 3.19 it refers to the 2017 ONS data on affordability and does not reflect the latest data on affordability which shows worsening affordability. As such, the SA is unable to provide the correct baseline for assessment and does not reflect latest evidence.

The second area where the Site Allocations DPD is unsound relates to the distribution of housing and the need to continue to sustain and enhance rural settlements in the District. Provision of new homes at category two and three settlements should be supported in order to enhance the vitality and viability of the rural settlements and the services within them. However, the approach of the Council to housing delivery does not take account of this, or the policies in the District Plan which seeks to support the more rural parts of the District.

As set out in Table 2.4 of draft Policy SA10, the Council has decided to significantly reduce the allocations in category two and three settlements and concentrate the majority of additional development in the category one settlements, where significant development is already proposed and allocated in the District Plan. This has two implications. The first is that the sustainable settlements will not be enhanced and growth will not be directed to settlements that are sustainable. This is likely to have a negative effect on their long-term vitality and viability. The second implication is that by directing growth to areas of high growth, infrastructure and services would come under significant strain.

This is a further failure of both the DPD and the SA in that it did not consider the effects on category two and three settlements whatsoever. The SA focusses solely on the sustainability of sites rather than considering the benefits of providing housing in other locations. For example, paragraph 6.48 states that *"It is therefore concluded that, should additional sites be required, these should ideally be drawn from sites in the highest settlement category in the hierarchy. These sites perform well, and would mean focusing additional growth (beyond that required to meet the residual housing requirement) at the most sustainable locations using the most sustainable sites still in the process"*.

Furthermore, paragraph 6.43 states *"By allocating the 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,280 would be met with a small over-supply of 144 units. Overall, the collection of sites is largely consistent with the spatial strategy at a settlement category level. Whilst there is a shortfall at Category 3, this can be met by an over-supply at Category 1. As Category 1 is the most sustainable settlement category, and under-supply should be met at categories higher-up in the settlement hierarchy, this is acceptable"*. Again, this approach fails to recognise that delivery of nearly all new homes at the category one settlements will have a significant adverse effect on other settlements. This is a further area where the Site Allocations DPD is unsound.

We conclude that the Site Allocations DPD is unsound. It does not reflect the adopted District Plan and does not consider the social and economic effects of non-delivery of homes in category two and three settlements. It also does not deliver the minimum number of homes required to meet the District Plan requirements and falls way short of meeting the real need for housing in Mid Sussex.

As such, it is our contention that additional suitable sites should be allocated now to meet this need.

### **The Site**

The Site adjoins the eastern edge of Haywards Heath and southern edge of Lindfield, see Appendix 1 (Site Location Plan). The Site is separated into two parcels, the first ('Parcel A') being a rectangular strip running parallel to Lyoth Lane comprising greenfield land well screened by tree cover. The second ('Parcel B') runs along Snowdrop Lane, comprising greenfield land, again well screened. Snowdrop Lane runs between the two parcels of land.

The Site is located immediately outside the Built-up Area Boundary, that of Haywards Heath located to the south-west of Parcel A and that of Lindfield further north. The Site is not located in a Conservation Area and there are no statutorily Listed buildings on-site. Lyoth Cottage (Grade II Listed) is adjacent to Parcel A to the south-west. The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.

### **The Surroundings**

The Site is less than a 10-minute walk from Northlands Wood Primary School, a health centre and a Tesco convenience foodstore / chemist. The Walstead Park development, which includes a 20 acre plus Country Park, is due to commence and is accessible from the access off Lyoth Lane. The Council's initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes.

This Site is located 1.5km south east of Lindfield and 1.5km north-east of Scaynes Hill. The settlement of Lindfield is located on high ground to the south of the River Ouse. The village contains shops, businesses, pubs, schools, a medical centre, churches and community groups catering for a wide range of needs. The village is well served by a frequent bus service to and from Haywards Heath. Other facilities/services in Scaynes Hill include a garage/petrol station, two churches and a primary school.

Haywards Heath is less than 2km away to the west. Haywards Heath is a key settlement in the District with a comprehensive range of employment, retail, health, education leisure services and facilities. Haywards Heath is a main service centre benefitting from excellent public transport.

### **Accessibility**

Snowdrop Lane runs between the two parcels of land, meeting at the junction with the A272/Lewes Road to the south and joining the A23 approximately 10km to the west of the Site.

Beech Hill bus stop is in close proximity to the Site, located circa 200m away along Northlands Avenue to the west providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton.

The closest railway station to the site is at Haywards Heath, located circa 2km away to the west, providing regular services towards London and Brighton.

### **Planning Case for Residential Development in Lindfield**

The Site Allocations DPD forms part of the Mid Sussex District Plan 2014-2031. Its preparation is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs up to 2031.

Having reviewed the Site Allocations DPD, we consider the following to be important:

- Lindfield is allocated as a category two (Local Service Centre) settlement;
- The Site Allocations DPD Policies Map is proposing to increase the Built-up Area Boundary to the north of our client's Site;
- Notwithstanding this no housing allocations whatsoever are identified in Lindfield.

We would like to promote the delivery of residential development in Lindfield, with specific regards to our client's Site, for the reasons stated below.

#### Requirement for Housing

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Policy DP4 of the DP relates to housing and states that *"there is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031"*, which it advises is made up of the District's objectively assessed need (OAN) of 14,892 dwellings over the plan period as well as *"1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area"*. Policy states *"the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31"*.

The supporting text then advises that *"the spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill as it has greater potential to deliver sustainable communities and to benefit from the opportunities that new development can deliver than at East Grinstead and Haywards Heath. A smaller scale development is allocated in this plan and was granted outline planning permission in 2016 at Pease Pottage as a contribution towards meeting the needs of the Northern West Sussex Housing Market Area. A smaller scale development is allocated at north of Clayton Mills, Hassocks. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages"*.

There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.

#### Sustainable Location

Lindfield is a sustainable location where significant development was proposed in the District Plan and the Neighbourhood Plan.

The Council's Settlement Sustainability Review ('SSR') was produced in 2015 in order to assist in the production of the DP, specifically the settlement strategy now set out within Policy DP4. The review lists Lindfield – along with 5 other settlements - as a "Category 2" settlement and page 13 of the document provides the following assessment of the village:

*"Lindfield accommodates a lower proportion of age groups 5-15 to 45-64 than the Mid Sussex "district" and "rural" averages. Lindfield also has the highest proportion of 65+ residents in Mid Sussex. The village benefits from a peak public transport service to significant local employment opportunities; and an off peak service that is sufficient to enable access to further services and facilities, aided by its relative proximity to Haywards Heath station. The south west boundary of Lindfield adjoins the town of Haywards Heath. There are patches of Ancient Woodland beyond the northern boundary of the village and an area of flood risk to the south east of the village"*

The SSR states Lindfield is considered to meet all of the criteria to be considered a Local Service Centre where “a Local Service Centre, a settlement must have, or share a maximum of one of the following:

- 5 or more retail uses including at least a post office, banking facilities (bank and/or cash point) and a convenience store;
- Pre-school facilities, infant/ primary school;
- Significant local employment opportunities within 5km
- A village hall/ community centre;
- Health centre / GP facility and a dispensary;
- A good provision of recreational facilities

Table 5 of the SSR, states that Lindfield shares such services with Ardingly, Cuckfield, Haywards Heath, Horsted Keynes, Scaynes Hill. Table 6 then provides a matrix of services found in Lindfield. It is evident upon viewing Table 6 that Lindfield has a good provision of services providing 22 of the 28 services listed in the table.

Indeed, the Council’s initial site assessments (ID Reference Nos. 836 and 1006) noted education and health services were less than a 10-minute walk away and other services within 10-15 minutes, therefore clearly the Site is within a sustainable location with access to all essential services.

Lindfield is clearly a suitable location to accommodate residential-led development. There would be no effect on the settlement hierarchy in terms of location of development.

### **Planning Case for Site Allocation**

Given the above, our client’s Site would be completely appropriate for residential development and should be considered as an additional allocation for residential.

The Site is located adjacent to the settlement boundaries of both Lindfield and Haywards Heath with residential development adjacent to the west. Although abutting the settlement boundary, the NPPF (paragraph 84) recognises this when it states that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”. DP Policy DP6 (Settlement Hierarchy) states “*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*”

The DP and its evidence base recognise the need for significant residential development across West Sussex. Lindfield is a sustainable settlement within category two, therefore significant housing and employment development should be directed to this settlement. The Site’s location immediately adjacent to the built area of both Haywards Heath and Lindfield would serve as a natural extension.

When assessing sites for allocation, paragraph 108 of the NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of Beech Hill bus providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. These factors, together with the findings set out in the SSR demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with Policy DP6.

## Conclusion

We support the inclusion of the Land off Lyoth Lane and Snowdrop Lane, Lindfield as an additional site allocation in the Site Allocations DPD. As demonstrated above, Lindfield and specifically our client's Site has potential for residential development because:

- There are no proposed site allocations within Lindfield. This is notwithstanding Policy DP4, which sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should deliver 838 homes for the remainder of the Plan period and the proposed uplift to this requirement as set out in the Site Allocations DPD.
- Lindfield has been classed as a category two settlement and is clearly a sustainable location in which to accommodate residential-led development. There would be no effect on the settlement hierarchy or breach of development plan policy in terms of location of development.
- The Site's location immediately adjacent to the built area of Lindfield and Haywards Heath would serve as a natural extension.
- The Site has no environmental constraints to development such as flood risk (Flood Zone 1).
- The Site is in a sustainable location with good access to public transport and development would not result in adverse impacts to the highway network.

We look forward to your confirmation of receipt of this letter. If you require any information or clarification, please contact Stefanie Mizen of this office on 0203 147 1815.

Yours faithfully,

*Stefanie Mizen*

**Stefanie Mizen**

**Associate – Planning, Development & Heritage**

Direct line 0203 147 1815

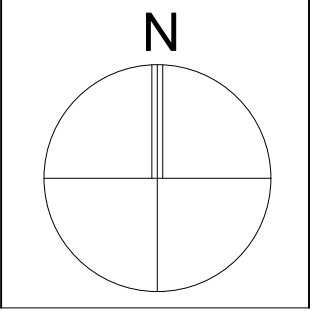
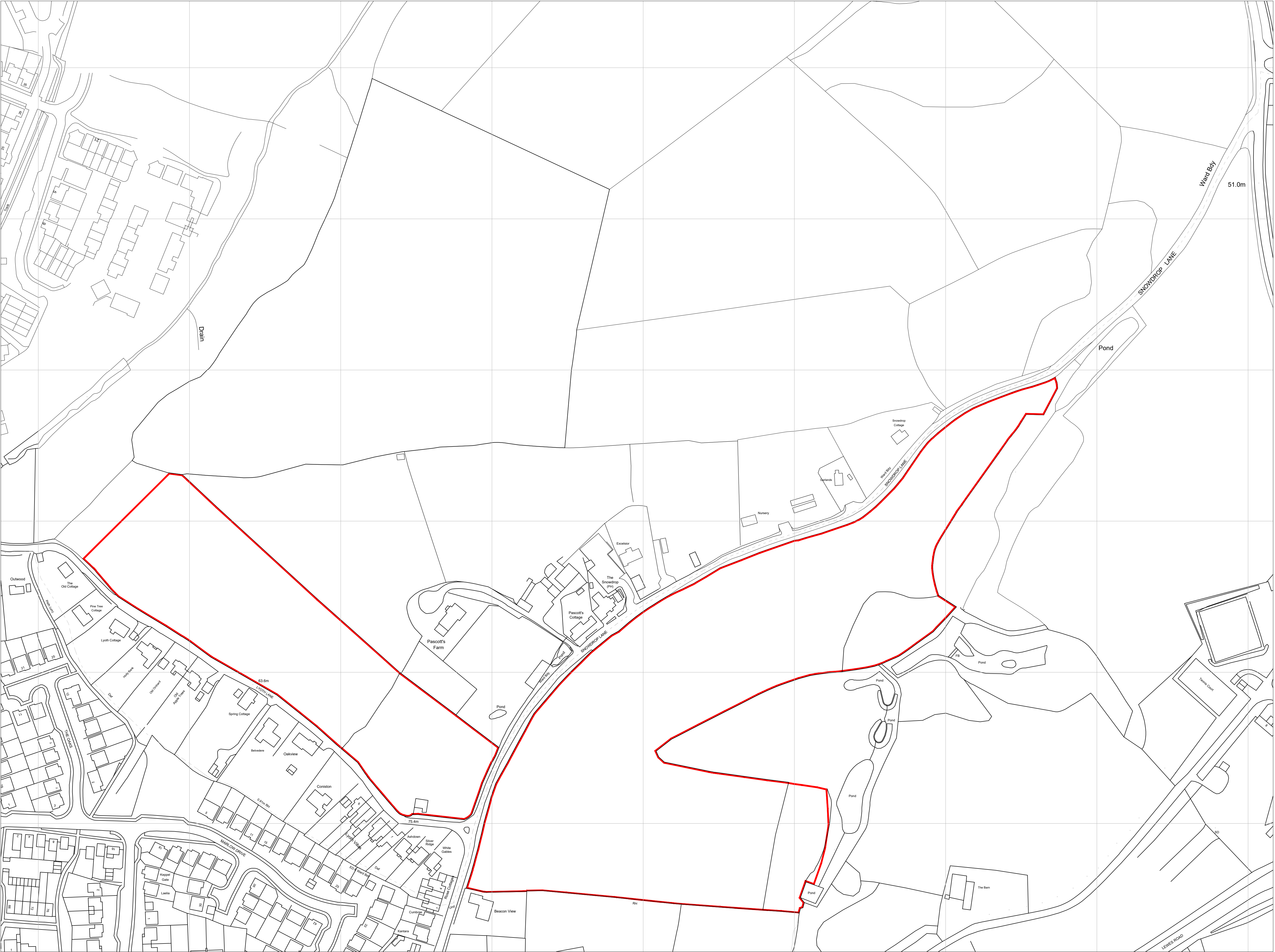
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## **Appendix 1 – Site Location Plan**





Wates Developments
Land off Lyoth Lane & Snowdrop Lane Lindfield
Contract Plan
Scale 1:1250 @ A1
July 2020





# Snowdrop Lane Lindfield

A Vision for the land north of Lyoth Lane &  
Snowdrop Lane, Lindfield



CREATING TOMORROW TOGETHER

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Snowdrop Lane

Wingfield





# 1.0 Introduction

# 1.1 Wates Developments & the Professional Team

Wates Developments is an expert in land, planning and residential development throughout Southern England. Wates Developments is the primary investment arm of the Wates Group, which was founded in 1897, Wates is now one of the largest construction and development companies in the UK.

As a family owned business Wates shares a deep sense of responsibility to provide outstanding projects for customers which make a long-lasting difference to the communities in which it works. From delivering affordable housing, new schools, through to retail and commercial interiors, heritage sites and residential development jointly with partners, it is in a unique position to make a positive impact for the long-term.



# Wates

DEVELOPMENTS

Professional Team



**RE-FORMAT**  
Architects / Masterplanning  
**Re-Format**



**SLR**  
Landscape  
**SLR**



**JLL**  
Planning Consultants  
**Jones Lang laSalle**



**i-Transport**  
Highways Consultants  
**i-transport**



## 1.2 Background

This document has been prepared on behalf of Wates Developments to introduce the proposals for the delivery of approx 96 new homes on the Land North of Lyoth Lane and Snowdrop Lane, Lindfield.

This document is broken down into the main components of the masterplan and how they have both influenced and been influenced by matters such as landscape character, biodiversity, access and connectivity.



Aerial view of the site from the west



View from Snowdrop Lane looking south





Location Plan



## 1.3 Site & Context

### Location

This Site is located 1.5km south east of Lindfield and 1.5km north-east of Scaynes Hill. The settlement of Lindfield is located on high ground to the south of the River Ouse. The village contains shops, businesses, pubs, schools (including Lindfield Primary Academy), a medical centre, churches and community groups catering for a wide range of needs. The village is well served by a frequent bus service to and from Haywards Heath. Other facilities/services in Scaynes Hill include a garage/petrol station, two churches and St Augustine's Church of England Primary School.

Haywards Heath is less than 2km away to the west. Haywards Heath is a key settlement in the District with a comprehensive range of employment, retail, health (including the Princess Royal Hospital), education leisure services and facilities. Haywards Heath is a main service centre benefitting from excellent public transport, the railway station providing regular services towards London and Brighton.

The Site itself is less than a 10-minute walk from Northlands Wood Primary School, a health centre and a Tesco convenience foodstore / chemist. The Walstead Park development, which includes a 20 acre plus Country Park, is due to commence and is accessible from the access off Lyoth Lane.

### Site Description

The Site adjoins the eastern edge of Haywards Heath and southern edge of Lindfield. The Site is separated into two parcels, the first ('Parcel A') running parallel to Lyoth Lane comprising greenfield land well screened by tree cover. The second ('Parcel B') runs along Snowdrop Lane, comprising greenfield land, again well screened. Snowdrop Lane runs between the two parcels of land.

Snowdrop Lane runs between the two parcels of land, meeting at the junction with the A272/Lewes Road to the south and joining the A23 approximately 10km to the west of the Site. Beech Hill bus stop is in close proximity to the Site, located circa 200m away along Northlands Avenue to the west providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton.

The Site is located immediately outside the Built-up Area Boundary, that of Haywards Heath located to the south-west of Parcel A and that of Lindfield further north.

The Site is not located in a Conservation Area and there are no statutorily Listed buildings on-site. Grade II Listed Lyoth Cottage (Listing Entry: 1241037) is opposite to Parcel A to the south-west. In addition, Grade II Listed Oldfield (Listing Entry: 1025470) is located to the south of Parcel B.

The Environment Agency's Flood Map for Planning indicates that the Site falls within Flood Zone 1 and is therefore subject to a low risk of flooding from rivers or the sea.



Snowdrop Lane and Lyoth Lane looking south



Snowdrop Lane runs to the north of the site



Site view from Lyoth Lane looking north



## 1.4 Planning

### Policy Context

The Site is situated under the administrative control of Mid Sussex District Council. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be made in accordance with the relevant Development Plan, unless material considerations indicate otherwise. As such, the Site would need to be considered against the following policy documents:

- Mid Sussex District Plan 2014-2031 and Policies Map (March 2018);
- Saved Policies of the Mid Sussex Local Plan 2004 (May 2004);
- Mid Sussex Small Scale Housing Allocations Development Plan Document (April 2008);
- Lindfield and Lindfield Rural Neighbourhood Plan (March 2016).

In addition, the Council are preparing a Site Allocations Development Plan Document which will identify sufficient housing sites to provide a five-year housing land supply to 2031. The document is due to be adopted in Autumn 2021, therefore limited weight can be afforded to this.

The National Planning Policy Framework ('NPPF') and National Planning Practice Guidance ('NPPG') provide guidance at national level and are important material considerations in the determination planning applications.





## Planning Case

With regards to the principle of residential development on the Site, many benefits can be provided to Lindfield and the wider area, aligning with the Council's vision for Mid Sussex: "A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future."

The NPPF encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Using the Government's standard methodology for assessing housing need, the need in Mid Sussex is to deliver 1,132 new homes per annum, which is significantly above the current District Plan's figure.

The spatial strategy of the District Plan is to focus the majority of housing and employment development at Burgess Hill. The remainder of development will be delivered as sustainable developments, including possible new strategic developments and development in other towns and villages. Policy DP4 sets out the strategic distribution of housing across the District and states that Lindfield – along with 5 other settlements – should seek to contribute to delivering homes for the remainder of the Plan period and any proposed uplift to this requirement. This Site

offers a sustainable location in which to provide both market and affordable housing, contributing to this evident need.

The Site's location immediately adjacent to the built area of both Haywards Heath and Lindfield would serve as a natural extension. The Council recognises that in order for villages to continue to grow and thrive, in many cases, it is necessary to expand beyond the existing built-up area boundaries. This Site is ideally positioned to provide sufficient housing, whilst supporting and developing local services and facilities. Development would help to maintain and develop the range of shops and services to enable the village centre to meet local needs, thus enhancing the vitality and viability of these.

The Council's Settlement Sustainability Review (2005) states Lindfield is considered to meet all of the criteria to be considered a Local Service Centre where a settlement must have, or share a maximum of one of the following: 5 or more retail uses including at least a post office, banking facilities (bank and/ or cash point) and a convenience store; pre-school facilities, infant/ primary school; significant local employment opportunities within 5km; a village hall/ community centre; health centre / GP facility and a dispensary; a good provision of recreational facilities. Therefore, Lindfield is clearly a sustainable settlement in which to accommodate residential development, having been designated a category two settlement in the Settlement Sustainability Review.

Furthermore, residential development would consequently enhance the Council's aspirations for sustainable economic growth, providing opportunities for people to live and work within their communities. This subsequently results in new and improved community, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles. These consequential impacts will ensure Lindfield becomes a more vibrant, attractive and successful village.

The NPPF requires that local authorities consider appropriate opportunities to promote sustainable transport, safe and suitable access and that any significant impacts from development on the transport network can be mitigated. The Site lies within a relatively short walking distance of Beech Hill bus providing a regular service to Haywards Heath, Crawley, Burgess Hill and Brighton. In addition, the Site is well integrated into the existing village providing connectivity with all relevant services and facilities. These factors, together with the findings set out in the Council's Settlement Sustainability Review demonstrate that the Site is clearly a sustainable location to accommodate residential-led development in accordance with the Council's wider spatial policies and overall vision.



Snowdrop Lane  
Lindfield







## 2.0 Site Assessment

Owing to the history of the site Wates Developments have carried out a detailed assessment of the key planning and technical influences on the site. The following pages summarise the key considerations and findings of the work carried out to date and how they have influenced the illustrative masterplan.

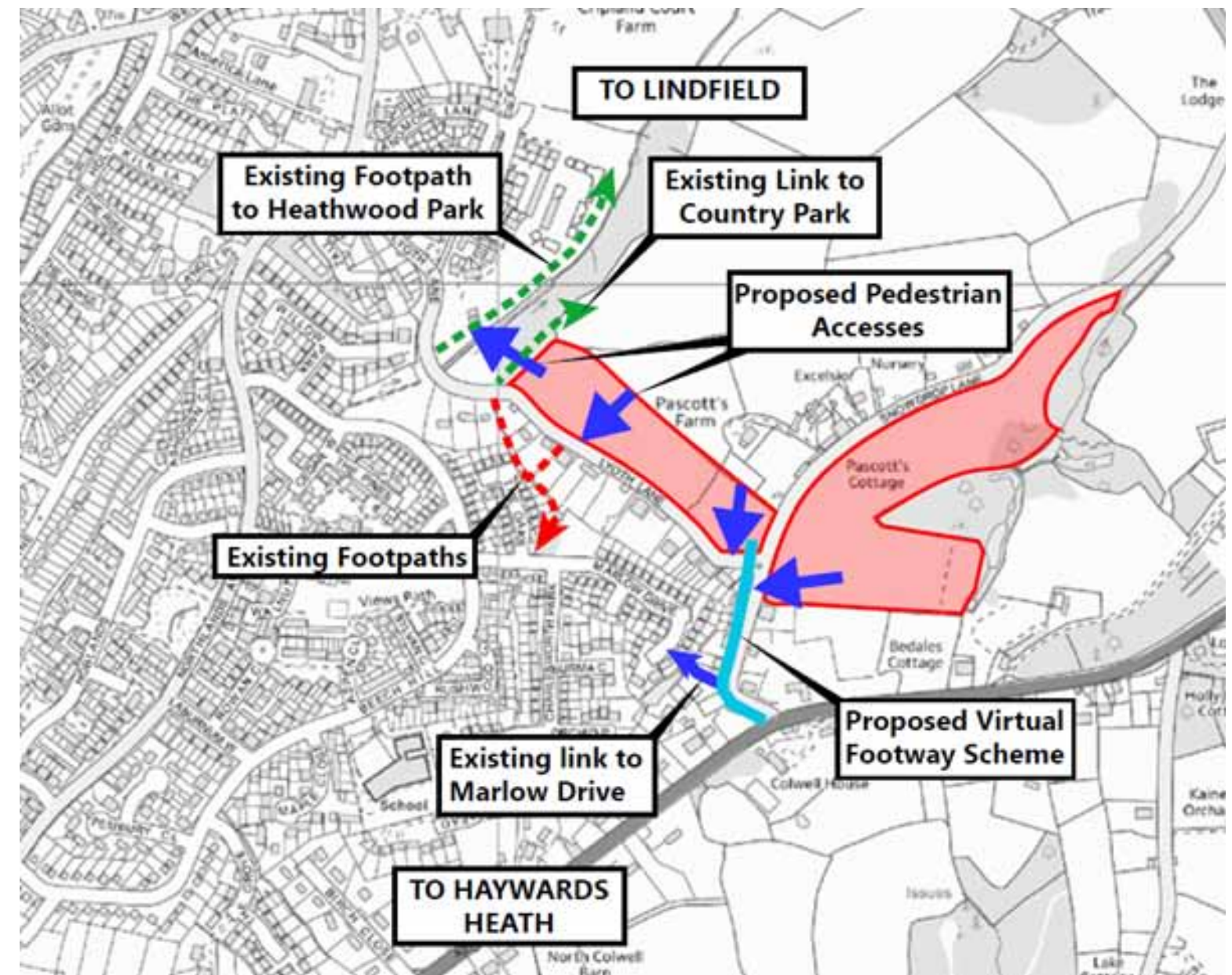
## 2.1 The Three Transport Tests

The site is well located to meet the 'three transport test' identified by paragraph 108 of the National Planning Policy Framework:

The opportunities for sustainable travel can be appropriately taken up. The site is well located to local facilities and services; adjacent/nearby residential schemes have been found acceptable in locational terms by MSDC/WSCC/Planning Inspectors; and the access strategy will provide safe and suitable connections to the surrounding area.

Safe and suitable access will be provided. Site access design drawings have been prepared in accordance with current design guidance and have been discussed with WSCC who have no in principle issues with the proposed arrangements.

The traffic impacts will be acceptable. The development will generate a modest level of traffic movement that can be acceptably accommodated by the existing local highway network around the site.

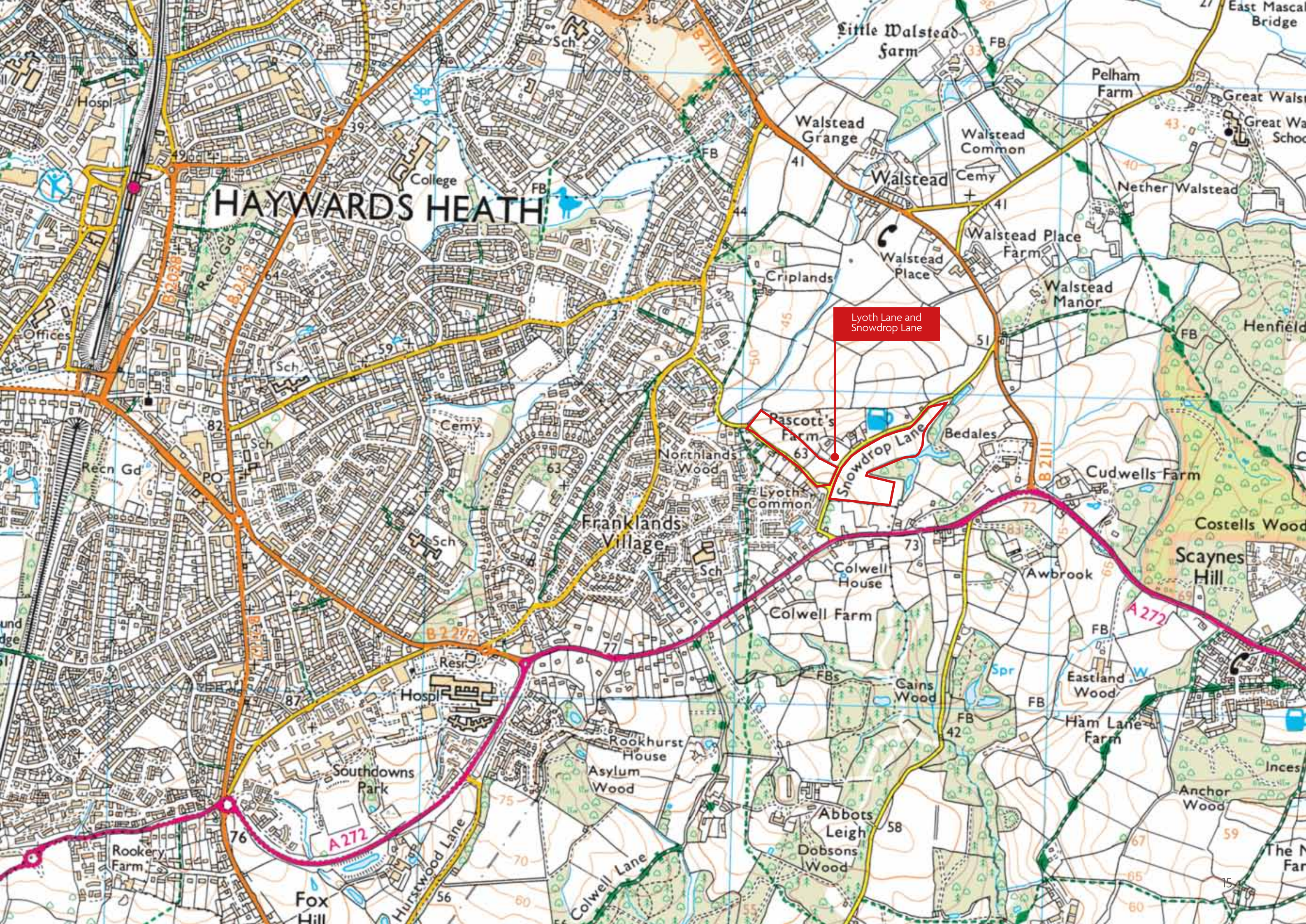


Local Committed Development



# HAYWARDS HEATH

Lyoth Lane and  
Snowdrop Lane





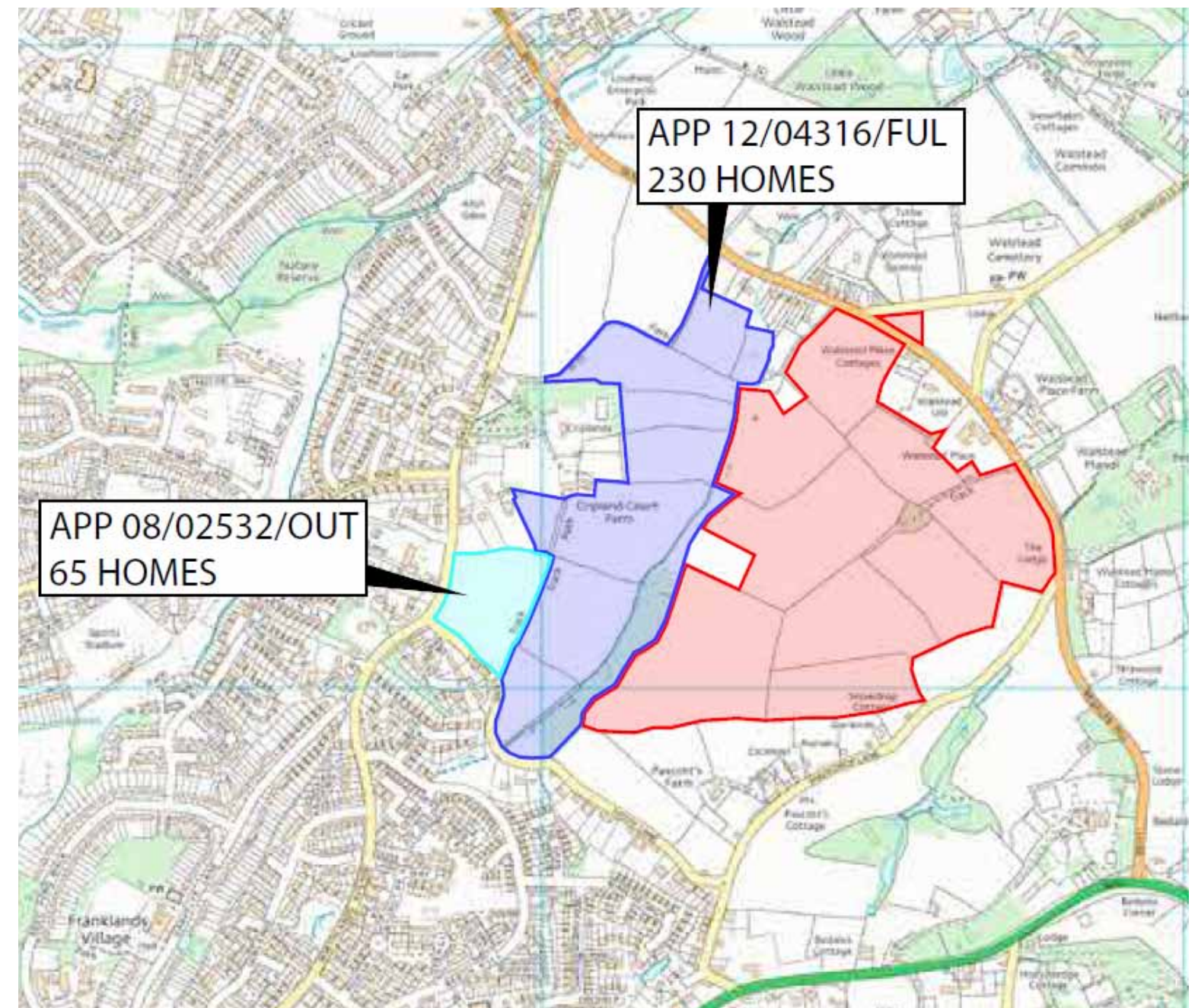
## 2.2 Taking up the Opportunities for Sustainable Travel

The adjacent image shows the provision of facilities and services in the local area. The site abuts the urban area and these facilities and services are within a distance where walking and cycling will represent genuine alternatives to travelling by car. Bus services are also available within walking distance on Marlow Drive and Northlands Avenue to the southwest of the site.

The in principle acceptability of residential development in this location has been established by nearby/adjacent permissions including:

- 65 dwellings on Gravelly Lane (ref: 08/02532/ OUT) (the 'Kaleidoscope' site);
- 230 homes at Heathwood Park with access from Gravelly Lane (ref: 12/04316/FUL); and
- 200 homes on land at Scaynes Hill Road, with access from Scamps Hill (ref: DM/15/4457).

The western Snowdrop Lane site has contiguous boundaries with both the Heathwood Park and Land at Scaynes Hill Road sites and access rights have been reserved to enable pedestrian/cyclist connections to be formed. Therefore, the Snowdrop Lane sites can be connected to and through these permitted sites and onwards to the wider pedestrian/cyclist network.



Local Committed Development



# Snowdrop Lane Lindfield



Local Facilities



## 2.4 Access Strategy

To connect the site with the existing pedestrian/cyclist link that connects Snowdrop Lane with Marlow Drive, as well as the A272 footway, a virtual footway scheme on Snowdrop Lane is proposed. The initial design of this scheme follows the approach that WSCC has taken elsewhere in the County (e.g. at Bolney). The proposed scheme involves minor widening of the Snowdrop Lane carriageway – so as not to adversely affect the character of the road – and the introduction of a marked area within the carriageway for pedestrians.

The access strategy also includes the provision of two staggered priority T-junctions with Snowdrop Lane to provide vehicular access. These have been designed in accordance with the guidance set out in the Manual for Streets (which is used by WSCC and will apply in this case) and have been informed by volumetric traffic count and speed surveys.

The proposed works to Snowdrop Lane also include reducing the size of the (unnecessarily large) Snowdrop Lane / Lyoth Lane junction.

An independent Stage 1 Road Safety Audit of the proposed access arrangements has been undertaken and the comments taken on board in the design of the scheme.

The proposed access strategy has also been subject to

detailed discussions with WSCC. The principle of creating priority junctions on to Snowdrop Lane is agreed, as is the provision of a virtual footway scheme.

WSCC has made some minor points of detail. A topographic survey is currently being undertaken and the scheme will be subsequently tweaked to fully take on board these comments.

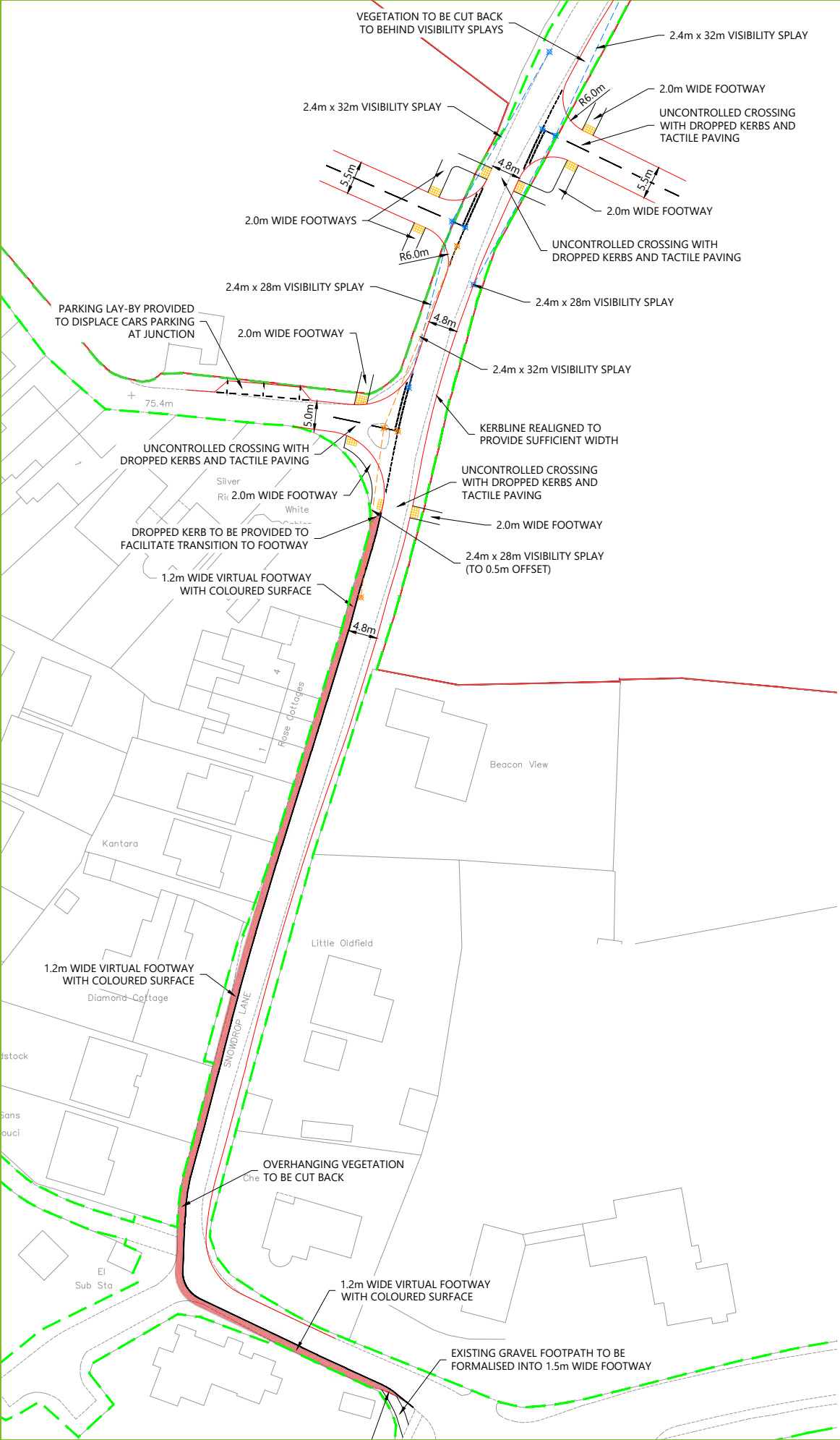
Snowdrop Lane is lightly trafficked – it currently carries circa 30 vehicles per hour (vph) in the peak hours. This will remain the case with development, with traffic flows remaining well below the threshold of 100vph, which the Manual for Streets below identifies as where shared surfaces (i.e. where pedestrians and cyclists share the carriageway with vehicles on an equitable basis) work well.

The traffic impact will be modest and certainly will not be an issue that should prevent development of the site coming forward.

Snowdrop Lane  
Lindfield



Example of Bolney VFS



Access Strategy

## 2.5 Landscape

The land to the north of Lyoth Lane slopes to the west at its southern edge, but the northern part of this site slopes to the north. The land east of Snowdrop Lane slopes gently to the west at its southern end, but then slopes to the north at its northern limb. Both sites are at the head of the valley which is orientated north eastwards. The site is not within any formal landscape or landscape-related designations including the High Weald AONB.

In the Mid-Sussex Landscape Capacity Study (2007) the site is included in parcel 43, Haywards Heath Eastern High Weald. In relation to landscape sensitivity it is concluded that this area is of moderate sensitivity overall, with varying landscape structure, a moderate contribution to the setting of the settlement, and with some urban influence. In the analysis of landscape value it is concluded that there are no landscape designations but there are some local landscape merits. It is noted that the area has no special cultural or historical associations and that scenic beauty and tranquillity is limited due to urban influence. The area is assessed as having moderate value.

The Lyoth Lane part of the site is well contained by hedgerows and trees and is aligned along the settlement edge. The character of this part of the site is urban-rural fringe, with sloping pastoral land and mature trees but there is also visual influence from the existing settlement edge. It is visually enclosed and it is considered to have no visual connection with the wider valley or the AONB. The land east of

Snowdrop Lane again comprises sloping pastoral land, but in this case the site is contained by ancient woodland to the east and by scattered properties along Snowdrop Lane to the west. There are open views to the High Weald from the higher parts of the site which have been considered as part of the design evolution.

The southern part of the Snowdrop Lane site is adjacent to a Conservation Area, although the new-build houses on the edge of this designation do not front the site, but instead are generally either side on or backing on to the fields. The southern part of this site also provides long views of the High Weald, and this forms part of the characteristic sequence of views on leaving the settlement. The south western corner of the Snowdrop Lane site is visible from the settlement edge and existing dwellings and also has distant visual connections with the AONB. The northern part of this site is more contained, but also forms part of the rural experience of arriving at the settlement.

In terms of the layout proposed, the development of the Lyoth Lane site will retain and hedgerows and trees on the development parcels and enhance the ecological value of grassland on those parts of the site which will remain open. The development of the Snowdrop Lane parcel will provide a suitable buffer to the Ancient Woodland, to the east, introduce a "village green" adjacent to the Conservation Area, with open views to the High Weald to protect and

maintain current views. This has been carefully designed to ensure that any houses to the north do not interrupt views to the wider AONB. Additionally, the proposed layout will retain the green gateway to the settlement by leaving the extreme northern end of this site free of development, giving way to some low density housing, replicating and improving upon the feeling of arriving at the settlement.



Snowdrop Lane  
Lindfield



View north from Snowdrop Lane showing both sites



View north - west from Lyoth Lane, site to the right handside



View north from Snowdrop Lane









## 3.0 Design

This section presents the design development of the illustrative masterplan, taking into account the key considerations from the site assessment.

# 3.1 Site Considerations

## Site Constraints

- Ancient Woodland requires suitable buffer
- Existing trees and hedgerows are well established
- Site contours require careful consideration of road gradients
- Distant views out to ANOB to be considered
- Proximity to conservation area

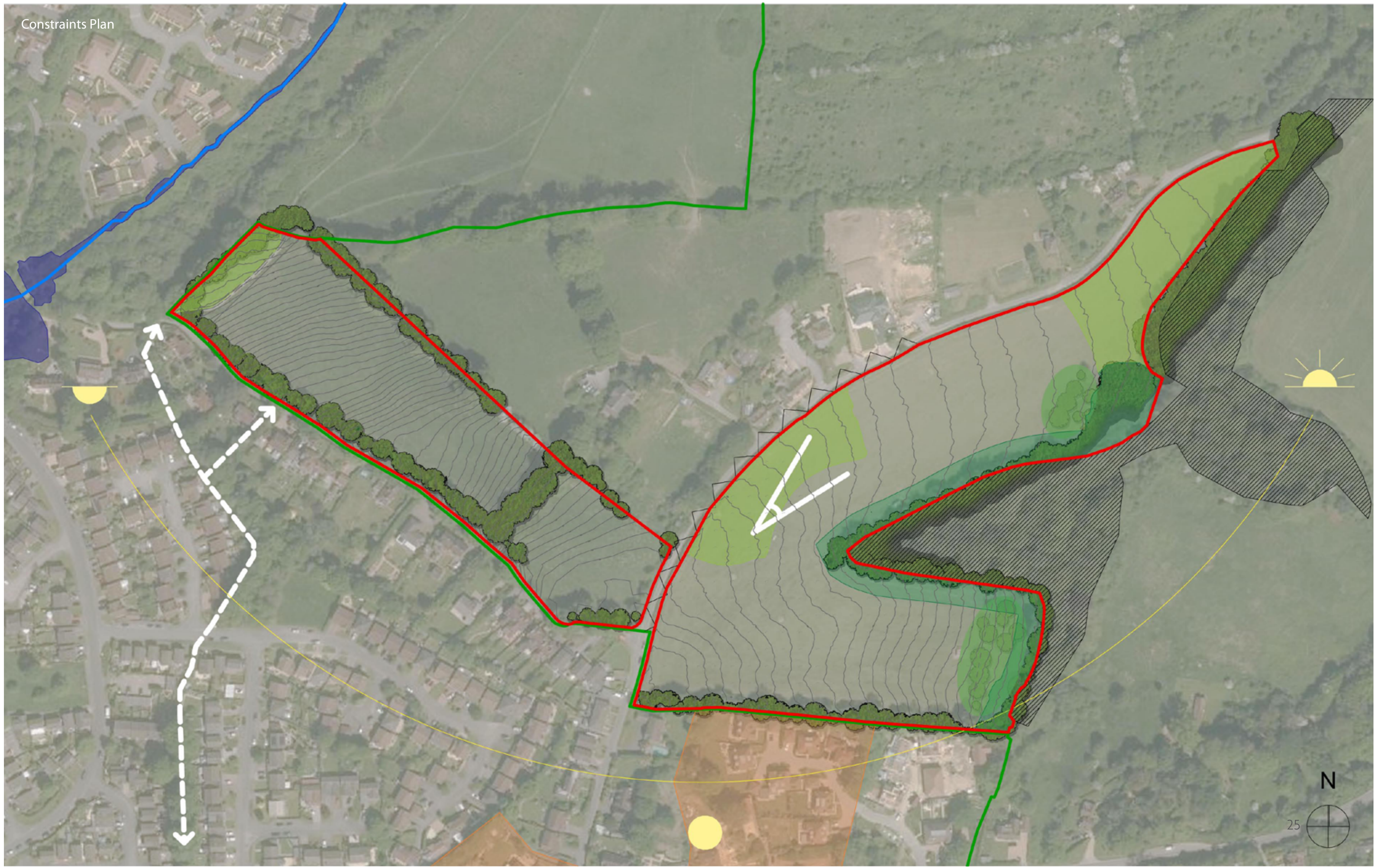
## Site Opportunities

- Unobstructed sites, with good enclosure generally
- Well located into the settlement of Lindfield and Haywards Heath
- Opportunity of significant provision of well connected open space
- Contours work well for surface drainage strategy
- Opportunity for pedestrian connectivity across the site and beyond





Constraints Plan





### 3.3 Site Concept + Masterplan





Snowdrop Lane  
Lindfield





Wates House  
Station Approach  
Leatherhead  
Surrey KT22 7SW

Tel: 01372 861000  
[www.wates.co.uk](http://www.wates.co.uk)



Snowdrop Lane  
Lindfield

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Masterplanning, Desktop Publishing and  
Graphic Design by Re-Format.

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FOR  
MAT

2059

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2059

**Response Ref:** Reg19/2059/4

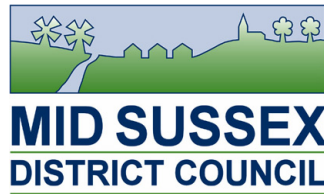
**Respondent:** Mr M Jackson

**Organisation:** Miller Homes

**On Behalf Of:**

**Category:** Developer

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

- i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

**Online:** A secure e-form is available online at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

**Post:** Mid Sussex District Council  
Planning Policy  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

A guidance note accompanies this form and can be used to help fill this form in.



## Part A – Your Details (You only need to complete this once)

---

### 1. Personal Details

Title	<input type="text" value="Mr"/>
First Name	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Jackson"/>
Job Title (where relevant)	<input type="text" value="Strategic Planning Director"/>
Organisation (where relevant)	<input type="text" value="Miller Homes"/>
Respondent Ref. No. (if known)	<input type="text"/>
On behalf of (where relevant)	<input type="text"/>
Address Line 1	<input type="text" value="Unit 3 Rankine Road"/>
Line 2	<input type="text" value="Faraday Office Park"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text" value="RG24 8QB"/>
Telephone Number	<input type="text" value="07920703944"/>
E-mail Address	<input type="text" value="Mark.jackson@miller.co.uk"/>



Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

## Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

**Name or Organisation:**

Miller Homes Ltd

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☐

### 3b. To which part does this representation relate?

Paragraph

Policy SA

variety

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes ☐

No ☒

4b. Sound

Yes ☐

No ☒

### 5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**6a.** If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected '**No**' to either part of question **4** please also complete question **6b**.

t is

**6b.** Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

Miller Homes control land at Berrylands, at Pookbourne Lane, Burgess Hill. The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings. A Vision Document has been prepared to set out the credentials of the Site and this is attached to these representations.

Policy SA10: Housing

Quantum of Housing

Policy SA10 identifies that the current minimum residual housing requirement for the SA DPD is 1,280 dwellings and that 1,764 dwellings have been allocated. The Sustainability Appraisal (SA) prepared in support of the Site Allocations DPD states that it is "...sensible to look at alternative

**7.** Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Given the shortcomings identified above the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land at Berrylands, Pookbourne Lane, Burgess Hill which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder, Miller Homes, and is deliverable.

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

☐

**No**, I do not wish to participate at the oral examination

☒

**Yes**, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To full outline concerns regarding the document.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:

Mark Jackson

Date:

28<sup>th</sup> September 2020

**Thank you for taking time to respond to this consultation**



7 October 2020

Mid Sussex District Council – Planning Policy  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

Dear Sirs

These representations have been prepared by Miller Homes Ltd in respect of the Regulation 19 consultation on the Mid Sussex draft Site Allocations DPD ("SA DPD").

Miller Homes control land at Berrylands, at Pookbourne Lane, Burgess Hill. The Site measures approximately 5 hectares, is available for development now and has an indicative capacity of 100 dwellings. A Vision Document has been prepared to set out the credentials of the Site and this is attached to these representations.

## **Policy SA10: Housing**

### Quantum of Housing

Policy SA10 identifies that the current minimum residual housing requirement for the SA DPD is 1,280 dwellings and that 1,764 dwellings have been allocated. The Sustainability Appraisal (SA) prepared in support of the Site Allocations DPD states that it is "...sensible to look at alternative approaches which would deliver an increased number of dwellings and therefore more robustness in overall supply at this stage" (paragraph 6.45). Whilst we wholly support such an approach, this is strangely only referenced in the context of sites falling out of the allocation process between now and adoption (also see paragraph 6.45 of the SA).

Paragraph 11a of the Framework is clear that "plans should...be sufficiently flexible to adapt to rapid change" and it is common practice for local plans to include a 'non-implementation buffer' to improve the robustness of a plan and ensure that the housing requirement is delivered over the plan period. Indeed the Planning White Paper: Planning for the Future advocates such an approach at a national scale with a buffer of 12% against suggested housing need.

It is accepted that the buffer currently proposed in the SA DPD is sufficient when measured against the minimum residual housing requirement (1,280 dwellings). However, a non-implementation buffer must be applied to the entire housing requirement yet to be delivered to ensure that a minimum of 16,390 dwellings are delivered over the plan period, as required by Policy DP4 of the District Plan. At present, the SA DPD would only provide a buffer of 484 dwellings or 4.2% against the remaining District Plan requirement after completions (11,473 dwellings), which clearly fails to deliver a robust plan that is sufficiently flexible to adapt to rapid change, such as the non-implementation of sites (noting that the SA DPD is already having to address a shortfall of more than 200 dwellings from the Strategic Allocation at Burgess Hill).

Furthermore, the District Plan states that the SA DPD will help maintain a 5 year housing land supply but with a buffer of less than 5% for the residual housing requirement to 2031, it is difficult to see how a rolling 5 year supply can be provided, including an appropriate buffer (at least 5%) as required by paragraph 73 of the Framework.

Given the above, the SA DPD should allocate additional sites sufficient to provide at least a 10% buffer against the remaining District Plan housing requirement, increasing the overall housing provision to 2,427 dwellings. Without this change, the SA DPD would fail to be positively prepared or justified and accordingly unsound, in line with paragraph 35 of the Framework.

### Windfall Allowance

Table 2.3 outlines a windfall allowance of 504 dwellings. This represents an increase of 54 dwellings against the windfall allowance assumed within the District Plan. Paragraph 2.28 of the SA DPD indicates that this increase is to “reflect changes in national policy and District Plan Policy DP6 that supports development of up to 9 dwellings that are contiguous to existing Settlement Boundaries and based on past performance”. However, the District Plan is clear that the SA DPD would look at all sites of 5 dwellings and more (reducing likely future windfalls by allocating them) and the wording of Policy DP6 of the District Plan was of course known at the time of agreeing the current windfall allowance. As such, a change could only be justified through the availability of new evidence since the adoption of the District Plan. Paragraph 70 of the Framework sets out that “compelling evidence” must exist to support a windfall allowance however no such information exists.

Accordingly, the windfall allowance should be reduced back to the figure agreed in the District Plan – 450 dwellings, and further allocations identified to address this shortfall of 54 dwellings, starting with the Category 1 settlements.

The purpose of the Site Allocations DPD is to ‘mop up’ any residual housing requirement outlined in the District Plan. Accordingly, sites should be allocated on the basis of settlement category figures, focusing the majority of growth in Category 1 settlements.

### **Policy SA11: Additional Housing Allocations**

Distribution of Development

#### Category 1 Settlements

Table 2.5 within Policy SA11 outlines that 1,409 dwellings are proposed to be allocated within Category 1 Settlements. Within the District Plan it is clear that Burgess Hill has by far the most housing allocations, including the Northern Arc and therefore at a strategic level it is difficult to understand the justification to allocate almost a further 612 dwellings on the edge of this settlement.

With the direction of travel for the growth of Burgess Hill being to the west of the town it is clear that sites such as Berrylands should be considered as real options to continue this level of sustainable growth.

#### Selection of Sites

Miller Homes Ltd control land at Berryland, and the attached brochure demonstrates how the site could be developed and delivered in short order.

Selected commentary is provided below:

- Ancient Woodland – the Site is adjacent to ancient woodland however the submitted Vision Document demonstrates that a 20m buffer is proposed, exceeding Natural England guidance. No adverse effects are therefore considered to arise.
- Listed Buildings – There are no heritage assets that would be adversely affected by this proposal.
- Trees/TPOs – There are no protected trees within the site. Any development scheme would be able to respect and maintain the boundary vegetation on this site.
- Local Road/Access – Vehicular access into the Site is available through a field gate. This would be enhanced as would the road leading to the site. This would have the advantage of enhancing the entrance to the Council’s depot opposite.
- Deliverability – The Site is controlled by a housebuilder, Miller Homes, and available for development now. The submitted Vision Document outlines that the Site can comfortably be delivered within the plan period.



Given the above, it cannot be concluded that the additional housing allocations identified through Policy SA11 have been selected on a robust basis and represent an appropriate strategy and thus the SA DPD is unsound.

To address this issue, the Council should re-appraise the site selection process to ensure all scoring is accurate and review what implications this has for conclusions in respect of allocated / omitted sites.

We agree that the SA DPD should not simply allocate all sites in Category 1 settlements as they should broadly align with the spatial strategy set out in the District Plan, but only where it is sustainable to do so. Where sufficient sites cannot be identified within a settlement category, any shortfall should then first be tested in Category 1 settlements.

Our representations identify a number of fundamental concerns with the Site Allocations DPD and its supporting evidence. These can be summarised as follows:

- i. The Site Allocations DPD fails to provide a sufficient buffer against the District Plan requirement to ensure the Plan incorporates flexibility and robustness against the non-implementation of allocated sites. It is suggested that a 10% buffer should be applied.
- ii. There is no evidence to justify an increase in the windfall allowance, contrary to the 'compelling evidence' test set by the Framework (paragraph 70).

Given the shortcomings identified above the SA DPD is unsound. Additional sites will need to be allocated in order to address these issues of soundness, such as land at Berrylands, Pookbourne Lane, Burgess Hill which has capacity to accommodate approximately 100 dwellings, is controlled by a housebuilder, Miller Homes, and is deliverable.

I hope you find these representations helpful and if you would like to meet to discuss the development of this land please do not hesitate to contact me.

Yours faithfully

Mark Jackson

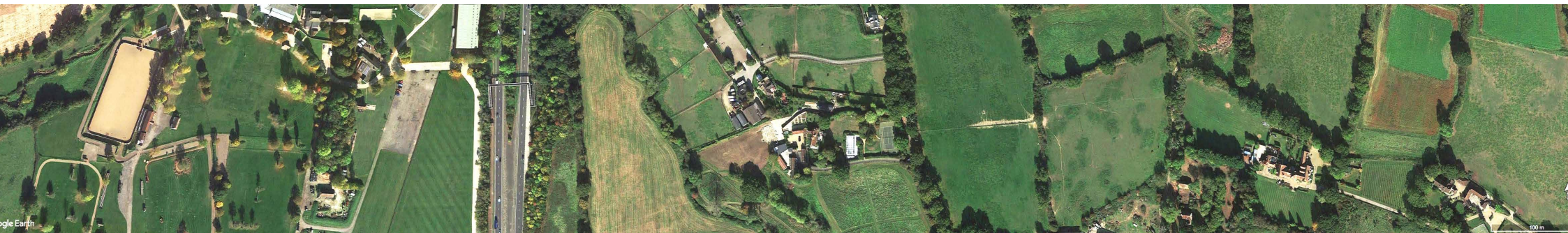
[Mark.jackson@miller.co.uk](mailto:Mark.jackson@miller.co.uk)

Tel: 07920703944





## Land West of Pookbourne Lane, Burgess Hill

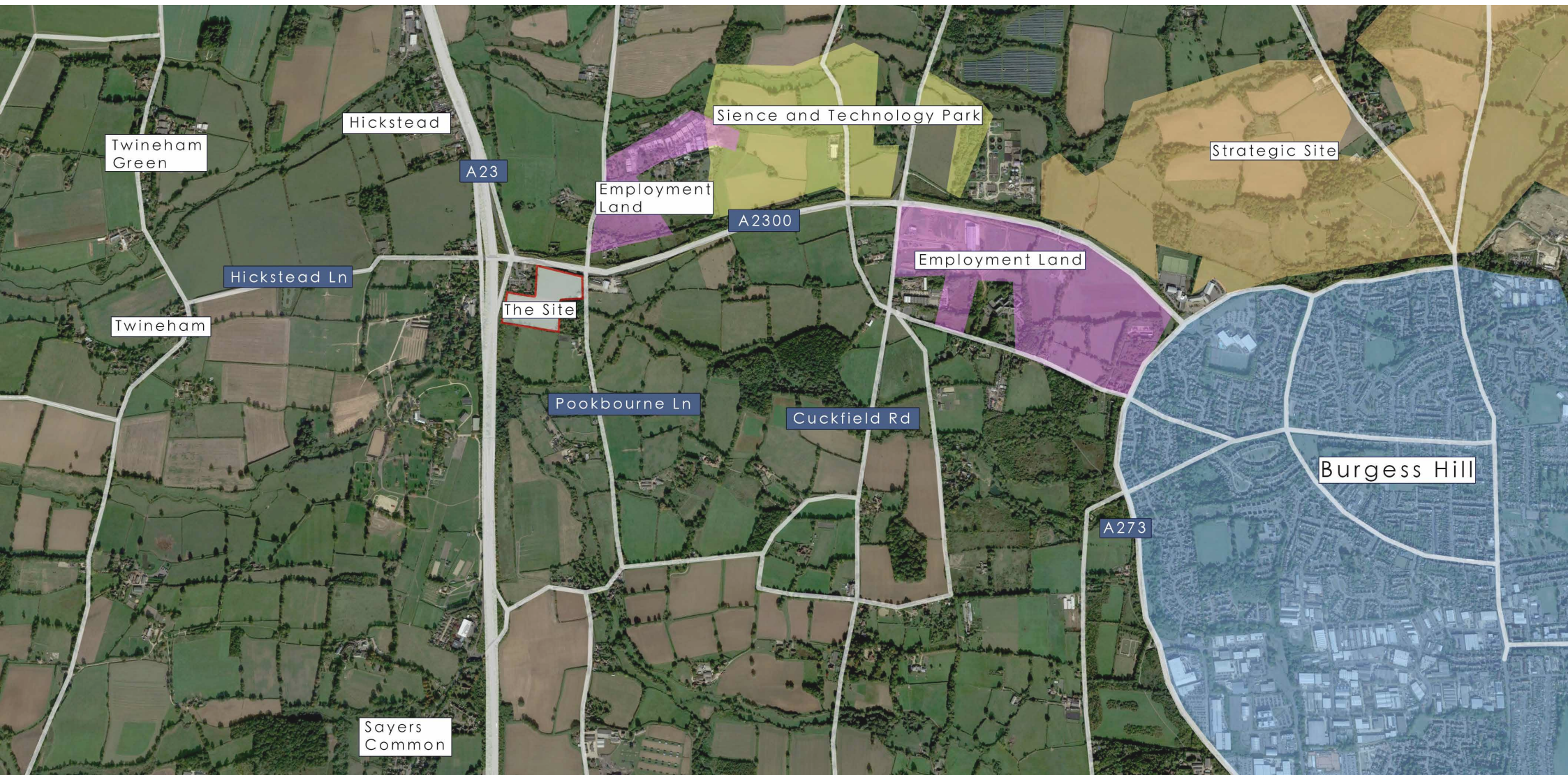




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# 1. Introduction

This Vision Document has been prepared by The Core Design, on behalf of Miller Homes Limited, with respect to the promotion of a high quality landscaped residential community on land west of Pookbourne Lane, Burgess Hill for inclusion in the Council's emerging Site Allocations DPD.

Land west of Pookbourne Lane, Burgess Hill ("the Site") represents an opportunity to deliver a sensitive residential extension in a highly sustainable location, being on the edge of one of the principal towns in the District - Burgess Hill.

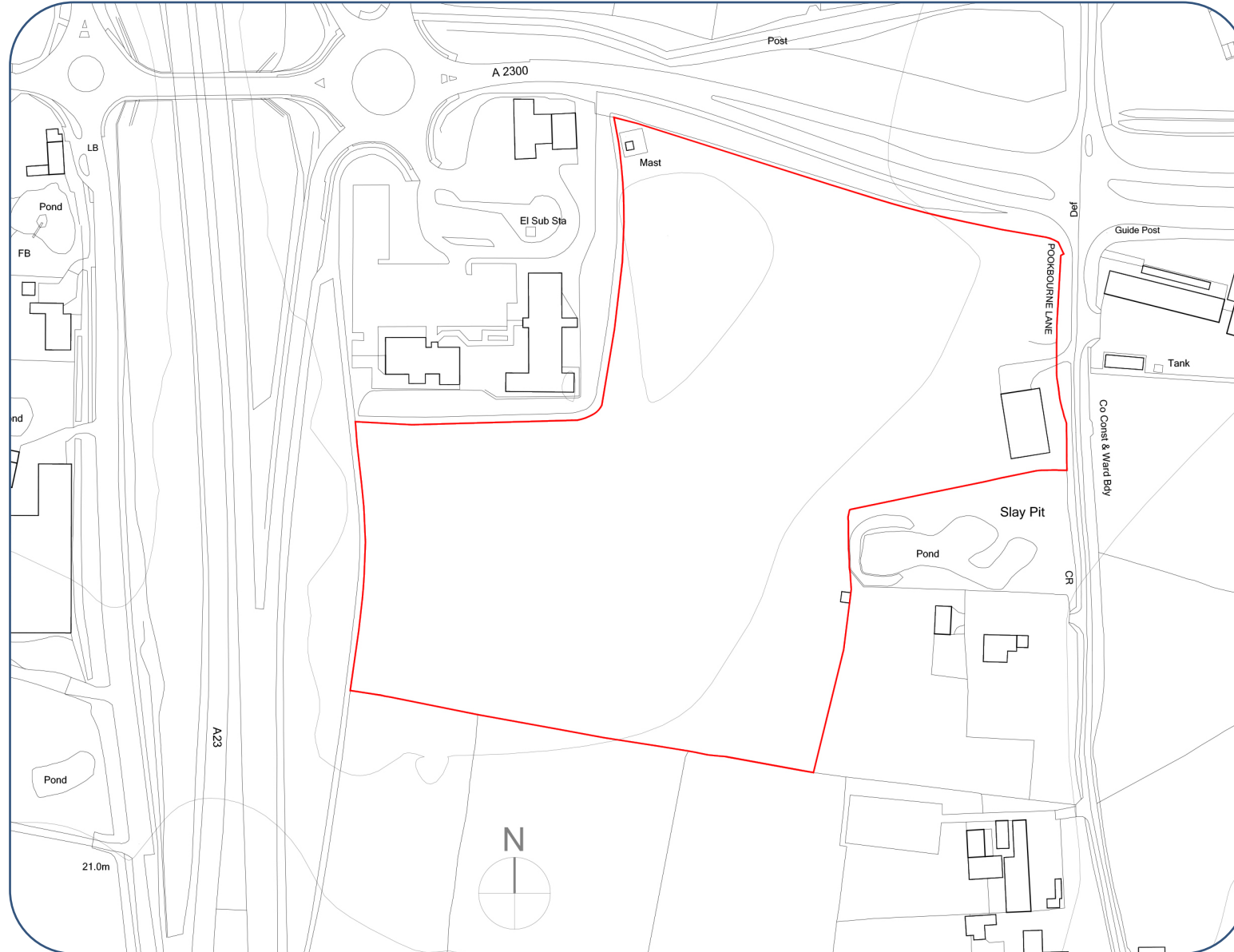
The site could accommodate in the region of 100 dwellings, helping contribute towards significant market and affordable housing needs within the District.

This Vision Document provides an analysis of the Site and its wider context, including its accessibility to services / facilities and its relationship with the wider environment.

Document examines the opportunities for residential development and culminates in a Vision for the Site and a concept masterplan.

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## Introduction to Miller Homes

---

Miller Homes is a national housebuilder with over 80 years of experience delivering new homes.



**millerhomes**

Miller Homes has established a heritage for building high quality family homes and our success has been built on solid strategic foundations and high calibre employees operating at all levels within the business.

Miller Homes also have a reputation for quality and excellent customer service and have been awarded five stars in the Home Builders Federation National New Home Customer Satisfaction Survey.

Their disciplined approach to enhancing shareholder value is supported by the relationships they have developed as part of our philosophy, The Miller Difference.

This is embedded within all parts of the business and ensures they have fully engaged and committed employees and subcontractors.









## Understanding the Site

**The Site is located to the west of Burgess Hill and is approximately 5 hectares in size. The Site could accommodate approximately 100 units.**

The Site comprises one agricultural field clearly defined by boundaries comprising well-established hedgerows and trees.

The Site is well connected offering convenient links to Burgess Hill as well as links to further destinations like South Coast and Brighton to the south and London / Gatwick airport to the north.

The Site provides much needed residential development which will be required as a result of expansion of Burgess Hill to the north. Future development of Science Park and significant employment area will generate demand for high quality residential development within the proximity of the site.

The Site is in close proximity to a range of services and facilities, which is discussed in more detail in the Accessibility section of this Vision Document.

Vehicular access to and from the Site will be achieved off Pookbourne Lane utilising existing field entry point.

The Site is bound by two main roads - A23 from the west and A2300 from the north. Ancient Woodland forms part of eastern boundary of the Site. Southern boundary offers long reaching views toward South Downs.









## 2. Planning Policy Context

The site lies in close proximity to Burgess Hill. The town is set for the development of 3,500 new houses as part of the Northern Arc development.

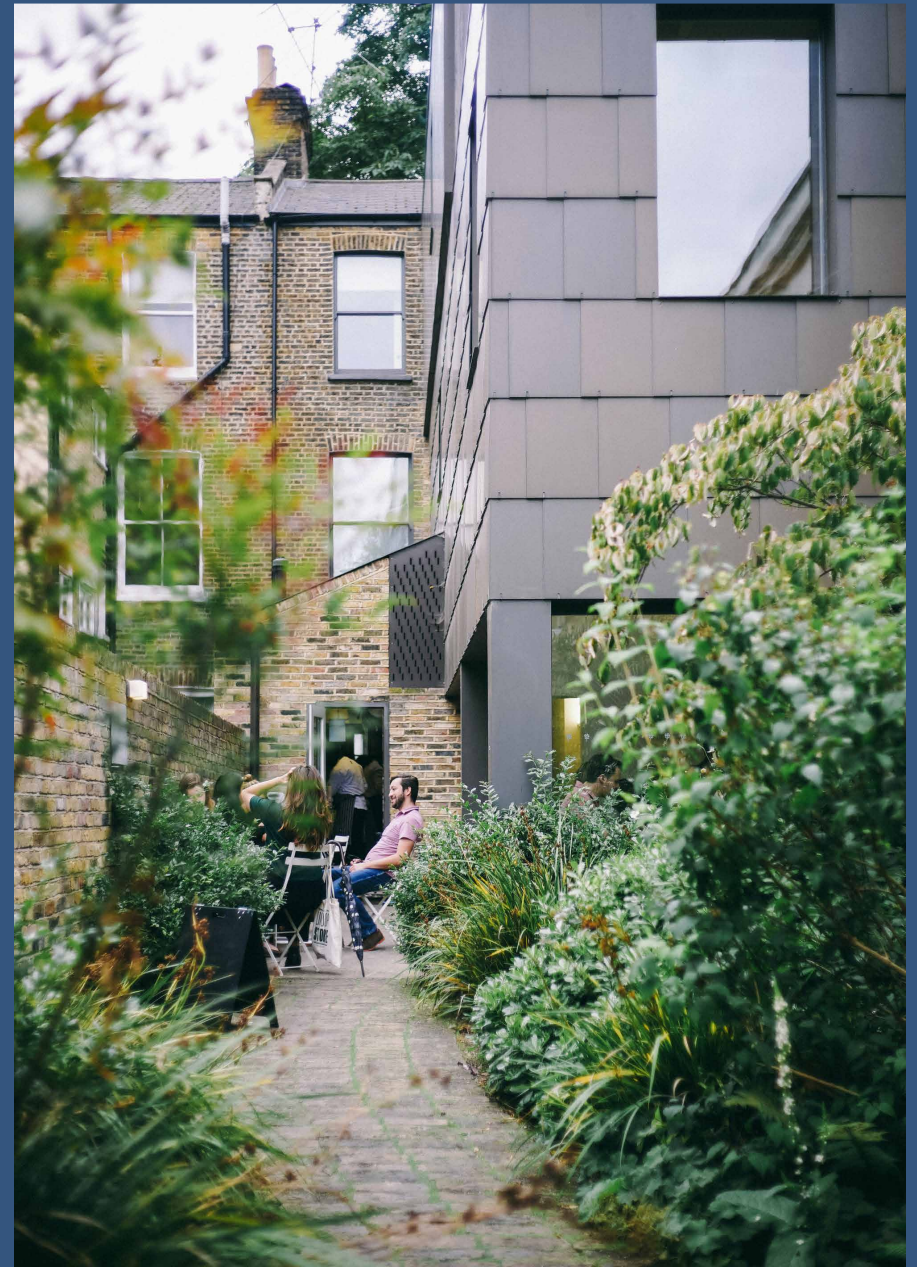
Three schools as well as community facilities will be included and the planning of the development is at an advanced stage with the County, District and Town Councils working together to finalise this development, which is being promoted by the Government's housing agency Homes England.

In addition a science park and industrial park are planned along the A2300.

The direction of growth for the town continues in a westerly direction with main road linkages being to the A23.

Additional housing in this area will enhance the sustainable credentials of the town and provide additional opportunities for people to live close to where they work.

The site's location near to major road junctions and an area of growth advocated in the emerging Site Allocation DPD produced by the Council means that opportunities such as this site should be embraced by MSDC in terms of securing much needed growth and new homes.



### 3. Accessibility

The Berrylands Farm site is situated immediately to the south east of the Hickstead services (A23 / A2300 junction). Access will be taken from the east side of the site from Pookbourne Lane.

Hickstead Services (Shell Garage / Shop, Starbucks, Burger King, Travelodge) and the Castle Inn are in close proximity of the site. Bolney Grange Business Park is situated a short distance to the north west of the site.

Bus service 100 (Burgess Hill – Henfield – Steyning – Storrington – Pulborough – Billingshurst) – Slinfold – Horsham) routes along the A2300 (stopping in close proximity of the site) providing an hourly service Monday – Saturday. Bus service 272 (Crawley – Handcross – Hassocks – Brighton) also provides a service stopping near the site on Monday – Saturday.

St Pauls College and The Triangle Leisure Centre have traditionally

marked the north west gateway into Burgess Hill. Burgess Hill Strategic Growth Programme will facilitate the transformative change of the town through significant improvements in housing, jobs, infrastructure, social and community facilities.

Burgess Hill is expanding north and eastwards along the A2300 corridor towards the A23. This has started with the Burgess Hill DPD site on the south side of the A2300 east of Cuckfield Road.

The North and North West of Burgess Hill strategic allocation (Northern Arc) is providing around 3,000 new homes, significant employment development, formal sports provision and other local centre and community uses.

With four universities and a wide range of graduates living and working in the region, there are proposals that see Burgess Hill perfectly placed to develop a new Science & Technology Park and create a new high-tech business growth

corridor to the west of the town along the A2300 towards the A23 junction

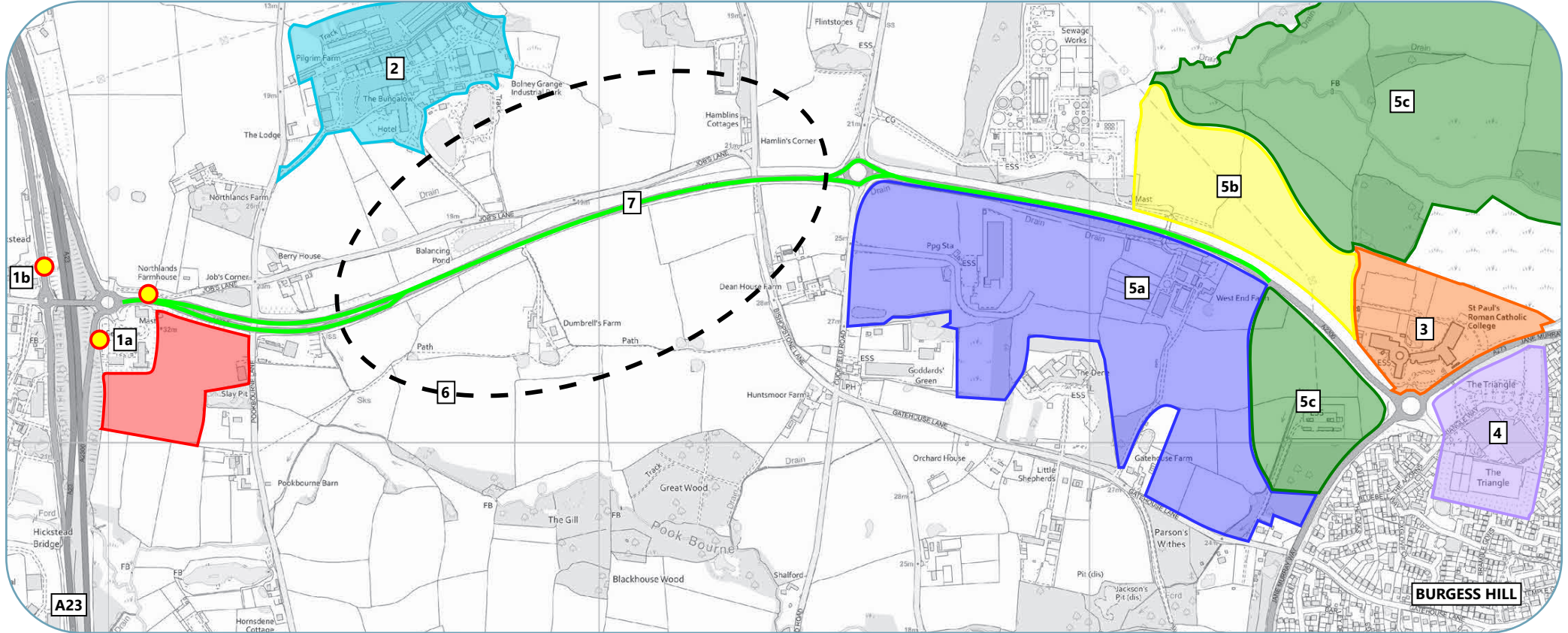
In conjunction with this planned growth, West Sussex County Council's A2300 improvement scheme has commenced. It will provide:

- A dual carriageway between the A23 junction and the Northern Arc development access / Burgess Hill;
- Junction upgrades; and
- New and improved pedestrian and cycle path along its length linking the National Cycle Network Route 20 and the Northern Arc development / Burgess Hill.

As development increases west of Burgess Hill public transport services are likely to improve further.

The site will be in close proximity of significant employment, shopping, leisure, sport and recreation opportunities which will be accessible by active travel modes (walking / cycling) as well as public transport.





#### KEY

1a SITE BOUNDARY

1b LOCAL BUS STOP

1a HICKSTEAD LOCAL SERVICES

- SHELL GARAGE / SHOP
- STARBUCKS
- BURGER KING
- TRAVEL LODGE

1b THE CASTLE INN

2 BOLNEY GRANGE BUSINESS PARK AND THE HICKSTEAD HOTEL

3 ST PAUL'S COLLEGE

4 THE TRIANGLE LEISURE CENTRE

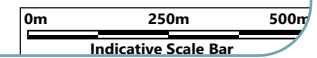
5 NORTH AND NORTH WEST OF BURGESS HILL STRATEGIC ALLOCATION

- 5a - EMPLOYMENT LAND (INCLUDING DPD BURGESS HILL - THE HUB)
- 5b - LAND FOR FORMAL SPORT
- 5c - MIXED USE

6 INDICATIVE LOCATION OF EMERGING PROPOSALS FOR SCIENCE AND TECHNOLOGY PARK

7 A320 IMPROVEMENT SCHEME

- DUALLING AND FOOTWAY / CYCLEWAY LINK BETWEEN A23 / HICKSTEAD SERVICES AND THE STRATEGIC ALLOCATION ACCESS



## Transport Sustainability

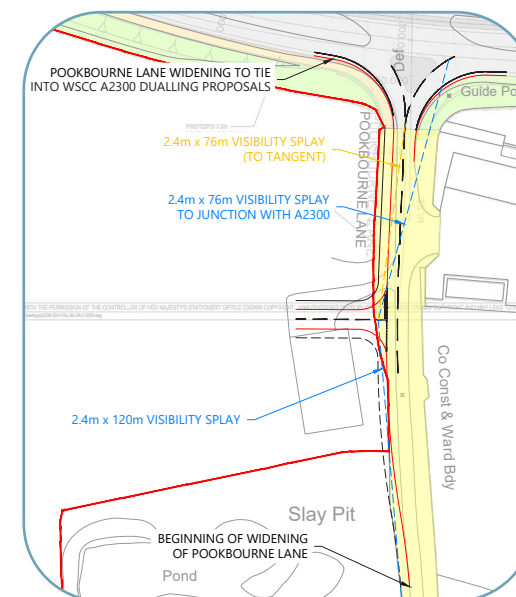
The concept of Transport Sustainability should be considered more holistically. Sustainable development can in fact take many forms and include broader components such as: well-connected communities, healthy and active lifestyles, better environment, and smart developments.

The proportion of people working from home has been gradually increasing. Under normal circumstances this pattern may be expected to continue, however, COVID-19 has kicked-started a home-working revolution with sharp rises in the number of people working from home. Whilst some staff will return to the office, it is clear that many businesses expect that more staff will continue to work from home after the pandemic, resulting in less traffic on the roads particularly during peak periods. Sharp increases in home working are expected.

Online sales have also increased significantly in recently years and as a direct result of the COVID-19 pandemic. This trend is anticipated to remain higher than previously experienced and major retailers have identified this and are adapting their businesses accordingly. As such, retail trips are likely to continue to fall and at a greater rate than historically experienced.

The number and proportion of electric / low emission vehicles registered each year is increasing significantly as the automotive industry works towards ambitious government targets to reduce the number of petrol and diesel vehicles on the road. Extrapolation of historic trends and Government projections show this exponential increase in the uptake of electric vehicles will continue. Therefore, whilst vehicles will continue to use the roads these will transition to 'sustainable modes' of transport as per the NPPF definition

Sustainability is integrated throughout Miller Homes developments. Their developments offer a range of sustainability measures which are in line with the NPPF's definition. Measures include electric vehicle charging points, flexible working from home spaces, high quality broadband connection, well designed layouts, and promotion of alternative modes of travel from the offset.



Site entrance of Pookbourne Lane



## 4. Opportunities and Constraints





This section of the Vision Document considers the key opportunities and constraints that relate to the Site, which are summarised in the plan opposite.

## Constraints:

### Site boundaries:

North: Northern site boundary runs along planted strip on A2300 which is currently being converted to dual carriageway. In north west corner site abuts existing service station which provides essential services like Waitrose convenience store and Starbucks coffee shop. In addition services provide Burger King and Travelodge. Boundary between the services and residential site is heavily planted.

West: From the west the site abuts heavily planted verge along A23.

East: Eastern site boundary runs along Pookbourne Lane.

South: Site boundary to the south runs along the field boundary consisting of hedges and trees.

### Access:

Site is accessible in the norther corner of the site along eastern boundary of Pookbourne Lane where existing filed access point is located currently.

### Landscape:

All site boundaries are green with trees and hedges planted either within Highway

England or site ownership. Along the easter boundary site abuts a pond surrounded by trees designated as ancient woodland. 20 meter buffer will be provided to protect and enhance that setting. Further south there is an existing period residential property with extensive gardens.

### Topography:

Site north western corner is elevated with land falling towards eastern and southern boundary. Services are located few meters lower than the site. A23 runs partially in a cutting and is partially elevated above the site.

## Opportunities:

Proposed development will address site green edges wherever practical and desirable.

These Edges will be enhanced and widen to provide meaningful green boundary which will support ecology buffer enhancement. Provide green links and encourage informal play.

Site green edges combined with buffer required to the ancient woodland will create a network of green spaces which could be

interlinked within the central part of the site offering potential pedestrian link between services and the site.

Sensitive eastern boundary which is sites lowest point will be addressed by providing a buffer which could accommodate drainage pond.

## Ecology:

Vegetative corridors could be retained and protected by sufficient buffers, supporting ecological connectivity.

Similarly, the ancient woodland could be protected via an appropriate buffer.

The landscaping should be dominated by native species planting including native trees, shrubs and scrub and pollen rich attractive floral species. Wildflower areas should be incorporated where possible, for example around the SUDS to the south of the Site. This will provide continued foraging resources by encouraging invertebrates.



## 5. Concept Masterplan

**Our Vision for the Site, is to deliver a locally responsive and landscaped extension to Burgess Hill comprising approximately 100 dwellings.**

Concept masterplan responds to site constraints and opportunities by accommodating sensible and sensitive development concept based within the wider context of the site as well as its immediate surroundings.

The Proposed Development will be predominantly two storey with elements of 2.5 st in prominent well designed and justified locations.

Site will include a mix of housing ranging from 2 bedroom properties to serve time buyers and those looking to downsize, to larger 3 and 4 bedroom homes providing much needed family housing.

30% of all housing will be affordable in accordance with adopted policy. The scheme will be broken into two logical parcels in response to the shape of the site while retaining parcel green boundaries where possible.

A landscape buffer is incorporated to the east to preserve the setting of the existing pond. At least a 20m buffer is provided to the ancient woodland. South eastern area will be free of built

development and act as a SuDs feature. This also helps to reinforce the transition of the settlement edge to countryside.

A naturalised children's play area could be provided within the centre of the Site to maximise accessibility and natural surveillance.

Bat roost features will be integrated within the fabric of the new builds and a variety of bird boxes, to attract an array of species, will be erected across the Site.

Hedgehog access will be implemented across the Site through newly created gardens and the periphery will continue to provide commuter routes for larger mammals.

The lighting strategy will be designed with nocturnal species in mind following best practice guidelines. For example, no light spill will reach boundary vegetation and dark corridors will be maintained along site boundaries.

Vehicular access would be sensitively delivered through an existing filed entrance located along Pookbourne

Lane. Entrance is located between A2300 and the existing pond along eastern site boundary. A simple priority junction access is proposed which would be wide enough to allow two large vehicles to comfortably pass each other. Visibility splay and new footpath will be provided to between Pookbourne Land and A2300.

Main loop road within the development provides access to the southern site boundary. That could be utilised in the future to provide further residential development extension to the south.

Footway provision is proposed alongside the access road. There is a possibility to provide pedestrian link between the Site and Service Station in north west corner of the Site.









## 6. Summary

- provision of much needed market and affordable homes;
- provision of on-site open space and children's play area that would provide a valuable resource for the community;

mill

# er

homes

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2065

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2065

**Response Ref:** Reg19/2065/19

**Respondent:** Mr A Black

**Organisation:** Andrew Black consulting

**On Behalf Of:** Denton - Horsham Road

**Category:** Promoter

**Appear at Examination?** x

**From:** Andrew Black <andrew@andrewblackconsulting.co.uk>  
**Sent:** 28 September 2020 14:41  
**To:** Idfconsultation  
**Subject:** Site Allocations DPD (Regulation 19) Consultation  
**Attachments:** Draft Site Allocations DPD (Reg 19) Consultation - Land North of Horsham Road - ABC obo Denton Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land North of Butlers Green Road - ABC obo Denton Homes.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

**Andrew Black**

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)  
Consultation

Representation on behalf of Denton Homes – Land  
North of Horsham Road, Pease Pottage

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0075/07a

Local Authority Mid Sussex District Council

Client Denton Homes

Issue Final

Author Andrew Black

Date September 2020

**Disclaimer:** This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.



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## 1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding two linked sites within their control at Horsham Road in Pease Pottage.
- 1.2 The two sites are known as *Land at former Driving Range, Horsham Road, Pease Pottage* (SHELAA ID 219) and *Land north of the Former Golf House, Horsham Road, Pease Pottage* (SHELAA ID 818)
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
  - a) *positively prepared*
  - b) *justified*
  - c) *effective, and*
  - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.



## 2. Site and Surroundings

- 2.1 The two sites are located within close proximity of each other as highlighted in the below SHELAA map.

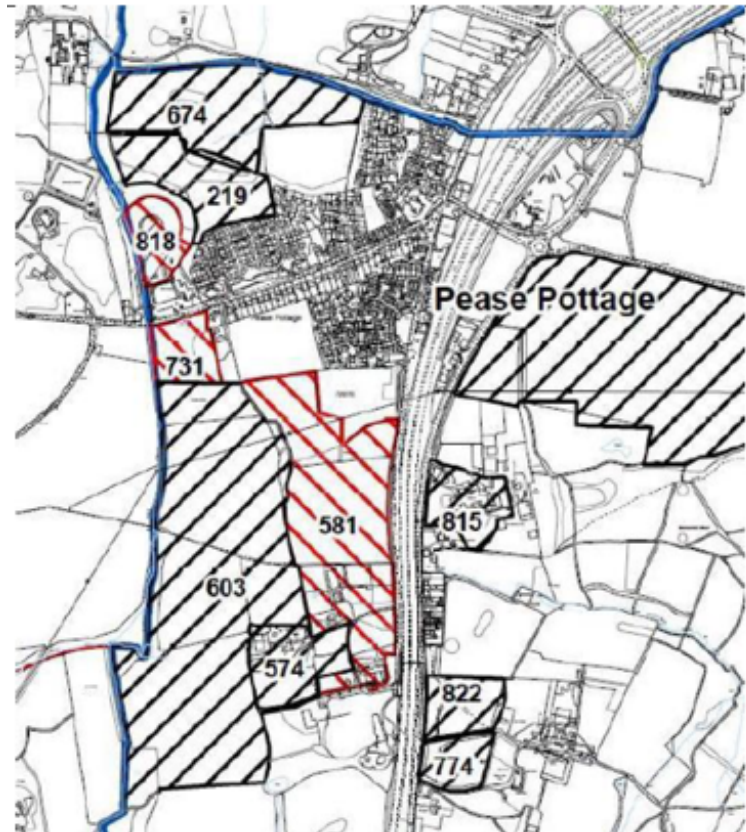


Figure 1 – SHELAA Extract

- 2.2 The sites were assessed in the most recent under SHELAA (Ref 219 and 818) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were noted within the SHELAA form which are addressed below.

### Surrounding Developments and Proposed Allocations

- 2.3 Both sites are in close proximity to areas which have been developed for housing in recent years.
- 2.4 To the south of the sites, permission was granted at appeal for the redevelopment of the former area of Golf Course for 95 dwellings which has been subsequently completed.
- 2.5 The application was submitted in 2013 (13/02994/OUT) and refused at local level before being allowed at appeal in 2014 (ref APP/D3830/A/2215289)



Figure 2 – Riverdale Homes site layout

- 2.6 The site directly to the west of the Golf Course site which comprised of the former club house and driving range was granted permission for the *demolition of existing buildings and redevelopment of the site to provide 25no. dwellings with associated access, parking and landscaping and other associated works* (Ref DM/17/0747).



Figure 3 – Approved layout on land to south (forming access road)



- 2.7 The site provides an access to the further parcels at the rear of the site (SHELAA ref 219 and 818)
- 2.8 The Proposals Map for the SADPD shows the significant growth forecasted in Pease Pottage in the lifetime of the plan.

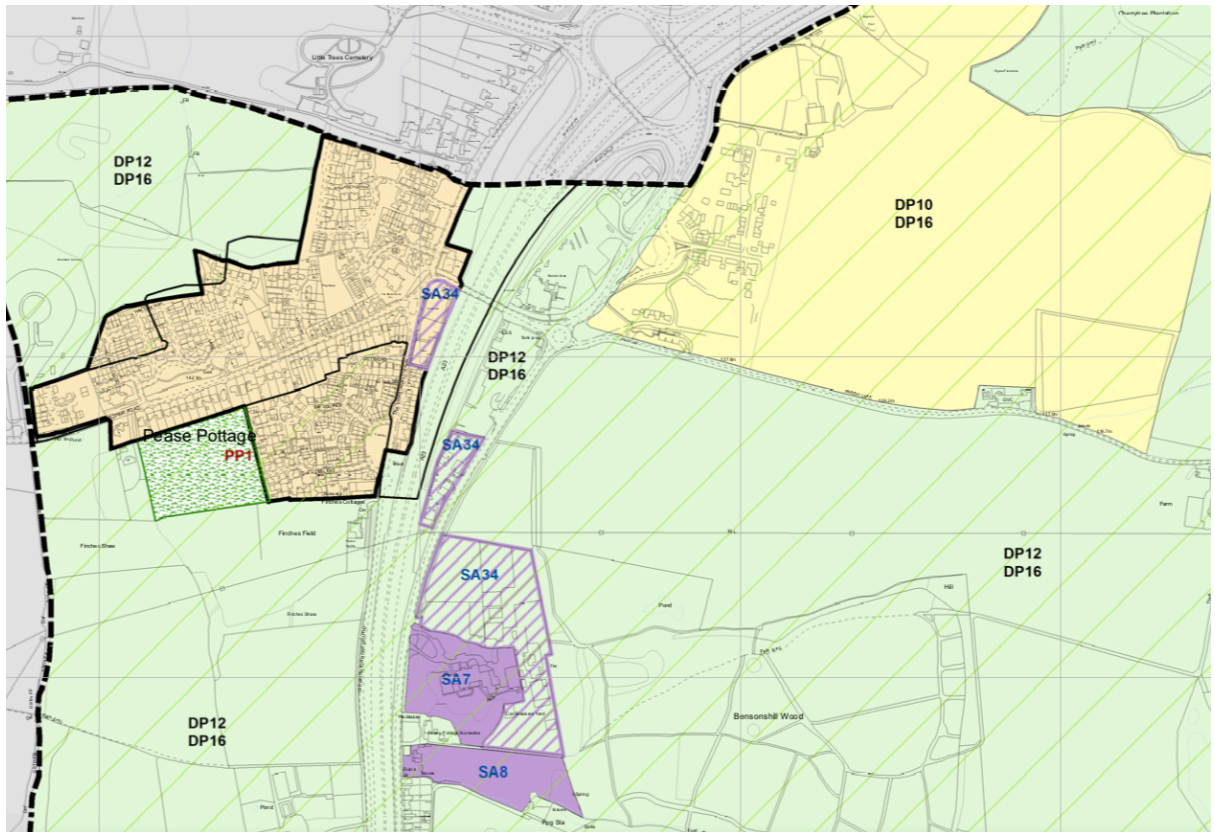


Figure 4 – SADPD Proposals Map

- 2.9 The large development to the East of Pease Pottage is being brought forward by Thakeham Homes and will deliver a substantial portion of housing together with new facilities for the Village including a new Primary School, Village Shop, Village Café and areas of open space.
- 2.10 The site was dismissed within the Site Selection Process for its lack of proximity to services

**Part 3 - Sustainability / Access to Services**

14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

- 2.11 This may be the case at present but will substantially improve with the development of the Thakeham site.
- 2.12 Sites SA7 Cedars (Former Crawley Forest School) and SA8 Pease Pottage Nurseries are allocated within the SADPD for B1, B2 and B8 employment.

- 2.13 All of the new development coming forward with Pease Pottage is also within the AONB. It demonstrates that Pease Pottage will experience significant growth in the coming years and is able to support an uplift in housing which will be located alongside facilities and employment opportunities.



### 3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

<b>Annual Requirement As set out in District Plan</b>	876 x 5 years =	4,380
<b>Shortfall spread over remaining plan period</b>	466 divided by 12 remaining years x 5 years	194
<b>Total</b>		<b>4,574</b>
<b>Buffer (see paras 2.4,4.9 above)</b>	10%	457
<b>Total five year supply requirement</b>		<b>5,032</b>

*Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply  
Position Statement*

- 3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

*A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.



## Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:*** *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

*A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.*

*The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.*

*Paragraph: 019 Reference ID: 3-019-20190722*

*Revision date: 22 07 2019*

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

## Historic Environment

- 3.13 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any*

*potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 3.14 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable*

- 3.15 The council has sought in their assessment of sites to grade the level of harm within the category of less than substantial harm. This is not appropriate way to suggest that this harm could be mitigated if it is at the lower end of ‘less than substantial harm’ is an incorrect interpretation of planning policy, legislation and guidance. The most recent authority on this matter is in the high court decision for *James Hall and Company Limited v City of Bradford Metropolitan District Council & Co-operative Group Limited & Dalehead Properties Limited* in a judgement handed down on 22 October 2019 ([2019] EWHC 2899) where the ruling confirmed that ‘negligible’ or ‘minimal’ harm still equates to ‘harm’ for the purposes of the heritage tests in the NPPF.
- 3.16 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.



## 4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

*The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

*Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.*

*The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

*Paragraph: 018 Reference ID: 11-018-20140306*

*Revision date: 06 03 2014*

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

*The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only*

*the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.*

- 4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

- 4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

*Option A – 20 ‘Constant Sites’ – 1,619 dwellings*

*Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.*

*Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings*

- 4.8 Paragraph 6.52 of the SA concludes that:

*Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.*

- 4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

- 4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.



## 5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

### **SA 12 Land South of 96 Folders Lane, Burgess Hill**

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

### **SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.**

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

### **SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill**

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

#### **SA 15 Land South of Southway, Burgess Hill**

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

*Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.*

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

#### **SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill**

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

#### **SA 17 Woodfield House, Isaacs Lane, Burgess Hill**

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

*There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.*

*Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

*Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.*



- 5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

*Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.*

- 5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

*The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.*

- 5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

#### **SA 18 East Grinstead Police Station, College Lane, East Grinstead**

- 5.22 We have no comments to make in relation to this allocation.

#### **SA 19 Land south of Crawley Down Road, Felbridge**

- 5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

- 5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

#### **SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead**

- 5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

- 5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

- 5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

*Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In*

*line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.*

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

#### *APPENDIX B : Gullege Farm, Imberhorne Lane*

*This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.*

#### **NPPF: LSH, high**

##### *Imberhorne Farm and Imberhorne Cottages*

*In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.*

*The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.*

#### **NPPF: LSH, high**

- 5.30 The potential harm to heritage is also referred to in the SA which states that:



*option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II\* listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

## **SA 21 Rogers Farm, Fox Hill, Haywards Heath**

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

*Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).*

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

*15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*

*16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*

*17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

#### **SA 22 Land north of Burleigh Lane, Crawley Down**

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

*Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.*

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down. NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

#### **SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield**

- 5.38 No comments.

#### **SA 24 Land to the north of Shepherds Walk, Hassocks**

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

#### **SA 25 Land west of Selsfield Road, Ardingly**

- 5.40 No comments.

#### **SA 26 Land south of Hammerwood Road, Ashurst Wood**

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

#### **SA 27 Land at St. Martin Close, Handcross**

- 5.42 No comments.



**SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes**

- 5.43 No comments.

**SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes**

- 5.44 No comments.

**SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common**

- 5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 31 Land to the rear Firlands, Church Road, Scaynes Hill**

- 5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 32 Withypitts Farm, Selsfield Road, Turners Hill**

- 5.48 No comments.
- 5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 33 Ansty Cross Garage, Cuckfield Road, Ansty**

- 5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

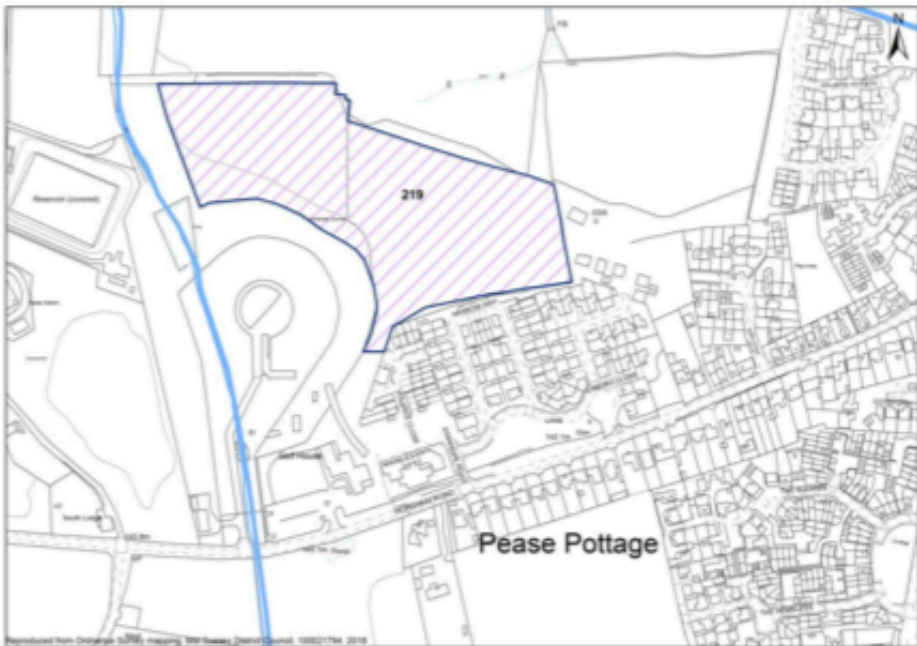
## 6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.



## 7. Appendix 1 – SHELAA Extract – February 2020

**Stage 1 Site Pro-Forma – All Sites**


<b>SHELAA Ref</b>	<b>219</b>	<b>Parish</b>	Slaugham
<b>Site Location</b>	Land at former Driving Range, Horsham Road, Pease Pottage		
			
<b>Site uses</b>	Sports Facilities and Grounds		
<b>Gross Site Area (ha)</b>	3.97		
<b>Potential Yield</b>	75		
<b>Site History</b>			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
<b>Other Constraints</b>	Ancient Woodland	✓	
	Area of Outstanding Natural Beauty	✓	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
<b>Suitable</b>	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
<b>Availability</b>	Site submitted by site proponent to the SHELAA for assessment - considered available		
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period		
<b>Timescale</b>	Medium-Long Term		

### Stage 1 Site Pro-Forma – All Sites

<b>SHELAA Ref</b>	<b>818</b>	<b>Parish</b>	<b>Slaugham</b>
<b>Site Location</b>	Land north of the Former Golf House, Horsham Road, Pease Pottage		
<b>Site uses</b>	Car Parks		
<b>Gross Site Area (ha)</b>	1.7		
<b>Potential Yield</b>	41		
<b>Site History</b>			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
<b>Other Constraints</b>	Ancient Woodland	✗	
	Area of Outstanding Natural Beauty	✓	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
<b>Suitable</b>	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
<b>Availability</b>	Site submitted by site proponent to the SHELAA for assessment - considered available		
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period		
<b>Timescale</b>	Medium-Long Term		



## 8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing		
Pease Pottage		
ID	818	Land north of the Former Golf House, Horsham Road, Pease Pottage
		
Site Details		
Units:	41	Site Area (ha): 1.4
Part 1 - Planning Constraints		
1 - AONB	Wholly within – Moderate Impact	Moderate impact on AONB due to potential impact on Ancient Woodland. Impact may be low for apartments on site of existing buildings. Pond within Ancient Woodland to the north of the site and a drain to the east of the site. On western edge of the main village of Pease Pottage, currently occupied by an office and car parking. Offices within the Golf House immediately to the east with modern in depth development beyond. Horsham Road is a historic routeway. Ancient Woodland surrounds the site on three sides and may reduce capacity due to need to retain 15m buffers. Twentieth century clearance of woodland. Site not visible from public vantage points.
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	Adjacent	
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	AONB	Site is within the High Weald AONB (assessed under criterion 1)
9 - Trees/TPOs	Low/Medium	Trees along the south eastern boundary of the site.
Part 2 - Deliverability Considerations		
818 Land north of the Former Golf House, Horsham Road, Pease Pottage		

## Site Selection - Housing

10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists.
12 - Deliverability	Reasonable prospect developability	Housebuilder in an option agreement with the landowner. Intend to submit an application if the site is given a draft allocation in the Site Allocations Document.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.

## Part 3 - Sustainability / Access to Services

14 - Education	More than 20 Minute Walk
15 - Health	More than 20 Minute Walk
16 - Services	10-15 Minute Walk
17 - Public Transport	Poor

## Part 4 - Other Considerations

<b>Neighbourhood Plan</b> Policy 1 Protecting AONB Policy 2 Protection of landscape Policy 3 Protection of the open countryside Aim 1 Preventing coalescence	<b>Minerals</b> Minerals considerations unnecessary as site does not progress past detailed assessment stage.
<b>Waste</b> Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	<b>Environmental Health</b> Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
<b>Sustainability Appraisal</b> Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	<b>Notes</b>

## Part 5 - Conclusion

<b>Summary</b>	The assessment finds that the site is not suitable for allocation.
<b>Recommendation</b>	Site is not proposed for allocation.





2067

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2067

**Response Ref:** Reg19/2067/1

**Respondent:** Mr A Black

**Organisation:** Andrew Black consulting

**On Behalf Of:** Denton Homes - Butlers green

**Category:** Promoter

**Appear at Examination?** x



**From:** Andrew Black <andrew@andrewblackconsulting.co.uk>  
**Sent:** 28 September 2020 14:41  
**To:** Idfconsultation  
**Subject:** Site Allocations DPD (Regulation 19) Consultation  
**Attachments:** Draft Site Allocations DPD (Reg 19) Consultation - Land North of Horsham Road - ABC obo Denton Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land North of Butlers Green Road - ABC obo Denton Homes.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Denton Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

**Andrew Black**

07775 912 653

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)  
Consultation

Representation on behalf of Denton Homes – Land  
North of Butlers Green Road, Haywards Heath

September 2020



Project	MSDC Draft Site Allocations DPD
ABC Reference	ABC/0075/07
Local Authority	Mid Sussex District Council
Client	Denton Homes
Issue	Final
Author	Andrew Black
Date	September 2020

**Disclaimer:** This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

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## 1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the 'SADPD') are submitted by Andrew Black Consulting on behalf of Denton Homes regarding a within their control in Haywards Heath.
- 1.2 The site is known as *Land north of Butlers Green Road, Haywards Heath* (SHELAA ID 673).
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be 'sound', plans must be:
  - a) *positively prepared*
  - b) *justified*
  - c) *effective, and*
  - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the 'stepped trajectory' and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

## 2. Site and Surroundings

2.1 The site is located to the North of Butlers Green Road in Haywards Heath.



*Figure 1 – SHELAA Extract*

2.2 The site was assessed as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1).



### 3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 5 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out how the identified to the shortfall to calculate the five year supply requirement for the district:

<b>Annual Requirement As set out in District Plan</b>	876 x 5 years =	4,380
<b>Shortfall spread over remaining plan period</b>	466 divided by 12 remaining years x 5 years	194
<b>Total</b>		<b>4,574</b>
<b>Buffer (see paras 2.4,4.9 above)</b>	10%	457
<b>Total five year supply requirement</b>		<b>5,032</b>

*Figure6 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply  
Position Statement*

- 3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

*A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.



### **Deliverability of Sites**

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:*** *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

*A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.*

*The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.*

*Paragraph: 019 Reference ID: 3-019-20190722*

*Revision date: 22 07 2019*

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

## 4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

*The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

*Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.*

*The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

*Paragraph: 018 Reference ID: 11-018-20140306*

*Revision date: 06 03 2014*

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

*The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only*



*the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.*

- 4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

- 4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

*Option A – 20 'Constant Sites' – 1,619 dwellings*

*Option B – 20 'Constant Sites' + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.*

*Option C – 20 'Constant Sites' + Haywards Heath Golf Court – 2,249 dwellings*

- 4.8 Paragraph 6.52 of the SA concludes that:

*Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.*

- 4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the '20 Constant Sites' with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

- 4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

## 5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

### **SA 12 Land South of 96 Folders Lane, Burgess Hill**

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

### **SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.**

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

### **SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill**

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.



- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

#### **SA 15 Land South of Southway, Burgess Hill**

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

*Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.*

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

#### **SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill**

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

#### **SA 17 Woodfield House, Isaacs Lane, Burgess Hill**

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

*There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.*

*Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

*Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.*

- 5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

*Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.*

- 5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

*The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.*

- 5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

#### **SA 18 East Grinstead Police Station, College Lane, East Grinstead**

- 5.22 We have no comments to make in relation to this allocation.

#### **SA 19 Land south of Crawley Down Road, Felbridge**

- 5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 62 dwellings.

- 5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

#### **SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead**

- 5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

- 5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

- 5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

*Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In*



*line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.*

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

#### **APPENDIX B : Gullege Farm, Imberhorne Lane**

*This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.*

#### **NPPF: LSH, high**

##### **Imberhorne Farm and Imberhorne Cottages**

*In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.*

*The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.*

#### **NPPF: LSH, high**

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

*option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II\* listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

## **SA 21 Rogers Farm, Fox Hill, Haywards Heath**

- 5.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

*Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).*

- 5.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 5.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

*15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*

*16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*

*17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

- 5.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

#### **SA 22 Land north of Burleigh Lane, Crawley Down**

- 5.36 As with other proposed sites, it has been identified that the development of this site would cause harm to adjoining heritage assets. Appendix B of the reg 18 SADPD sets out the following:

*Burleigh Cottage is a Grade II listed 17th century building faced with weatherboarding and painted brick. Previously the building was the farmhouse for Sandhillgate Farm, and was renamed Burleigh Cottage in the mid 20th century. An outbuilding shown on historic maps dating from the mid 19th century appears to survive to the north east of the house, but otherwise the former farm buildings appear to have been lost. If in fact pre-dating 1948 this outbuilding may be regarded as curtilage listed. Sandhillgate Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment, which is part of the HER, as an historic farmstead dating from the 19th century.*

*Burleigh Cottage is in a semi-rural location on the southern edge of Crawley Down.  
NPPF: LSH, MEDIUM*

- 5.37 Conclusions in relation to heritage made for other proposed allocations apply equally to this site.

#### **SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield**

- 5.38 No comments.

#### **SA 24 Land to the north of Shepherds Walk, Hassocks**

- 5.39 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

#### **SA 25 Land west of Selsfield Road, Ardingly**

- 5.40 No comments.

#### **SA 26 Land south of Hammerwood Road, Ashurst Wood**

- 5.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

#### **SA 27 Land at St. Martin Close, Handcross**

- 5.42 No comments.



**SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes**

- 5.43 No comments.

**SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes**

- 5.44 No comments.

**SA 30 Land to the north Lyndon, Reeds Lane, Sayers Common**

- 5.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 31 Land to the rear Firlands, Church Road, Scaynes Hill**

- 5.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 32 Withypitts Farm, Selsfield Road, Turners Hill**

- 5.48 No comments.
- 5.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

**SA 33 Ansty Cross Garage, Cuckfield Road, Ansty**


- 5.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.

## 6. Conclusions

- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.


## 7. Appendix 1 – SHELAA Extract – February 2020

**Stage 1 Site Pro-Forma – All Sites**

<b>SHELAA Ref</b>	673	<b>Parish</b>	Haywards Heath
<b>Site Location</b>	Land north of Butlers Green Road, Haywards Heath		
			
<b>Site uses</b>	Agriculture		
<b>Gross Site Area (ha)</b>	1.5		
<b>Potential Yield</b>	5		
<b>Site History</b>			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	✗	
	Site of Special Scientific Interest	✗	
<b>Other Constraints</b>	Ancient Woodland	✗	
	Area of Outstanding Natural Beauty	✗	
	Local Nature Reserve	✗	
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character	
	Scheduled Monument	✗	
	Listed Buildings	Development may potentially affect listed building/s - mitigation may be necessary	
	Access	Safe access is not available but potential exists to easily gain access	
<b>Suitable</b>	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
<b>Availability</b>	Site submitted by site proponent to the SHELAA for assessment - considered available		
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period		
<b>Timescale</b>	Medium-Long Term		



## 8. Appendix 2 – Site Selection Paper Extract

Site Selection - Housing		
Haywards Heath		
ID	673 Land north of Butlers Green Road, Haywards Heath	
		
Site Details		
Units:	45	Site Area (ha): 1.5
Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	Local Wildlife Site - SWT Mitigation	
5 - Listed Buildings	Listed Building - Less Than Substantial Harm (High)	Butlers Green House, Grade II* Development would have a fundamental impact on the currently rural character of the setting of the house and listed structures. The existing degree of separation between the heritage assets and the eastern edge of the Cuckfield would be reduced, and the open and verdant nature of the house's setting eroded. NPPF:LSH, HIGH
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	
9 - Trees/TPOs	None	Site is not affected by trees
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	Moderate - Improve	Safe access likely to be gained from Butlers Green road either from the roundabout or from the road itself.
673 Land north of Butlers Green Road, Haywards Heath		

Site Selection - Housing		
12 - Deliverability	Developable	Site is owned by housebuilder. Outline application March 2019.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.
Part 3 - Sustainability / Access to Services		
14 - Education	15-20 Minute Walk	
15 - Health	Less Than 10 Minute Walk	
16 - Services	10-15 Minute Walk	
17 - Public Transport	Fair	
Part 4 - Other Considerations		
Neighbourhood Plan		Notes

2079

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2079

**Response Ref:** Reg19/2079/3

**Respondent:** Mr A Black

**Organisation:** Andrew Black consulting

**On Behalf Of:** Vanderbilt Homes - Hurstwood HH

**Category:** Promoter

**Appear at Examination?** x



**From:** Andrew Black <andrew@andrewblackconsulting.co.uk>  
**Sent:** 28 September 2020 14:24  
**To:** Idfconsultation  
**Subject:** Site Allocations DPD (Regulation 19) Consultation  
**Attachments:** Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

**Andrew Black**

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)  
Consultation

Representation on behalf of Vanderbilt Homes –  
Land at Junction of Hurstwood Lane and Colwell  
Lane, Haywards Heath

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07b

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

**Disclaimer:** This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.



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## 1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control in Haywards Heath.
- 1.2 The site under the control of Vanderbilt Homes is Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath and was previously considered in the SHELAA (ref 508) as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
  - a) *positively prepared*
  - b) *justified*
  - c) *effective, and*
  - d) *consistent with national policy.*
- 1.5 It is with this in mind that the representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

## 2. Site and Surroundings

- 2.1 The site is located to the at the Junction of Hurstwood Lane and Colwell Lane in Haywards Heath.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 508) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Several constraints were note within the HELAA form which are addressed below.
- 2.3 The SHELAA Appraisal of the site confirms that there are no constraints to the development of the site in terms of Flooding, SSSIs, Ancient Woodland, AONB, Local Nature Reserves, Heritage Assets or Access.

### Planning History

- 2.4 The site does not have any planning history.
- 2.5 The site is in close proximity to a site which was allocated under the District Plan (H1) and has a current application for a substantial application. An application was submitted in 2017 (DM/17/2739) with the following description:

*Outline application for development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping. All matters are to be reserved except for access.*

- 2.6 A resolution to grant planning permission was made by planning committee in August 2018. A formal planning decision is yet to be issued as further negotiations are taking place regarding the s106 agreement. However, the allocation of the site and the resolution to grant planning



permission is considered as a strong indicator that development of the site is highly likely to take place and will result in substantial change in the immediate context of the area.

- 2.7 The proximity of the site to the site under control of Vanderbilt Homes (shown in red) is set out below:

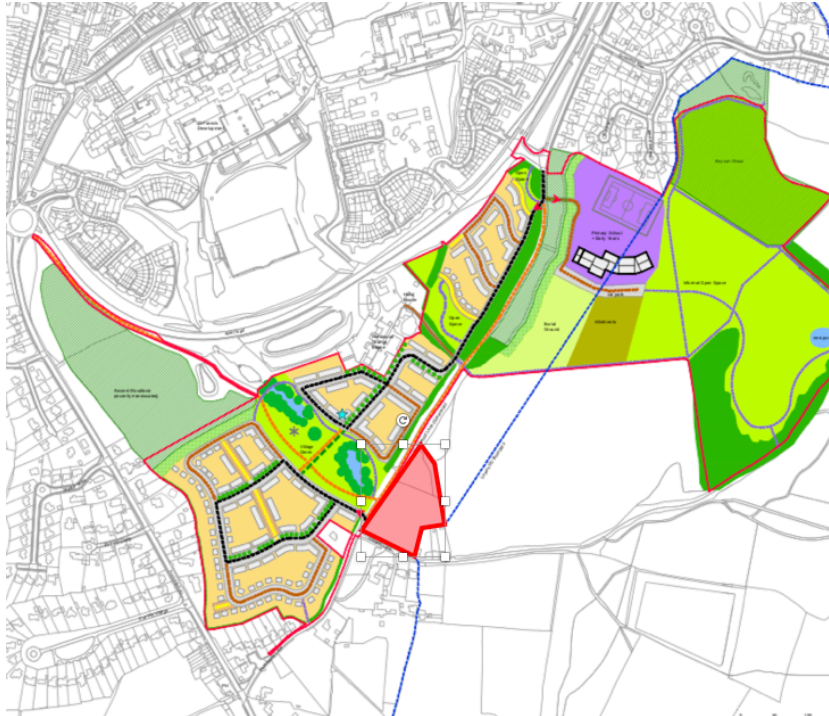


Figure 2 – Proximity of Site to significant application

- 2.8 The proposed policies map shows the extent of the built up area boundary, the proposed allocation of the site to the north (H1) and the proposed allocated site SA21 to the south-west.

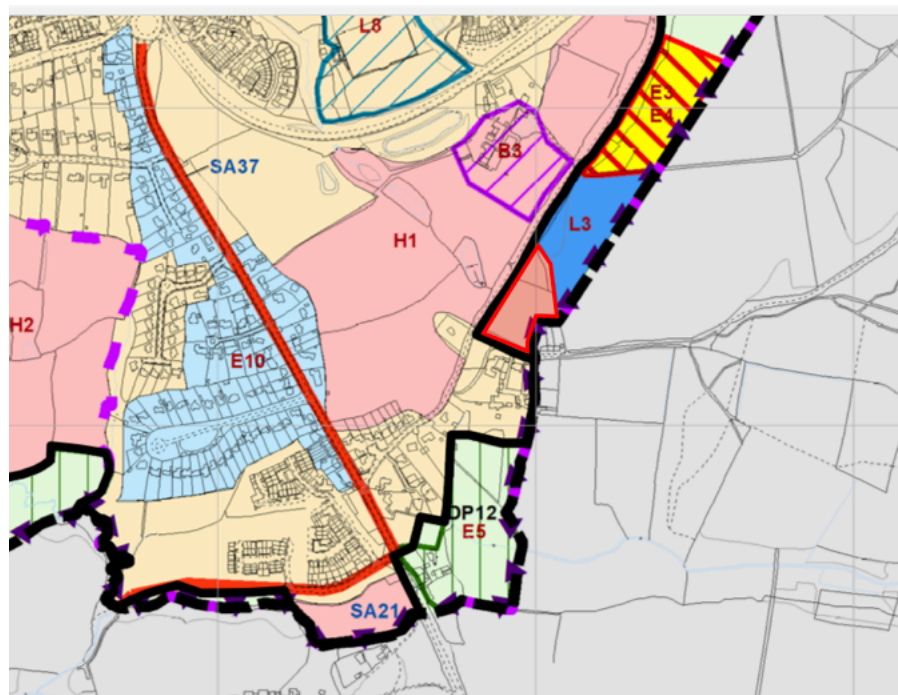


Figure 3 – Proposed Site Allocations Proposals Map

- 2.9 Specific representations are made against each of the allocated sites in subsequent sections of these representations. However, of specific focus is the allocation of Rogers Farm on Fox Hill in Haywards Heath. Significant concerns are raised as part of these representations as to why the Rogers Farm site has been allocated instead of the more obvious site under the control of Vanderbilt Homes at Hurstwood Lane.

### **SA 21 Rogers Farm, Fox Hill, Haywards Heath**

- 2.10 This site is significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

*Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).*

- 2.11 Appendix B of the reg 18 SADPD also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 2.12 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

*15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*

*16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*

*17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be*

*permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

- 2.13 In addition to consideration of heritage matters it would appear that the consideration of Sustainability / Access to Services is inconsistent between the Site Selection Paper (SSP3) and the Sustainability Appraisal.
- 2.14 In the Site Selection Paper (SSP3) the Sustainability / Access to Services of Rogers Farm is assessed as follows:

Part 3 - Sustainability / Access to Services	
14 - Education	More than 20 Minute Walk
15 - Health	15-20 Minute Walk
16 - Services	15-20 Minute Walk
17 - Public Transport	Fair

- 2.15 However, this differs from the assessment of these matters within the Sustainability Appraisal where the following conclusions are reached.

Objective	A - Oaklands	B - Rogers Farm	C - HH Golf Course	D - N. Old Wickham	Assessment
1 - Housing	+	+	++	+	All site options have demonstrated their deliverability; options (a), (b) and (d) make a contribution to the residual housing need, while (c) makes a significant contribution to the need.
2 - Health	++	0	++	-	Site options (a) and (c) are located a 10-15 minute walk from the nearest GP surgery, while option (b) is a 15-20 minute walk. Option (d) is more than a 20 minute walk.
3 - Education	+	-	++	+	Site option (c) is located less than a 10 minute walk from the nearest primary school, options (a) and (d) are a 10-15 minute walk, while option (b) is more than a 20 minute walk.
4 - Retail	++	+	++	+	Site options (a) and (c) is located less than a 10 minute walk from the nearest convenience store, while options (b) and (d) are a 10-15 minute walk.

- 2.16 The site is assessed positively for its access to retail and it is stated that they are a 10-15 minute walk when the SA correctly identifies that they are a 15-20 minute walk.
- 2.17 The Site Selection Paper (SSP3) for the Land at Hurstwood Lane makes it clear that whilst connectivity is currently poor, facilities will be provided at the Hurst Farm development and it is therefore considered that the SA would rate these as positive.
- 2.18 It is therefore clear that the Hurstwood Lane site has been overlooked in favour of the less suitable site at Rogers Farm.
- 2.19 It is apparent that the heritage constraints and poor sustainability for Rogers Farm weigh heavily against the allocation of the site and this should be readdressed within the final version of the SADPD.



### 3. Housing Site Allocation Process

- 3.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 3.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 3.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 4 – Extract from MSDC Housing Land Supply Position Statement

- 3.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 3.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 3.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

<b>Annual Requirement As set out in District Plan</b>	876 x 5 years =	4,380
<b>Shortfall spread over remaining plan period</b>	466 divided by 12 remaining years x 5 years	194
<b>Total</b>		4,574
<b>Buffer (see paras 2.4,4.9 above)</b>	10%	457
<b>Total five year supply requirement</b>		5,032

*Figure 5 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply Position Statement*

- 3.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

*A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 3.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 3.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.

## Deliverability of Sites

- 3.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:*** *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 3.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

*A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.*

*The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.*

*Paragraph: 019 Reference ID: 3-019-20190722*

*Revision date: 22 07 2019*

- 3.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

## Area of Outstanding Natural Beauty

- 3.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife*



*and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning 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. Consideration of such applications should include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

- 3.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB which could be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the 'great weight' required to protect the AONB.
- 3.15 The approach of allocating sites within the AONB as opposed to 'outside the designated area' should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

### **Historic Environment**

- 3.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 3.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have 'less than significant harm' on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the*

- 3.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

## 4. Sustainability Appraisal

- 4.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 4.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 4.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 4.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

*The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

*Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.*

*The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

*Paragraph: 018 Reference ID: 11-018-20140306*

*Revision date: 06 03 2014*

- 4.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

*The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only*

*the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.*

- 4.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

- 4.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

*Option A – 20 ‘Constant Sites’ – 1,619 dwellings*

*Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.*

*Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings*

- 4.8 Paragraph 6.52 of the SA concludes that:

*Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.*

- 4.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

- 4.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.



## 5. Assessment of Proposed Sites.

- 5.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

### **SA 12 Land South of 96 Folders Lane, Burgess Hill**

- 5.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 5.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 5.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

### **SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.**

- 5.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 5.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 5.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

### **SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill**

- 5.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 5.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 5.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

#### **SA 15 Land South of Southway, Burgess Hill**

- 5.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 5.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

*Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.*

- 5.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

#### **SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill**

- 5.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 5.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

#### **SA 17 Woodfield House, Isaacs Lane, Burgess Hill**

- 5.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

*There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.*

*Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

- 5.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 5.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

*Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.*

- 5.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

*Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.*

- 5.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

*The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.*

- 5.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

#### **SA 18 East Grinstead Police Station, College Lane, East Grinstead**

- 5.22 We have no comments to make in relation to this allocation.

#### **SA 19 Land south of Crawley Down Road, Felbridge**

- 5.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

- 5.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

#### **SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead**

- 5.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

- 5.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

- 5.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

*Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In*



*line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.*

- 5.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 5.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

#### *APPENDIX B : Gullege Farm, Imberhorne Lane*

*This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.*

#### **NPPF: LSH, high**

##### *Imberhorne Farm and Imberhorne Cottages*

*In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.*

*The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.*

#### **NPPF: LSH, high**

- 5.30 The potential harm to heritage is also referred to in the SA which states that:

*option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II\* listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 5.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

#### **SA 22 Land north of Burleigh Lane, Crawley Down**

- 5.32 No comments.

#### **SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield**

- 5.33 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

#### **SA 24 Land to the north of Shepherds Walk, Hassocks**

- 5.34 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

#### **SA 25 Land west of Selsfield Road, Ardingly**

- 5.35 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

*There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact*

- 5.36 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

#### **SA 26 Land south of Hammerwood Road, Ashurst Wood**

- 5.37 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

#### **SA 27 Land at St. Martin Close, Handcross**

- 5.38 No comments.

#### **SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes**

- 5.39 No comments.

#### **SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes**

- 5.40 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

### **SA 30 Land to the north Lydon, Reeds Lane, Sayers Common**

- 5.41 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 5.42 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 31 Land to the rear Firlands, Church Road, Scaynes Hill**

- 5.43 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 32 Withypitts Farm, Selsfield Road, Turners Hill**

- 5.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 5.45 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 33 Ansty Cross Garage, Cuckfield Road, Ansty**

- 5.46 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.




## 6. Conclusions


- 6.1 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 6.2 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 6.3 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 6.4 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.

## 7. Appendix 1 – SHELAA Extract – February 2020

Stage 1 Site Pro-Forma – All Sites

<b>SHELAA Ref</b>	508	<b>Parish</b>	Haywards Heath
<b>Site Location</b>	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath		
			
<b>Site uses</b>	Agriculture		
<b>Gross Site Area (ha)</b>	1		
<b>Potential Yield</b>	30		
<b>Site History</b>			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	x	
	Site of Special Scientific Interest	x	
<b>Other Constraints</b>	Ancient Woodland	x	
	Area of Outstanding Natural Beauty	x	
	Local Nature Reserve	x	
	Conservation Area	Development would not have a negative impact on Conservation Area and Areas of Townscape Character	
	Scheduled Monument	x	
	Listed Buildings	Development will not affect listed building/s	
	Access	Safe access to site already exists	
<b>Suitable</b>	No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment		
<b>Availability</b>	Controller of site has expressed intention to make the site available		
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period		
<b>Timescale</b>	Medium-Long Term		

## 8. Appendix 2 – Site Selection Paper 3: Housing (SSP3) Extract

Site Selection - Housing		
Haywards Heath		
ID	508	Land at Junction of Hurstwood Lane and Colwell Lane, Haywards Heath
		
Site Details		
Units:	25	Site Area (ha): 0.85
Part 1 - Planning Constraints		
1 - AONB	N/A	The site is remote from the High Weald AONB
2 - Flood Risk	None	The site lies entirely within Flood Zone 1, the area of lowest fluvial flood risk.
3 - Ancient Woodland	None	The site is not affected by Ancient Woodland
4 - SSSI/SNCI/LNR	None	This site is not adjacent to any Sites of Special Scientific Interest or Local Wildlife Site
5 - Listed Buildings	None	There are no listed buildings within or adjacent to the site
6 - Conservation Area	None	There are no conservation areas within or adjacent to the site
7 - Archaeology	None	
8 - Landscape	Low/Medium	Development would have a significant and detrimental effect on the character of the landscape as a whole
9 - Trees/TPOs	None	Site is not affected by trees
Part 2 - Deliverability Considerations		
10 - Highways		
11 - Local Road/Access	None	Safe access to site already exists
12 - Deliverability	Reasonable prospect developability	No housebuilder in control of site. Advanced discussions with potential developers/Contractors. Pre application submission within a couple of months.
13 - Infrastructure	Infrastructure capacity	Developer Questionnaire - normal contributions apply.



**Site Selection - Housing****Part 3 - Sustainability / Access to Services**

<b>14 - Education</b>	More than 20 Minute Walk	Note: facilities are likely to be provided at Hurst Farm
<b>15 - Health</b>	More than 20 Minute Walk	
<b>16 - Services</b>	15-20 Minute Walk	
<b>17 - Public Transport</b>	Poor	

**Part 4 - Other Considerations**

<b>Neighbourhood Plan</b>	<b>Minerals</b>
None	Minerals considerations unnecessary as site does not progress past detailed assessment stage.
<b>Waste</b>	<b>Environmental Health</b>
Water and wastewater considerations unnecessary as site does not progress past detailed assessment stage.	Environmental health considerations unnecessary as site does not progress past detailed assessment stage.
<b>Sustainability Appraisal</b>	<b>Notes</b>
Assessment indicates site is not a reasonable alternative and is therefore not tested through the SA.	

**Part 5 - Conclusion**

<b>Summary</b>	The assessment finds that the site is not suitable for allocation.
<b>Recommendation</b>	Site is not proposed for allocation.

2080

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2080

**Response Ref:** Reg19/2080/4

**Respondent:** Mr A Black

**Organisation:** Andrew Black consulting

**On Behalf Of:** Vanderbilt homes - CDR

**Category:** Promoter

**Appear at Examination?** x

**From:** Andrew Black <andrew@andrewblackconsulting.co.uk>  
**Sent:** 28 September 2020 14:24  
**To:** Idfconsultation  
**Subject:** Site Allocations DPD (Regulation 19) Consultation  
**Attachments:** Draft Site Allocations DPD (Reg 19) Consultation - Land at Hurstwood Lane - ABC obo Vanderbilt Homes.pdf; Draft Site Allocations DPD (Reg 19) Consultation - Land South of 61 CDR - ABC obo Vanderbilt Homes.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** TBC

Dear Sir / Madam

I attach two separate representations on behalf of my client, Vanderbilt Homes, in respect of the Site Allocations DPD (Regulation 19) Consultation.

With thanks

Andrew Black

**Andrew Black**

07775 912 653

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Mid Sussex District Council

Draft Site Allocations DPD (Regulation 19)  
Consultation

Representation on behalf of Vanderbilt Homes –  
Land South of 61 Crawley Down Road, Felbridge

September 2020

Project MSDC Draft Site Allocations DPD

ABC Reference ABC/0072/07

Local Authority Mid Sussex District Council

Client Vanderbilt Homes

Issue Final

Author Andrew Black

Date September 2020

**Disclaimer:** This report has been prepared for the above named client for the purpose agreed in Andrew Black Consulting's (ABC) terms of engagement. Whilst every effort has been made to ensure the accuracy and suitability of the information contained in this report, the results and recommendations presented should not be used as the basis of design, management or implementation of decisions unless the client has first discussed with ABC their suitability for these purposes and ABC has confirmed their suitability in writing to the client. ABC does not warrant, in any way whatsoever, the use of information contained in this report by parties other than the above named client.

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## 1. Introduction

- 1.1 These representations for the Draft Site Allocations DPD (Regulation 19) Consultation (Herein referred to as the ‘SADPD’) are submitted by Andrew Black Consulting on behalf of Vanderbilt Homes regarding a site within their control at Crawley Down Road in Felbridge.
- 1.2 The site under the control of Vanderbilt Homes is known as Land South of 61 Crawley Down Road, Felbridge and was previously considered in the SHELAA as Available, Achievable and Deliverable.
- 1.3 It is understood that the SADPD has been produced in accordance with the Planning and Compulsory Purchase Act 2004, and other relevant regulations.
- 1.4 The NPPF states that Development Plan Documents should be prepared in accordance with the legal and procedural requirements. To be found to be ‘sound’, plans must be:
  - a) *positively prepared*
  - b) *justified*
  - c) *effective, and*
  - d) *consistent with national policy.*
- 1.5 It is with this in mind that these representations are made.
- 1.6 The draft SADPD has been prepared using an extensive and legally compliant evidence base including a Sustainability Appraisal, Habitat Regulations Assessment, Community Involvement Plan, Equalities Impact Assessment, and various technical reports and studies. Of particular note is the Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020.
- 1.7 The Site Allocations DPD proposes to allocate 22 sites to meet this residual necessary to meet the overall agreed housing requirement for the plan period as reflected in the ‘stepped trajectory’ and in accordance with the District Plan.
- 1.8 These representations set out the detail of the Site and Surroundings and a response to the detailed parts of the SADPD.

## 2. Site and Surroundings

- 2.1 The Site is located to the South of Crawley Down Road and is in an area that has experienced significant housing growth in recent years.



Figure 1 – SHELAA Extract

- 2.2 The site was assessed in the most recent SHELAA (Ref 676) as Suitable, Available and Achievable in the Medium to Long Term (The full extract of the SHELAA is set out in Appendix 1). Each of the constraints within the SHELAA for are taken in turn below:

### Flood Risk

- 2.3 Whilst the location of the site in flood zone 2/3 is noted within the SHELAA Proforma, the extract from the Environment Agency Flood Risk Map shows this to be negligible. It is only the very southern extent of the site that is potentially within an area of flood risk. In any event, the site can clearly demonstrate the ability to provide a safe access and egress to any housing on site which can equally be located well outside of any areas prone to flooding.

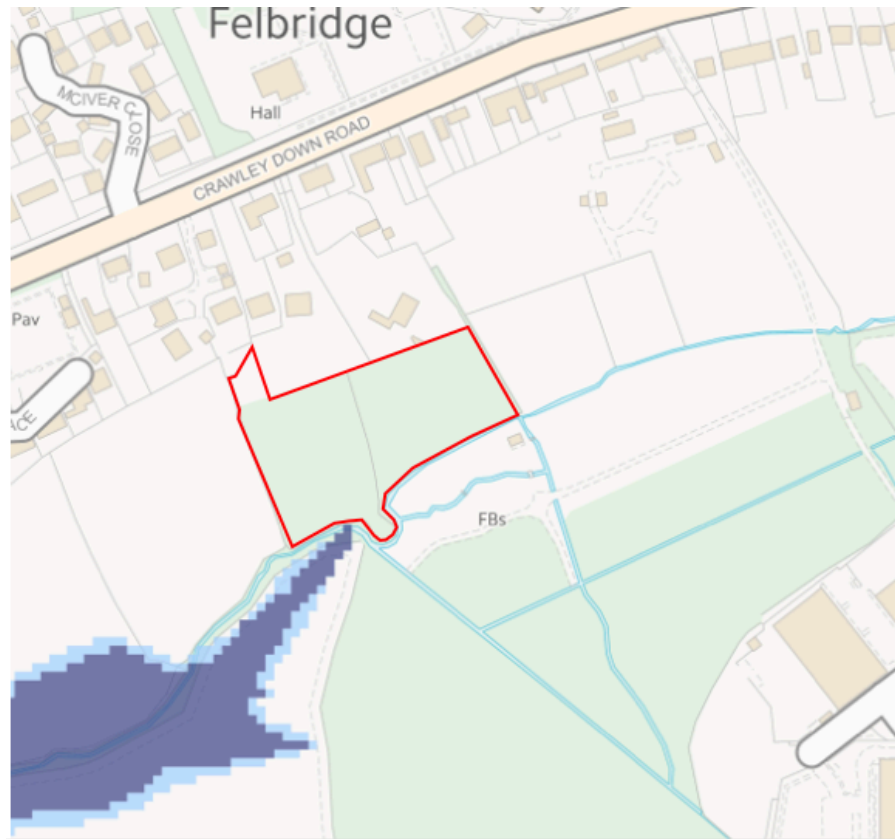


Figure 2 – Extract from Environment Agency Flood Risk Map

### Ancient Woodland

- 2.4 The SHELAA report also makes reference to proximity to Ancient Woodland. The map below shows the extent of the nearby ancient woodland which is to the south of the existing site.

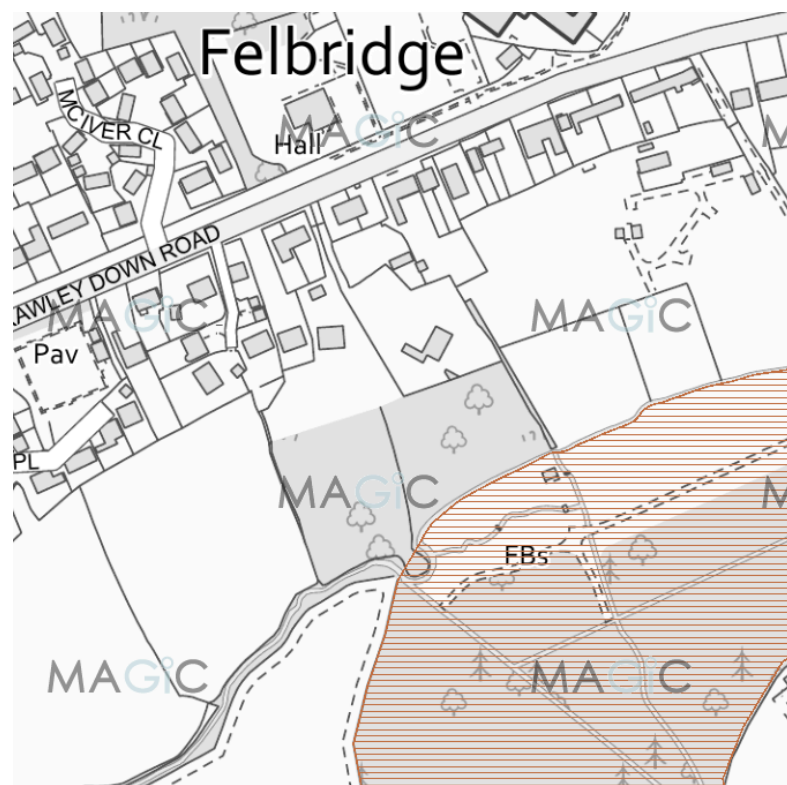




Figure 3 – Location of Ancient Woodland

- 2.5 It is evident that development could be incorporated on the site without any impact on the Ancient Woodland and that an adequate buffer could be provided between any proposed houses and the ancient woodland to the south.

### Site of Special Scientific Interest

- 2.6 The site is not within, nor in proximity to, a SSSI

### Area of Outstanding Natural Beauty

- 2.7 The site is not within, nor in proximity to, an AONB

### Local Nature Reserve

- 2.8 The site is not within, nor in proximity to, a Local Nature Reserve

### Conservation Area

- 2.9 The SHELAA specifically states that *development would not have a negative impact on Conservation area and /or Area of Townscape*

### Scheduled Monument

- 2.10 There are no scheduled monuments in proximity to the site.

### Listed Buildings

- 2.11 The SHELAA confirms that *development will not affect listed buildings*.

### Access

- 2.12 The SHELAA sets out that *safe access to the site already exists*.
- 2.13 As set out the site directly adjoins the land to the east which has the benefit of outline planning permission for residential development. This land is also in the control of Vanderbilt Homes and it is possible that access could be provided through this land into this site as indicated below:



Figure 4 – Potential Access.

- 2.14 If the site was assessed against the criteria for Reasonable Alternatives as set out in the Sustainability Appraisal then it would perform identically to the adjoining allocated site. Furthermore it performs better against each of the criteria than the sites at ‘Land south and west of Imberhorne Upper School, Imberhorne Lane’ for 550 dwellings and ‘East Grinstead Police Station, College Lane’ for 12 dwellings. It is therefore entirely logically that this site should be allocated for development within the Site Allocations DPD.

### Planning History

- 2.15 The site itself has been subject to a number of previous applications which are set out below:

App Ref	App Date	Description of Development	Decision
12/02577	Jul 2012	Residential development comprising 7 dwellings (3 detached properties and 2 pairs of semi-detached houses) with associated garaging, new road layout and landscaping.	Refused / Appeal Withdrawn
13/02528	Jul 2013	Residential development comprising 5 detached dwellings with associated garaging, new road layout and landscaping	Refused / Appeal Dismissed
16/5662	Dec 2016	Residential development comprising 4 no. detached dwellings.	Refused / Appeal Dismissed.

- 2.16 The previous applications were refused on the basis of the site being outside of the settlement boundary and therefore any development would have been considered to be in direct conflict with the adopted District Plan at the time of determination. The outcome of these applications would clearly have been different had the sites been within the Built Up Area Boundary
- 2.17 No other issues were identified which would warrant refusal of an application if the site was within the Built Up Area Boundary as proposed within the draft SADPD.

### Surrounding Developments and Proposed Allocations

- 2.18 The site located directly to the east has the benefit of an outline planning permission for the *erection of 63 dwellings and new vehicular access onto Crawley Down Road required [sic] the demolition of existing buildings and structures at no's 15 and 39 Crawley Down Road (DM/17/2570)*
- 2.19 The access to the site is located within Tandridge District Council which was granted under application TA/2017/1290.



Figure 5 – Approved Parameters Plan of adjoining site – Outline Planning Application

- 2.20 Reserved matters applications have been made against both of the outline applications. The reserved matters application for the access was approved by Tandridge Council in July 2020 (TA/2020/555).
- 2.21 At the time of submission of these representations, the reserved matters application for the housing within the Mid Sussex element of the site for the housing is still under determination (DM/20/1078).
- 2.22 It is therefore highly likely that the development of the land directly adjoining the site subject to these representations will come forward in the immediate short term.





Figure 6 – Reserved Matters Plan for adjoining site.

- 2.23 The site (yellow) is therefore directly between the allocated site SA19 for 196 dwellings to the east (pink) and the site subject to approval for 63 dwellings (blue).

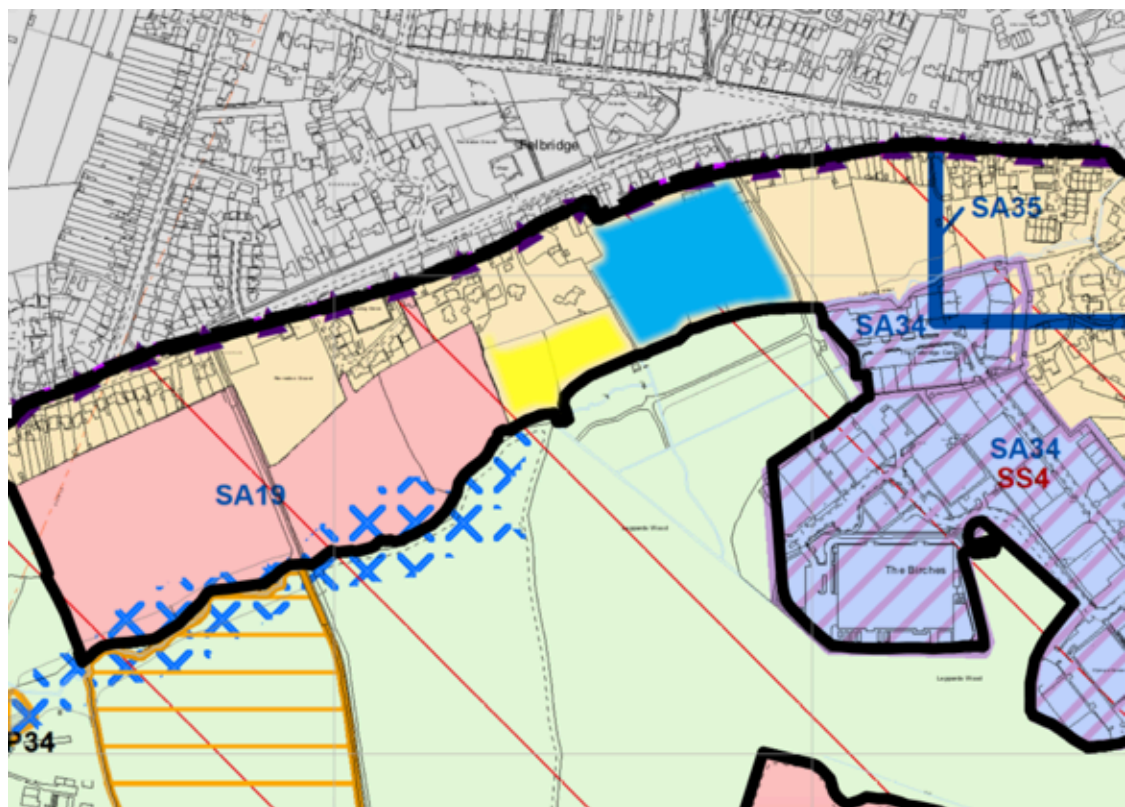


Figure 7 – Map of proposed allocation SA19, BUAB, Consented Land and Proposed Site

- 2.24 Overall, it is considered that the immediate context of this site makes it highly appropriate for allocations within the SADPD.

### 3. Built up Area Boundary Review

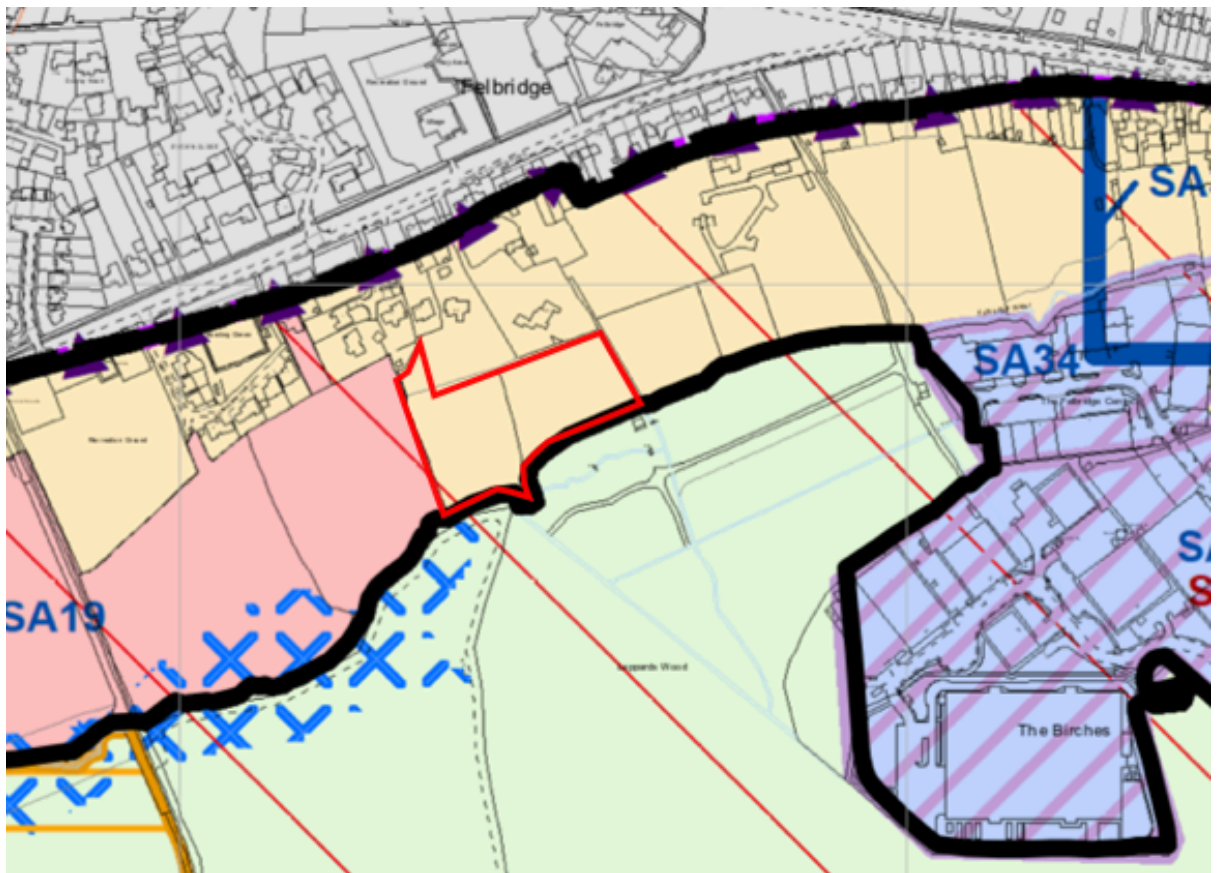
- 3.1 In addition to the allocation of sites for development the SADPD seeks to make changes to the existing Built Up Area Boundary (BUAB) as established under the District Plan Process. The Built Up Area Boundary and Policies Map Topic Paper (TP1) produced in August 2020 forms a vital part of the evidence base for the SADPD.
- 3.2 Paragraph 2.4 of TP1 sets out that the purpose of the review as part of the SADPD is to:
- *Assess areas that have been built since the last review, which logically could be included within the BUA.*
  - *Assess areas that have planning permission which have not yet commenced/completed, which logically could be included within the BUA.*
- 3.3 TP1 goes on to set out the criteria for consideration of changes to the boundary.
- 3.4 Within the adopted District Plan proposals map, the site is outside of the Built Up Area Boundary as illustrated in the extract below:



Figure 8 – Existing District Plan Proposals Map

- 3.5 Within the draft SADPD, it is proposed that the site, and all adjoining land will be now set within the BUAB as highlighted below.





*Figure 9 – Proposed BUAB*

- 3.6 The principle of including this site within the BUAB is logical and supported. However, for reasons as set out in subsequent sections of these representations, it is considered that it would be appropriate for the site to be allocated for development.

## 4. Housing Site Allocation Process

- 4.1 The District Plan 2014-2031 sets out the housing requirement for the district for the plan period of 16,390 dwellings. This meets the Objectively Assessed Need (OAN) for the district of 14,892 dwellings in full and makes provision for the agreed quantum of unmet housing need for the Northern West Sussex Housing Market Area, to be addressed within Mid Sussex, of 1,498 dwellings.
- 4.2 The District Plan 2014-2031 established a ‘stepped’ trajectory for housing delivery with an average of 876 dwellings per annum (dpa) between 2014/15 and 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31. This represents a significant increase in housing supply compared with historical rates within the district.
- 4.3 The latest data on completions from MSDC was published in *MSDC Housing Land Supply Position Statement* was published in August 2020 (Document H1) and shows a significant shortfall in delivery against the housing requirement since the start of the plan:

Category		Number of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2020)		4,917
Completions 2014/15		630
Completions 2015/16		868
Completions 2016/17		912
Completions 2017/18		843
Completions 2018/19		661
Completions 2019/20		1003
Housing Supply (April 2014 to March 2031)	Commitments (including District Plan Allocations)	9,689
	Site Allocations DPD - Allocations	1,764
	Windfalls	504
Total Supply (at 1 April 2019)		16,874

Figure 10 – Extract from MSDC Housing Land Supply Position Statement

- 4.4 The Housing Delivery Test was introduced in the July 2018 update to the NPPF. The Housing Delivery Test is an annual measurement of housing delivery for each local authority and the first results were published in February 2019 by the Ministry of Housing, Communities and Local Government (MHCLG). Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous 3 years then it is required to prepare an action plan. Where delivery has fallen below 85% of the housing requirement a 20% buffer should be added to the five year supply of deliverable sites.
- 4.5 The result for Mid Sussex produced in February 2020 was 95%. This result is based on monitoring years 2016-17, 2017-18 and 2018-19. Mid Sussex is therefore not required to add 20% buffer for significant under delivery, or prepare an Action Plan. However, it is clear that under current performance the council will struggle when the housing target steps up to 1,090 in 2024.
- 4.6 Para 4.10 of the previous MSDC Housing Land Supply Position Statement (2019) sets out the five year supply requirement for the district as follows:

<b>Annual Requirement As set out in District Plan</b>	876 x 5 years =	4,380
<b>Shortfall spread over remaining plan period</b>	466 divided by 12 remaining years x 5 years	194
<b>Total</b>		4,574
<b>Buffer (see paras 2.4,4.9 above)</b>	10%	457
<b>Total five year supply requirement</b>		5,032

*Figure 11 – Total Five Year Housing Requirement taken from MSDC Housing Land Supply  
Position Statement*

- 4.7 MSDC is seeking to confirm the five year housing land supply under the terms of paragraph 74 of the NPPF through submission of the annual position statement to the secretary of state. Paragraph 74 of the framework states:

*A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 4.8 The report on the Annual Position Statement was issued by the Planning Inspectorate on 13 January 2020. It was confirmed that as the council did not have a recently adopted plan in conformity with the definition of the NPPF then the correct process had not been followed and the inspector was unable to confirm that the council had a five year housing land supply.
- 4.9 It is therefore clear that the council does not currently have a five year housing land supply and the demonstration of sufficiently deliverable sites within the SADPD is of critical importance for MSDC.



## Deliverability of Sites

- 4.10 Any sites that have been included in the final Sites DPD will need to pass the tests of deliverability as set out in the NPPF. This is defined within the glossary of the framework as follows:

***Deliverable:*** *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

- 4.11 The Planning Practice Guidance provides a further explanation on how the deliverability of sites should be considered:

*A site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from land owners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.*

*The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years, further guidance to this is contained in the 5 year housing land supply guidance. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.*

*Paragraph: 019 Reference ID: 3-019-20190722*

*Revision date: 22 07 2019*

- 4.12 It is with this in mind that the proposed sites within the Sites DPD are scrutinised within subsequent sections of this document. It is considered that many of the proposed sites do not fully accord with the definition of delivery and consideration of alternative sites is required.

## Area of Outstanding Natural Beauty

- 4.13 A significant number of the proposed sites are located within, or close to, the High Weald AONB. Paragraph 172 sets out the significant protection which should be afforded to the AONB in planning terms and states that:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife*

*and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning 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. Consideration of such applications should include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

4.14 It is part b of paragraph 172 that is of particular importance in this instance. It is not considered that MSDC has considered sites outside of the AONB should be used to meet the identified residual housing requirement. It would appear that sites have been selected because of their conformity to the spatial strategy and hierarchy without the proper application of the ‘great weight’ required to protect the AONB.

4.15 The approach of allocating sites within the AONB as opposed to ‘outside the designated area’ should have been tested through a robust analysis of reasonable alternatives within the Sustainability Appraisal. The failure to do this adequately is a matter of soundness and it is considered that the Sites DPD fails the tests within the NPPF on this basis alone.

### **Historic Environment**

4.16 Several of the allocations within the DPD are in close proximity to heritage assets. Paragraph 193 of the framework sets out the approach to heritage assets as follows:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

4.17 In many instances the council themselves suggest that the development of housing on the sites is likely to have ‘less than significant harm’ on the heritage assets in question. Paragraph 196 of the framework sets out the approach which should be taken in this instance:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable*

4.18 It is not considered that the harm caused to heritage assets has been adequately assessed within the Sustainability Appraisal for many of the proposed sites and further consideration is required of the sites in this regard. This would include assessing sites which would not have an impact on heritage assets through a robust application of reasonable alternatives within the Sustainability Appraisal.

## 5. Sustainability Appraisal

- 5.1 The SADPD is accompanied by a Sustainability Appraisal (SA) report which is a legal requirement derived from the Planning and Compulsory Purchase Act 2004 (Section 19). Section 39 of the Act requires documents such as the SADPD to be prepared with a view to contributing to the achievement of sustainable development.
- 5.2 The requirement for Strategic Environmental Assessment, in addition to the SA, is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.
- 5.3 In line with best practice the SEA has been incorporated into the SA of the SADPD.
- 5.4 The planning practice guidance sets out detailed consideration as to how any sustainability should assess alternatives and identify likely significant effects:

*The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:*

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#);*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

*Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.*

*The development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings.*

*Paragraph: 018 Reference ID: 11-018-20140306*

*Revision date: 06 03 2014*

- 5.5 In response to this guidance and requirement, paragraph 6.16 of the Sustainability Appraisal states that:

*The Site Selection Paper 2 (paras 6.2 - 6.3) also recognises that, in order to meet the District Plan strategy, conclusions will be compared on a settlement-by-settlement basis with the most suitable sites at each settlement chosen in order to meet the residual needs of that settlement. This may result in some sites being chosen for allocation which have higher negative impact across all the objectives because this will be on the basis that the aim is to distribute allocations according to the District Plan strategy in the first instance; as opposed to simply selecting only*



*the most sustainable sites in the district (as this may not accord with the spatial strategy and would lead to an unequal distribution of sites across settlements). 20 sites that perform well individually and on a settlement basis, the residual housing need of 1,507 would be met with a small over-supply of 112 units.*

- 5.6 Paragraph 6.45 recognises that this small over-supply *may not be a sufficient buffer should sites fall out of the allocations process between now and adoption (for example, due to delivery issues, reduction in yield, or any other reasons identified during consultation or the evidence base).*

- 5.7 The SA therefore considers reasonable alternatives of option A, B and C as follows:

*Option A – 20 ‘Constant Sites’ – 1,619 dwellings*

*Option B – 20 ‘Constant Sites’ + Folders Lane, Burgess Hill (x3 sites) – 1,962 dwellings.*

*Option C – 20 ‘Constant Sites’ + Haywards Heath Golf Court – 2,249 dwellings*

- 5.8 Paragraph 6.52 of the SA concludes that:

*Following the assessment of all reasonable alternative options for site selection, the preferred option is option B. Although option A would meet residual housing need, option B proposes a sufficient buffer to allow for non-delivery, therefore provides more certainty that the housing need could be met. Whilst option C also proposes a sufficient buffer, it is at the expense of negative impacts arising on environmental objectives. The level of development within option C is approximately 50% above the residual housing need, the positives of delivering an excess of this amount within the Site Allocations DPD is outweighed by the negative environmental impacts associated with it.*

- 5.9 It is not considered that this assessment of Option A, B and C is a sufficient enough assessment of reasonable alternatives as required by guidance and legislation. All of the options contain the ‘20 Constant Sites’ with no derivation of alternative options such as those which seek to divert housing growth away from the AONB or designated heritage assets.

- 5.10 It is apparent that other sites other than the 20 Constant Sites will need to be assessed if the council is to adequately demonstrate that reasonable alternatives have been considered as required.

## 6. Assessment of Proposed Sites.

- 6.1 This section analyses each of the proposed allocations against the tests of deliverability as set out in the NPPF and the potential shortcomings of several of the sites which require significant consideration. The findings of *Appendix B: Housing Site Proformas* of the *Site Selection Paper 3* (Appendix B) and the conclusions of the Sustainability Appraisal (SA) are considered in detail.

### **SA 12 Land South of 96 Folders Lane, Burgess Hill**

- 6.2 Appendix B of the reg 18 SADPD set out that this site has *moderate landscape sensitivity and moderate landscape value. This site could be visible from the South Downs National Park*. The SA states that an LVIA is required to determine any impact on the national park. Given the weight that the NPPF requires to be placed on the protection of the national park, any impact must be measured prior to allocation. If it is deemed that mitigation would not minimise the harm caused, then the proposed allocation must fall away.
- 6.3 Appendix B of the reg 18 SADPD also set out that a TPO area lines the norther border and potential access route. It should be noted that an application was submitted in 2019 for the *erection of 43 dwellings and associated works* (DM/19/0276) but was withdrawn in September 2019 due to concerns over highways. The deliverability of this site is therefore not considered to be in accordance with the guidance set out in the framework.
- 6.4 Finally, whilst the priority for sites higher in the settlement hierarchy is acknowledged, this is site is very remote from the services offered by Burgess Hill. This is highlighted within the sustainability appraisal for the site which states that it is more than a 20 minute walk from the site to schools, GP and shops.

### **SA 13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.**

- 6.5 As with SA12, this site is in close proximity to the national park and the conclusions as set out above apply equally to this site.
- 6.6 The SA sets out that this is the only site within Burgess Hill to have any impact on listed buildings where it is stated that development of this site would cause *less than substantial harm (medium) on High Chimneys (Grade II listed)*. This is not mentioned within appendix B and this therefore calls into question the consistency of assessment of the sites in this regard.
- 6.7 Given that site SA12 and SA13 are in close proximity to one another it is notable that the cumulative impact of the development of both of these sites has not been assessed for a number of ‘in-combination’ impacts such as highways and landscape impact.

### **SA 14 Land to the south of Selby Close, Hammonds Ridge, Burgess Hill**

- 6.8 There is a TPO at the front of this site which is potentially why access is proposed through the CALA Homes site (DM/17/0205). No evidence is submitted to suggest that this form of access is agreed or available. The section relating to Highways and Access within the SADPD simply states that this access *will need to be investigated further*.
- 6.9 The SA and appendix B both point towards the Southern Water Infrastructure which crosses the site. The wording in the DPD recommends that the layout of the development is considered to *ensure future access for maintenance and/or improvement work, unless diversion of the sewer is possible*. Given that the site is only 0.16ha it is therefore questionable whether there would be adequate space to develop the site for housing and provide accommodation for the sewage infrastructure crossing the site. The deliverability of this site has therefore not been adequately demonstrated.

- 6.10 As with SA12 and SA13 there are questions of the sustainability of the site given that the SA notes that it is more than a 20 minute walk to the school and GP.

#### **SA 15 Land South of Southway, Burgess Hill**

- 6.11 The SADPD describes the site as *overgrown and inaccessible land designated as a Local Green Space in the Burgess Hill Neighbourhood Plan*. It is unclear whether this site was ever previously in use as playing pitches and whether re-provision of this space would be required under Sport England policies.
- 6.12 Appendix B of the reg 18 SADPD points towards issues with relocation of existing parking on the site and states that:

*Private parking areas would need to be removed to provide a suitable access point with sufficient visibility. The parking spaces are visitor spaces over which the owners/developers of the subject land have rights to access it to serve new development onto Linnet Lane. Accordingly, a new access into the site can be provided any new development would include two visitor spaces as close as reasonably possible to the existing visitor spaces.*

- 6.13 It is clear that there are substantial issues with deliverability and availability of this site given these constraints and the site should be deleted as a proposed allocation until this can be adequately demonstrated.

#### **SA 16 St. Wilfrids Catholic Primary School, School Close, Burgess Hill**

- 6.14 The SADPD sets out that the satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site. There is also a requirement to re-provide the emergency services accommodation in a new emergency service centre either on this site or elsewhere in the town.
- 6.15 Given that the allocation is for 300 dwellings and requires this relocation first, it is considered that there is insufficient evidence to justify delivery of development of this site in the 6-10 year time period as set out.

#### **SA 17 Woodfield House, Isaacs Lane, Burgess Hill**

- 6.16 The SADPD sets out some significant landscape features on site which require retention and it is stated that:

*There is a group Tree Preservation Order in the southern and western areas of the site. High quality substantial new planting of native trees is required, should these be lost to provide access from Isaac's Lane. All other TPO trees on the site are to be retained.*

*Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*

- 6.17 Given that the site is only 1.4 hectares in size it is questionable whether there is adequate space on the site for 30 dwellings after retention of these landscape features.
- 6.18 It is clear from the Sites DPD that access to site is envisaged to be from the Northern Arc where it is stated that:

*Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further.*



- 6.19 This is also set out in appendix B of the reg 18 SADPD where it is stated that:

*Entrance drive to house. Access on bend with limited visibility. 50 mph road. Would involve removal of trees that are subject to TPO. Objection for tree officer. However, future access is anticipated to be provided via the Northern Arc. Whilst the specific details of this remain uncertain on the basis that the enabling development is still at an early stage, it is considered that the identified constraints will no longer apply.*

- 6.20 Given the uncertainty of the deliverability of the land immediately adjoining the site as part of the Northern Arc it is considered that the deliverability of this site is not clear enough to justify allocation within the sites DPD. The uncertainty of this deliverability also has an implication of the sustainability of the site and proximity to adequate services. This is highlighted within the SA where it is stated that:

*The impact of option (h) on these objectives (Health/Retail/Education) is uncertain; currently the site is a long distance from local services, however, this will change once the Northern Arc is built out.*

- 6.21 Overall it is not considered that this site is suitable for allocation and should be removed from the Sites DPD

#### **SA 18 East Grinstead Police Station, College Lane, East Grinstead**

- 6.22 We have no comments to make in relation to this allocation.

#### **SA 19 Land south of Crawley Down Road, Felbridge**

- 6.23 As set out, this allocation is directly to the west of the land under the control of Vanderbilt Homes which is also adjoined to the east by land with the benefit of planning permission for 63 dwellings.

- 6.24 Given that the entire area will be included within the revised Built Up Area Boundary, then it is considered logical that the adjoining sites are also identified for allocation within the SADPD.

#### **SA 20 Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead**

- 6.25 There is a requirement in the SADPD for this site to provide a detailed phasing plan with agreement from key stakeholders to secure:

- Land for early years and primary school (2FE) provision – 2.2 ha
- A land exchange agreement between WSCC and the developer to secure 6 ha (gross) land to create new playing field facilities in association with Imberhorne Secondary School (c.4 ha net - excluding land for provision of a new vehicular access onto Imberhorne Lane).

- 6.26 It is unclear when these requirements are to be provided by within the development of any site and whether it is considered that the site would be suitable for allocation should these uses not come forward.

- 6.27 There are clear concerns over the suitability of this site in terms of ecology as set out in appendix B of the reg 18 SADPD which states:

*Natural England have concerns over the high density of housing south of Felbridge. Hedgecourt SSSI is accessible from the proposed site allocations via a network of Public Rights of Way. In*

*line with paragraph 175 of the NPPF, Mid Sussex District Council should determine if allocations are likely to have an adverse effect (either individually or in combination) on SSSI's. The NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." We would be happy to provide further advice if requested, although this may need to be on a cost recovery basis. The LWS adjacent to the site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. We are unable to advise you on specific impacts as we have no details of the scale or type of proposed development consider further impacts of disturbance of the LWS and Ancient woodland arising from people and domestic pets, connectivity, light and noise pollution, appropriate buffer and cumulative impact. This site is adjacent to the Worth Way. The SHELAA should be redrawn to remove the section of LWS. The site is an important recreational route and therefore consideration needs to be given to additional recreational disturbance to its habitats. Further consideration be given to impacts of disturbance on LWS and Ancient Woodland from people and pets, impacts on connectivity, impacts of light and noise pollution, need for Ancient Woodland buffer. Cumulative impact with SHELAA 686 and 561.*

- 6.28 It is clear that the impacts upon ecology and the SSSI have not been adequately addressed.
- 6.29 As with other sites there is potential for impact upon local heritage assets of Gullege Farm, Imberhorne Farm and Imberhorne Cottages as set out below. The harm in terms of less than strategic harm is inappropriately weighted in the assessment as a means for justification of allocation.

#### **APPENDIX B : Gullege Farm, Imberhorne Lane**

*This isolated farmstead has historically had a rural setting and continues to do so today. The introduction of a substantial housing development to the north, east and south of the listed manor house would have a fundamental impact on the character of that setting and would detract from the way in which the special interest of this Grade II listed rural manor house and the of the historic farmstead is appreciated.*

#### **NPPF: LSH, high**

##### **Imberhorne Farm and Imberhorne Cottages**

*In its original incarnation Imberhorne Cottages was probably constructed as a dwelling providing accommodation between London and Lewes, on Lewes Priory lands. It may have acted as the manor house to the substantial manor of Imberhorne, which was owned by the Priory. It seems likely that the building became farm cottages when the new farmhouse (Imberhorne) was constructed in the early 19th century. The currently rural setting of both buildings within the Imberhorne farmstead informs an understanding of their past function and therefore contributes positively to their special interest.*

*The proposed development site would engulf the farmstead to the west, north and east and would have a fundamental impact on the character of the greater part of its existing of rural setting and on views from both listed buildings. It would adversely affect the manner in which the special interest of the two listed buildings within their rural setting is appreciated, including by those passing along the PROW to the north of the farmstead.*

#### **NPPF: LSH, high**

- 6.30 The potential harm to heritage is also referred to in the SA which states that:

*option (e) which is not constrained by a conservation area, but would have a less than substantial harm (high) on Gullege Farm (Grade II listed) and Imberhorne Farm and Imberhorne Cottages (Grade II\* listed). As this is a large site, there is potential to still achieve the yield whilst providing necessary mitigation to lower the impact on these heritage assets.*

- 6.31 Notwithstanding the significant constraints to delivery from this site it is notable that the delivery of 550 in 6-10 years as set out in the SADPD is particularly optimistic and would need to be revised in order to be realistic on the constraints to delivery including the requirement for provision of education on the site.

## **SA 21 Rogers Farm, Fox Hill, Haywards Heath**

- 6.32 This site is also significantly constrained by the presence of heritage assets. This is referenced in the SA which states that:

*Site option (b) is constrained in terms of impact upon a listed building; it would have a less than substantial harm (medium) on Cleavewater (Grade II listed) and The Old Cottage (Grade II listed).*

- 6.33 Appendix B also references these heritage assets together with an assessment of the likely impact as follows:

*Cleavewaters, Fox Hill there would be a fundamental impact not only on views from the building and associated farmstead but on the context and manner in which the farmhouse and farmstead are appreciated by those travelling along the road which runs between the farmstead and the site. **NPPF: LSH, MID***

*Olde Cottage, there would be some potential impact on views from the Cottage and its garden setting. The belt of woodland between the asset and the site is relatively narrow and development on the site is likely to be visible, particularly in winter. There would also be an impact on the setting in which the Cottage is appreciated by those approaching along the access drive from Ditchling Road. **NPPF: LSH, MID***

- 6.34 The impact on heritage assets and character of the area has been assessed in an appeal decision on the site (APP/D3830/W/17/3187318) issued in January 2019 following an application for up to 37 dwellings on the site (DM/16/3998).

*15 The combination of the buffer and local topography would mean that any development would be clearly visible on the approach down Lunce's Hill and perceived as a separate and distinct residential development. I am not persuaded that it would be seen within the context of an urban fringe setting as the appellant suggests. On the contrary it would be a harmful encroachment into the countryside and the rural character of the approach into the settlement would be irrevocably changed and harmed through the loss of this open land.*

*16 Overall, the proposal would result in an unacceptable suburbanisation of the appeal site that would fundamentally change the character and appearance of the rural setting of the settlement. The effects would also be exacerbated somewhat by the loss of part of the existing mature hedgerow for the access. Proposed mitigation, in the form of additional landscaping would restrict the visibility of the proposal from a number of viewpoints. However, it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual impacts.*



*17 For these reasons, the proposal would not be a suitable site for housing in terms of location and would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy C1 of the LP and Policies E5 and E9 of the HHNP. In addition to the requirements set out above, these policies also require new development to be permitted where it would protect, reinforce and not unduly erode the landscape character of the area. There would also be some conflict with Policies DP10 and DP24 which, seek to protect the countryside in recognition of its intrinsic character and beauty and promote well located and designed development.*

- 6.35 Overall it is not considered that the site represents a logical, justified or deliverable site and should not be considered for allocation within the Sites DPD.

#### **SA 22 Land north of Burleigh Lane, Crawley Down**

- 6.36 No comments.

#### **SA 23 Land at Hanlye Lane to the east of Ardingly Road, Cuckfield**

- 6.37 The site is within close proximity to the High Weald AONB. Previous comments made in relation to the requirements of the NPPF in relation to AONB for other allocations apply equally to this site.

#### **SA 24 Land to the north of Shepherds Walk, Hassocks**

- 6.38 The access for this site is through an adjacent parcel of land which has a ransom strip over this land. The deliverability of this site is therefore in doubt unless a right of access can be confirmed by the site owners.

#### **SA 25 Land west of Selsfield Road, Ardingly**

- 6.39 This site is located within the AONB and comments made in this regard to other proposed allocations apply to this site. The SA references this impact as follows:

*There is a 'Very Negative' impact against objective (9) due to its location within the High Weald AONB, however the AONB unit have concluded that there is Moderate Impact as opposed to High Impact*

- 6.40 The conclusions of the AONB unit have not been provided as part of the evidence base and requires further scrutiny in order to assess the impact of development of this site in this regard.

#### **SA 26 Land south of Hammerwood Road, Ashurst Wood**

- 6.41 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

#### **SA 27 Land at St. Martin Close, Handcross**

- 6.42 No comments.

#### **SA28 Land South of The Old Police House, Birchgrove Road, Horsted Keynes**

- 6.43 No comments.

#### **SA 29 Land south of St. Stephens Church, Hamsland, Horsted Keynes**

- 6.44 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.

### **SA 30 Land to the north Lydon, Reeds Lane, Sayers Common**

- 6.45 The sustainability of this site has been considered in the SA which sets out that the site is more than 20 minutes away from services such as GP and the School. It is therefore not considered that the development of this site would be justified in sustainability terms.
- 6.46 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 31 Land to the rear Firlands, Church Road, Scaynes Hill**

- 6.47 The site is located within the Building Stone (Cuckfield) Mineral safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 32 Withypitts Farm, Selsfield Road, Turners Hill**

- 6.48 The site is within the AONB and it is considered it is inappropriate to allocate this site for development without thorough appraisal of reasonable alternatives as previously set out.
- 6.49 The site is located within the Brick Clay (Weald) Mineral Safeguarding Area. No further evidence has been provided which demonstrates that the site is required for further mineral extraction.

### **SA 33 Ansty Cross Garage, Cuckfield Road, Ansty**

- 6.50 This site is not considered to be a sustainable location. A total of four separate sites were considered within Ansty with this being the only one accepted. The only difference between this and the other sites was that this scored slightly higher in the SA due to it being PDL. Whilst this is correct it is not considered that the PDL nature of this site makes it appropriate for allocation within the Sites DPD.


## 7. Conclusions

- 7.1 Overall, the principle of extending the Built Up Area Boundary to the south of Crawley Down Road to include the site within the control of Vanderbilt Homes is logical and supported.
- 7.2 The site has been identified within the SHELAA as being Suitable, Available and Achievable. However, given that the site is adjoined on one side by an allocated site and on another side by a site with the benefit of planning permission, it is considered that it would be entirely appropriate for the site to be allocated for development.
- 7.3 Detailed consideration of the sites identified for allocation within the SADPD show that there are some significant technical constraints and policy issues with many of the sites. These are matters which have been previously raised as part of regulation 18 representations and the council has done nothing to address these matters.
- 7.4 The analysis of the proposed allocations demonstrates there are some significant failings in the deliverability of the sites which requires reconsideration of the appropriateness of these allocations and selection of alternative sites.
- 7.5 The selection of sites with significant heritage constraints and also location within the AONB is not considered to be a sound approach. The assessment of reasonable alternatives is significantly lacking and requires further retesting which would logically include this site. As a result, it is not considered that the SADPD is positively prepared or justified and therefore fails the test as set out in the NPPF as a result.
- 7.6 It is clear that the adoption of the SADPD is of significance importance to Mid Sussex in demonstrating a robust and deliverable five year housing land supply. It is therefore suggested that consideration is given to the allocation of the site as set out within these representations which can deliver much needed housing in the early part of the plan period.



## 8. Appendix 1 – SHELAA Extract – February 2020

### Stage 1 Site Pro-Forma – All Sites

<b>SHELAA Ref</b>	676		<b>Parish</b>	East Grinstead
<b>Site Location</b>	Land south of 61 Crawley Down Road, Felbridge			
				
<b>Site uses</b>	Dwellings			
<b>Gross Site Area (ha)</b>	1.6			
<b>Potential Yield</b>	6			
<b>Site History</b>	Planning Application - Refused			
<b>Absolute Constraint</b>	Flood Zone 2 or 3	✓		
	Site of Special Scientific Interest	✗		
<b>Other Constraints</b>	Ancient Woodland	✓		
	Area of Outstanding Natural Beauty	✗		
	Local Nature Reserve	✗		
	Conservation Area	Development would not have a negative impact on Conservation area and/or Area of Townscape Character		
	Scheduled Monument	✗		
	Listed Buildings	Development will not affect listed building/s		
	Access	Safe access to site already exists		
<b>Suitable</b>	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment			
<b>Availability</b>	Recent relevant planning history shows the site is considered available			
<b>Achievability</b>	There is a reasonable prospect that site could be developed within the Plan period			
<b>Timescale</b>	Medium-Long Term			



2092

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2092

**Response Ref:** Reg19/2092/1

**Respondent:** Mr T Burden

**Organisation:** Turley

**On Behalf Of:** Rainier Developments Copthorne

**Category:** Promoter

**Appear at Examination?** ✓



**From:** Tim Burden <tim.burden@turley.co.uk>  
**Sent:** 28 September 2020 13:28  
**To:** ldfconsultation  
**Cc:** Susan Dubberley; Kate Green; 'Grant Stevenson'; Andrew Marsh; Alice Henstock  
**Subject:** MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DPD REGULATION 19 SUBMISSION DRAFT  
**Attachments:** APPENDIX 1 - Appeal Decision - 3241644 Albourne.pdf; APPENDIX 2 - Agreed Statement on Mid Sussex Extra Care Housing Supply.pdf; Mid Sussex reps Appendix 3.pdf; Mid Sussex SADPD Consultation September 2020.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** TBC

Dear Sir / Madam,

We write in respect of the current Site Allocations DPD ('SADPD') consultation on behalf of our client, Rainier Developments (Copthorne) Ltd.

Please find attached our submission, including the three appendices referred to within.

We would be grateful if you could confirm safe receipt and that these representations have been duly made.

We would welcome the opportunity to discuss these submissions with the policy team, in advance of the formal submission of the Plan.

Regards  
Tim

**Tim Burden**  
Director

**Turley**

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All Turley teams are now [remote working](#) wherever possible in line with Government guidance.

Our co-owners are contactable in the usual ways and we suggest using mobile numbers in the first instance. We are doing all we can to maintain client service during this challenging time.

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28 September 2020

Delivered by email - [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

Planning Policy,  
Mid Sussex District Council,  
Oaklands,  
Oaklands Road,  
Haywards Heath,  
West Sussex,  
RH16 1SS

Ref: RAIS3004

Dear Sir/Madam

## **MID SUSSEX DISTRICT COUNCIL – SITE ALLOCATIONS DPD REGULATION 19 SUBMISSION DRAFT CONSULTATION**

We write in respect of the current Site Allocations DPD ('SADPD') consultation on behalf of our client, Rainier Developments (Copthorne) Ltd.

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Copthorne Common (reference DM/20/3081). At the time of writing, the application is currently pending determination by the Council.

The proposals seek to provide a 64 bed care facility, including access, 34 car parking spaces, open space and landscaping. The development will consist of four semi-independent groupings of 16 beds, spread across two separate buildings. Each grouping will have its own lounge, dining area, nursing station and other ancillary facilities. It will provide secure gardens and landscaped grounds.

### **OVERVIEW**

The adopted Mid Sussex District Plan (March 2018) (the 'MSDP') sets out a strategy for meeting the housing and employment needs for the district for the period to 2031 and committed the Council to preparing a Site Allocations DPD in order to find sufficient housing and employment sites to meet the remaining need. It is noted that the Submission Draft SADPD recommends the allocation of:

- 22 housing sites
- 7 employment sites
- Science and Technology Park

It also includes 5 strategic policies required to deliver sustainable development.

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It is however noted that with the exception of an unidentified component part of the proposed allocation “SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead”, the Council is not proposing to allocate any further sites for older persons’ accommodation (within use class C2).

As such, our client is concerned that the Submission Draft SADPD does not allocate sufficient and specific sites to meet the identified need for older person’s accommodation in the District. Further, and of fundamental importance, there has been no specific work undertaken by the Council to ascertain whether there is a requirement to allocate such sites, despite a clear requirement in MSDP Policy DP30 to do so. The reliance on the out dated HEDNA Addendum 2016 is not appropriate.

As we set out in detail below, this approach is flawed and unsound, in the context of national planning; in terms of the requirements set out in the adopted District Local Plan; and as clearly exemplified through the recently allowed at appeal at “*Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL*” (Appeal Ref: APP/D3830/W/19/3241644).

Indeed, during that appeal, the Council agreed that there was an unmet need for older persons’ accommodation within the District, yet this draft SA DPD does nothing to address the issue.

The draft SADPD consequently fails to meet the tests of soundness, as identified in paragraph 35 of the revised National Planning Policy Framework (‘the NPPF 2019’). We request that the Council identify more sites for allocation to meet the identified need, and particularly their site at Land south of Chapel Lane, Copthorne Common, which the recent planning application submission demonstrates is available, delivery and viable.

### **Conformity with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

The revised National Planning Policy Framework (‘the NPPF 2019’) was published in February 2019. It sets out the Government’s economic, environmental and social planning policies for England and requires the planning system to “*play an active role in guiding development towards sustainable solutions*” (paragraph 9). The NPPF 2019 covers a range of land issues including housing, transport, infrastructure, sustainable communities, climate change and the natural and historic environments.

Paragraph 59 sets out the Government’s objective of “*significantly boosting the supply of housing*”, whilst identifying that “*a sufficient amount and variety of land can come forward where it is needed... and that land with permission is developed without unnecessary delay*”.

In line with paragraph 61, the NPPF 2019 seeks the delivery of a wide choice of high quality homes, increased opportunities home ownership and sustainable, inclusive and mixed communities. In achieving appropriate densities, Paragraph 122 asks that policies and decisions should support development that makes efficient use of land, taking into account:

***(a) “the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;***

*(b) local market conditions and viability;*

*(c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

*(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*

*(e) the importance of securing well-designed, attractive and healthy places”.*

The Planning Practice Guidance (PPG) is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The PPG sets out how a number of the Government's planning policies in the NPPF are expected to be applied and forms an additional material consideration in the assessment of the proposed development which should be afforded significant weight due to the identified and demonstrable need to provide for the needs of older people in general, but particularly given the level of need identified (and which is currently unaddressed) within the District.

### **Conformity with the Mid Sussex District Plan 2014 – 2031 (adopted March 2018)**

As a 'daughter document' to the Mid Sussex District Plan 2014 – 2031 (adopted March 2018) (the 'MSDP'), it is necessary for the Council to produce a plan that is in general conformity with that earlier document and the policies contained there within.

Policy DP4 (Housing) is a strategic policy and provides a housing requirement (2014 – 2031), including requiring preparation of a Site Allocation DPD (SADPD) in 2020; or rely on Neighbourhood Plans to ensure sufficient sites are allocated to meet its minimum housing requirement (Policy DP4 confirms a shortfall of some 2,439 dwellings at that time).

It is however noteworthy that paragraph 2.9 of the plan confirms the challenges faced by the District. This includes an ageing population with the number of people aged over 65 likely to increase by 3.1% from 18.1% to 21.2% by 2021. Further, it is expected that the proportion of the population aged over 85 will increase by 0.5%.

Of particular relevance is Policy DP30 (Housing Mix) of the MSDP which sets out to “*meet the current and future needs of different groups in the community including older people...*” but goes on to state that:

**“If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.”**

The supporting text to Policy DP30 (housing mix) advises that “*the Council supports the provision of flexible general market housing and specialist accommodation or care appropriate for older persons through both public and private sector provision*”.

It then then notes that “*specialist accommodation and care homes falling within Use Class C2 form a very specific part of the housing needs market. Supported accommodation such as this, falls within the definition of social infrastructure which also includes community facilities and local services including buildings.*”

The Inspector's Report<sup>1</sup> into the MSDP clearly noted at paragraph 39 that *"MM20 also allows for the allocation of specialist accommodation and care homes falling within Use Class C2 through a future site allocations document."*

Despite a clear requirement and expectation from the Inspector with in the MSDP that there would be further assessment of the future needs for older persons' accommodation in the subsequent SADPD, it is concerning to note that the draft SADPD is not supported by any evidence regarding the need for older persons' accommodation. Indeed, no specific sites for older person's accommodation are allocated in the adopted MSDP, presumably as the Council do not consider that there was an identified need, and a single mixed use allocation including an unknown quantum of C2 accommodation is proposed in the draft SADPD.

As we highlight below, a recent Section 78 appeal has highlighted the scale of such need in the District, has recognised that that need is not currently being met, and consequently that it will continue not be met through the approach advocated within the policies in the draft SA DPD.

## Identified need for older persons' accommodation

The Council has previously stated that there is existing provision for any unmet C2 need through the allocation of 'general housing' sites, and that older persons' accommodation could be built there. We do not consider that that is correct or supported by any substantive evidence, and indeed does not reflect the very specific requirements of operators, which is different mainstream housebuilders. It is as a result of this stance that we assume no further sites have been identified in the draft SADPD.

This matter has been robustly considered in a recently allowed Section 78 Appeal lodged by RV Developments Ltd & Notcutts Ltd at *"Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL"* (Appeal Ref: APP/D3830/W/19/3241644) (included at **Appendix 1**).

Towards the end of the inquiry an *"Agreed Statement on Mid Sussex Extra Care Housing Supply"* was submitted to the Inspector (dated 30<sup>th</sup> July 2020). A copy of this document is reproduced at **Appendix 2**. This appears to present an agreed position between the Council and the Appellant on supply, but with differing positions on overall need and therefore shortfall of supply against need.

In the Council's scenario (Tables 1 and 3) there is an agreed shortfall of at least **251** C2 bed spaces in 2020, and **269** bed spaces in 2030. The Appellants evidence stated a shortfall **552** C2 bed spaces in 2020 and **665** bed spaces in 2030.

It is apparent that in either scenario there is a significant unmet need in C2 units at both 2020 and 2030. The draft SADPD therefore does not appear to reflect the position the Council stated / agreed at the recent inquiry. There are a number of parts of that appeal decision that are pertinent to this draft SA DPD, but we draw attention to the following paragraphs in particular.

In the absence of any alternative documentation within the evidence base, it appears that the Council is reliant on the previous HEDNA and its addendum. The Inspector made very clear observations on the appropriateness of those documents:

***"86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis***

<sup>1</sup> <https://www.midsussex.gov.uk/media/2216/mid-sussex-lp-report-mar-2018.pdf>



*of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units."*

Following a robust analysis, the Inspector considered that there was an identified unmet need for older persons' accommodation:

***"93. In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council's riposte that it is not being inundated by enquiries or applications for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight."***

This conclusion is absolute and compelling. It is apparent that even with the Council's proposed single draft allocation (of unquantified scale and type) and with the recent appeal scheme being delivered, the unmet need for older persons' accommodation remains significant.

Within **Appendix 3** to this submissions, and in the absence of any documentation contained within the Council's evidence base supporting the draft SADPD, we set out our assessment of the need for older persons' accommodation in the District and summarise the planning requirement for the Council to meet its needs in full.

In summary, the approach taken within the draft SA DPD fails to meet the need for older person's accommodation in the District, and therefore the SA DPD cannot be considered to be sound, because in our assessment:

- **There is a pressing requirement to meet the diverse range of housing needs generated by a rapidly growing older population in England, who are generally living longer but spending more years in poor health.** The Government requires such needs to be assessed and reflected through planning policies, and confirms that local authorities must take 'a positive approach' when assessing applications that propose to address an identified need for specialist older persons' housing<sup>2</sup>;
- **The elderly population of Mid Sussex aged 65 and over is projected to increase by almost half over the current plan period to 2031**, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council's evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area;
- **The Council's evidence base applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents**, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces in specialist accommodation each year;
- **Its breakdown by type of provision confirms a need for residential care homes but implies that there is an "oversupply" of nursing care homes both now and in the future, though such a**

<sup>2</sup> PPG Reference ID 63-016-20190626

**simplistic interpretation belies its inherent uncertainties and limitations.** It is ultimately based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents currently require nursing care. Such national benchmarks have some merit but should not be viewed as definitive. An alternative approach introduced in this report, which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex, more than doubles the Council's estimate of need, and would require the development of at least one new care home each year;

- **The demographic profile in the locality of the application site indicates that there is a local need for specialist older persons' accommodation, to meet the needs of a sizeable and growing cohort of the population.** The population of adjacent wards is skewed towards older age groups which have rapidly grown in recent years, to a greater extent than seen in Mid Sussex, the wider region or nationally. The older population in the locality is now of a scale that could generate demand for around 330 units of specialist accommodation, including 131 bedspaces in care homes, albeit this should be viewed as a conservative estimation as it is based on national toolkits that appear to underestimate the rate of demand in Mid Sussex. This prospective demand could more than double in the coming years as residents age; and
- **The provision of specialist accommodation could potentially enable a process of downsizing by older households currently occupying larger family housing, in turn freeing up larger stock to meet the needs of other groups in the local housing market.** The majority of older residents in the locality currently occupy larger housing, despite evidence that some of those under-occupying homes have health or mobility issues. In contrast, there are 78 households in the locality where the head of the household is under 65 with fewer bedrooms than required, including 48 families. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing younger households living in overcrowded circumstances to occupy larger housing that more closely aligns with their own requirements.

Our assessment confirms that the older population of the locality has recently grown at a faster rate than seen in Mid Sussex, the wider South East and nationally, with the population remaining skewed towards older age groups as of 2018. Enabling the downsizing of some older households could therefore more effectively meet their needs, while allowing overcrowded households to occupy larger housing that more closely aligns with their own requirements.

The Council's generalised claim that there is no need for care homes is considered to be unsubstantiated, and it should – based on the recent conclusions of an Inspector – take a more positive approach to meeting the needs of a growing elderly population. This would reflect the stated position agreed recently at inquiry.

## **SA 20 - Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead**

The Council is proposing a single allocation for C2 use as part of the site at Land south and west of Imberhorne Upper School, Imberhorne Lane, East Grinstead. This allocation comprises provision for 550 residential dwellings and includes an unstated "component" of C2 Use. There appears to be no evidence to substantiate that a single allocation, of unknown quantum, will be sufficient to meet the entire needs for older person's accommodation of the District for the remainder of the Plan period.

As drafted, the policy is unclear and the form and delivery of the "*Provision of a (C2) Care Community for older people*" is without sufficient detail. The project website<sup>33</sup> suggests the provision of a "2.5 ha

<sup>33</sup> <https://www.landwestofimberhornelane.co.uk/>

*Care Village, providing housing for older people*", but it is unclear what needs would be met and whether it actually would fall within the Use Class C2 designation.

## Proposed allocation of Omission site

Our clients have recently submitted a full planning application for the residential redevelopment (Use Class C2) of the Land south of Chapel Lane, Copthorne Common (reference DM/20/3081). We have not enclosed the full suite of application documentation but refer the Council to the application submission.

We would also repeat the conclusions made in the assessment in the 2018 SHELAA (site reference 269) which stated that there were no known constraints, the site is suitable, available and that there *'there is a reasonable prospect that site could be developed within the Plan period Timescale Medium-Long Term'*.

Based on the above consideration, our clients' proposed development of a 64 bed care home on land South of Chapel Lane, Crawley Down will contribute towards meeting a specific need that has been evidenced nationally, across Mid Sussex and in the vicinity of the application site. Such schemes provide a suitable response to a continued growth in the older population and can deliver positive outcomes for residents and the wider housing market.

Crawley Down is identified as a Category 2 Settlement, which comprises *"larger villages acting as Local Service Centre providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport."*

Given the immediate requirement to meet immediate needs, our client's site should be released for development as an allocation within the SA DPD process. We would welcome the opportunity to speak to the Council regarding the allocation of this site, and would refer the policy team to the full suite of planning application documentation.

## SUMMARY

The Local Plan is also unable, and failing, to provide for the levels of housing and care accommodation required to meet the needs of older people. The emerging Site Allocations DPD will also not do so.

The submissions above demonstrate that the draft SADPD does not meet the tests of soundness identified at paragraph 35 of the NPPF (2019):

- **Positively prepared** – the SADPD cannot be regarded as being positively prepared as it fails to meet the identified areas objectively assessed needs for older person' accommodation;
- **Justified** – the SADPD does not include an appropriate strategy, taking into account the reasonable alternatives, to meet the needs for older person' accommodation. There is no evidence to support the Council's approach, and as identified in the Albourne appeal, the previous HEDNA and its Addendum is Out of Date;
- **Effective** – the Plan is not effective. As a daughter document to the MSDP, Policy DP30 (Housing Mix) is relevant. It required that *"if a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the*



*Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.” As we have highlighted, a significant identified shortfall does exist, and it is apparent that the single, unclear allocation, will not meet those identified needs in full.*

- **Consistent with national policy** – the SADPD does not accord with the policies in the Framework as it fails to meet in full the needs of the District.

For the reasons identified above, the draft SADPD is unsound. To remedy these concerns, the Council must allocate specific sites to meet the identified need for older persons’ accommodation. The recent appeal decision at Albourne provides clarification on this matter.

Our clients’ site is available and deliverable, as confirmed by the 2018 SHELAA (site reference 269), and can therefore meet in part those needs.

We would welcome

Yours sincerely

Tim Burden  
**Director**

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## Appeal Decision

Inquiry Held on 20-22, 24, 27, 28, 30, 31 July and 6 August 2020

Site visits made on 16 July, 7 and 16 August 2020

**by Christina Downes BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 September 2020**

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**Appeal Ref: APP/D3830/W/19/3241644**

**Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by RV Developments Ltd and Notcutts Ltd against the decision of Mid Sussex District Council.
  - The application Ref DM/19/1001, dated 8 March 2019, was refused by notice dated 26 July 2019.
  - The development proposed is an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site.
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### DECISION

1. The appeal is allowed and outline planning permission is granted for an extra care development of up to 84 units (comprising of apartments and cottages) all within Use Class C2, associated communal facilities. 2 workshops, provision of vehicular and cycle parking together with all necessary internal roads and footpaths, provision of open space and associated landscape works, and ancillary works and structures. Works to include the demolition of the existing bungalow on the site on the site of the former Hazeldens Nursery, London Road, Albourne, in accordance with the terms of the application, Ref DM/19/1001, dated 8 March 2019, subject to the conditions in Annex C to this decision.

### PROCEDURAL MATTERS

2. A costs application was made by RV Developments Ltd and Notcutts Ltd against Mid Sussex District Council. This is the subject of a separate Decision.
3. The application was made in outline form with access as the only matter to be considered at this stage. It was accompanied by a Parameter Plan (drawing no: RETI150215 PP-01 rev G) along with a detailed plan of the access and traffic calming measures proposed along London Road (drawing no: 1701-56 SK08 rev B). Following discussion at the inquiry it was agreed that the Sketch Layout (drawing no: RETI150215 SKL-04 rev J) should also be treated as an application drawing.

4. At the request of the Appellants, I undertook an accompanied visit to Charters Village, one of Retirement Villages' extra care developments in East Grinstead, West Sussex.
5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Just before the close of the inquiry the Council and the Appellants were involved in further discussions about the definition of Personal Care in the UU, amongst other things. As a result, changes were made whereby the Council reviewed its position and agreed that the proposed development would fall with Use Class Use C2 rather than Class C3 in the *Town and Country Planning (Use Classes) Order 1987 (as amended)*. As a consequence, there was no longer a policy requirement for affordable housing and the reason for refusal relating to that matter was no longer pursued. In order to allow the completion and engrossment of the legal documents, I agreed to a short extension of time following the close of the inquiry.
6. The planning application was made with reference to Use Class C2 in the description of the proposal. I was told that the Council would not validate it unless this reference was removed, which the Appellants agreed to do although by accounts not altogether willingly. In any event, as indicated in the preceding paragraph there is now no dispute that the proposal would fall within Class C2 and so it remains in the description as originally submitted.

## **REASONS**

### **PLANNING POLICY CONTEXT AND THE APPROACH TO DECISION MAKING**

7. For the purposes of this appeal the relevant part of the development plan comprises the *Mid Sussex District Plan 2014-2031* adopted in March 2018 (the MSDP) and the *Albourne Parish Council Neighbourhood Plan* made in September 2016 (the ANP). I do not consider that there are any pertinent saved policies or allocations in the *Mid Sussex Local Plan* (2004) or the *Small Scale Housing Allocations Development Plan Document* (2008) in this case. I return to this briefly below. The *West Sussex Joint Minerals Local Plan* (2018) is agreed by all parties not to be relevant.
8. It is the Appellants' case that the presumption in favour of sustainable development applies as set out in paragraph 11 of the *National Planning Policy Framework* (the Framework). This is on two counts each of which is considered below. The first is that the development plan itself is not up-to-date. If that is the case, then the Appellants agree that paragraph 11c) could not apply. The second is that the basket of most important policies for determining the application are out-of-date because they are inconsistent with Framework policies. It is agreed between the main parties that the Council is able to demonstrate a five-year supply of deliverable sites to meet its housing requirement.

### **Whether the development plan as a whole is up-to-date**

9. The Council has chosen to adopt a two-stage approach whereby the MSDP only includes strategic allocations, with the smaller housing sites to be identified through a *Site Allocations Development Plan Document* (SA DPD) and neighbourhood plans. Policy DP4 in the MSDP anticipates the former document



being adopted in 2020, but the 2019 Local Development Scheme envisages this to be the summer of 2021. I was told at the inquiry that the Regulation 19 consultation had only just commenced and so there appears to have been further slippage and a more realistic assessment would be adoption later next year or even early in 2022.

10. The 2004 *Planning & Compulsory Purchase Act (as amended)* requires local planning authorities to identify strategic priorities for the development and use of land in their area. Policies in the development plan document must address these priorities. This is reflected in paragraph 17 of the Framework and similarly in the 2012 version of the Framework. The MSDP sets strategic priorities (termed objectives) in Chapter 2 and the policies to address them in Chapter 4. These include policy DP4. As mentioned above, policy DP4 specifically refers to the subsequent preparation of the SA DPD. If this had been required to have been produced at the same time it is difficult to see how the Examining Inspector could have been found it legally compliant in terms of consistency with national policy or legislation. However, it was found to be sound and as far as I am aware, no legal challenge was made to its adoption.
11. It is the case that the Examining Inspector indicated an expectation that the SA DPD would follow "*soon after this plan*" and recorded that the Council had committed to bringing it forward "*at an early date*". However, there was no clear indication as to the anticipated timeframe, apart from what is indicated in policy DP4. There has clearly been slippage but, the complaint that the MSDP does not adequately address small sites coming forward is as true now as it was when the plan was found sound. The Framework does not require a plan to necessarily allocate all of the housing land supply for the whole plan period. That is why it distinguishes between deliverable and developable sites during different stages of the lifetime of the plan.
12. In any event, the MSDP includes other means for bringing small sites forwards including neighbourhood plans. Mid Sussex District has a good coverage of such plans, albeit that most were made under the auspices of the 2004 Local Plan. Nevertheless, there is insufficient evidence to support the Appellants' assertion that this therefore means that the contribution of small sites from this source is "nominal" on a district-wide basis. Whilst the Albourne Neighbourhood Plan includes few allocations, it is one of around 20 such plans. Policy DP6 is permissive of settlement expansion and allows small sites of less than 10 dwellings to come forwards under certain conditions. The Examining Inspector considered that it provided the MSDP with extra robustness and flexibility in maintaining a rolling 5-year supply of housing land.
13. For all of the above reasons I do not consider that the development plan is out-of-date at the present time.

### **The most important policies for determining this application**

14. The Council and the Appellants consider that the following policies, which are included in the reasons for refusal, should be considered most important:

- MSDP: DP6, DP12, DP15, DP21, DP31, DP34, DP35
- ANP: ALC1, ALH1

All of these seem to me to fall within this category, save for policy DP31

relating to affordable housing. This rested on the dispute about whether the proposal fell within Use Class C2 or Use Class C3 and this in turn was resolved by the tightening of the definition of "Personal Care" in the UU. This document was not finalised at the time that the planning application was being considered by the Council and there was thus scope for change, as indeed happened during the inquiry. There was no dispute that the policy does not apply to Use Class C2 housing proposals and so, whilst it is relevant, I do not consider policy DP31 is of key importance to the determination of the application.

15. There are a number of disputed policies, which are as follows:

- Policy DP4 relates to housing delivery and sets out the District's housing requirement and how it will be addressed. It also commits to the preparation of a SA DPD as referred to above. It is clearly relevant to the consideration of a housing proposal, but it is not a development management policy that plays a significant role in determining planning applications. It is thus not a most important policy in this case.
- Policy DP20 is included in the reasons for refusal and relates to securing infrastructure and mitigation through planning obligations or the Community Infrastructure Levy. This will be addressed through the legal Deeds and, whilst clearly relevant is not to my mind of most importance.
- Policy DP25 concerns community facilities and local services and the supporting text makes clear that specialist accommodation and care homes are included. This supports the type of development being proposed and is therefore a most important policy in this case.
- Policy DP30 relates to housing mix and the need to meet the current needs of different groups in the community, including older people. It is a most important policy to the consideration of this proposal.
- Policy ALH2 in the ANP is an allocation for 2 houses in Albourne. This is not of particular relevance to the proposal and is not a most important policy.

16. The Appellants consider the saved policies in the 2004 Local Plan and policies SSH/7 to SSH/18 in the 2008 Small Scale Housing Allocations Development Plan Document to be most important. These relate mainly to site specific matters and allocations. Both are based on an out-of-date housing requirement established in the West Sussex Structure Plan. They also do not address the need for elderly persons accommodation. However, their relevance to the current proposal is tenuous and they are not of pertinence to this application.

17. Drawing together the above points, the most important policies to the determination of this application are:

- MSDP: DP6, DP12, DP15, DP21, DP25, DP30, DP34, DP35
- ANP: ALC1, ALH1

### **Whether the most important policies are out-of-date**

18. Whether the aforementioned policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. This was not a matter that the Council specifically addressed in its evidence, but I agree with the Appellants' assessment that policies DP21,

- DP34 and DP35 are consistent and can be considered up-to-date.
19. The Appellants' complaint regarding policies DP6, DP15, DP25 and DP30 is that they fail to address the way that extra care housing will be provided to meet identified needs as required by the Framework and Planning Practice Guidance.
  20. The assessment of need, including for older person's housing, was undertaken through the Housing and Economic Needs Assessment (HEDNA) and its Addendum and formed part of the evidence base for the MSDP. Whilst this has been strongly criticised by the Appellants on many counts it nevertheless does provide an assessment of the type and tenure of housing needed for older people. Furthermore, it is clear that the Examining Inspector considered the matter of older person's housing. Policy DP30 was found sound, subject to modifications that were subsequently incorporated.
  21. The matter of need is considered in detail later. However, policies DP25 and DP30 flow from the assessment of need in the HEDNA Addendum. Policy DP30 indicates that current and future needs of different community groups, including older people, will be met and that if there is found to be a shortfall in Class C2 housing, allocations through the SA DPD will be considered. There is an allocated site (SA 20) within that draft document for a care community. The Appellants are critical of this for various reasons, but the plan is still at an early stage and these will be considered at the examination in due course.
  22. Policy DP6 supports settlement growth, including to meet identified community needs. Bearing in mind the terms of policy DP25, this could include extra care housing. Policy DP15 addresses housing in the countryside and refers to policy DP6 as a criterion. The Planning Practice Guidance is not prescriptive as to how the housing needs of older people are addressed in planning policies. Overall, the aforementioned policies are, in my opinion, consistent with the guidance and Framework policy, including paragraph 61.
  23. Policy DP12 indicates that the countryside will be protected in recognition of its intrinsic character and beauty. It also refers to various landscape documents and evidence to be used in the assessment of the impact of development proposals. Whilst the wording could be improved, it does not seem to me to imply uncritical protection but rather a more nuanced approach that takes account of the effect on the quality and character of the landscape in question. To my mind this is consistent with the policy in both the 2012 Framework, under which the MSDP was considered, and the current version (2019). In that respect I do not agree with the Inspector in the Bolney appeal that the approach to protection has materially changed between the two documents.
  24. Policy ALC1 seeks to maintain and where possible enhance the quality of the rural and landscape character of the Parish. Overall, its terms seem to me to be similar to policy DP12.
  25. Policy ALH1 generally supports development on land immediately adjoining the built-up boundary, whereas policy DP6 permits such development if it is contiguous with an existing built-up area. Policy ALH1 also has the added requirement that other than a brownfield site the development must be infill and surrounded by existing development. These provisions are more restrictive than policy DP6 in the MSDP, which as the more recent policy in the development plan therefore takes precedence.

### **Whether the basket of most important policies is out-of-date**

26. From the above, I have found that other than policy ALH1 in the ANP, the most important policies are not out-of-date and in the circumstances I do not consider that the basket overall is out-of-date either.

### **Conclusions**

27. Paragraph 11 of the Framework sets out the approach to decision making within the context of the presumption in favour of sustainable development. In this case there are development plan policies relevant to the determination of this application and overall, I conclude that they are not out-of-date. Paragraph 11d)ii) is therefore not engaged.
28. In such circumstances it will be necessary to consider whether the proposal would accord with an up-to-date development plan and whether paragraph 11c) is engaged. This is a matter to which I will return in my final conclusions.

### **THE EFFECT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE AREA AND THE SURROUNDING LANDSCAPE, INCLUDING THE NEARBY SOUTH DOWNS NATIONAL PARK**

29. The appeal site comprises about 4.4 hectares of land on the western side of London Road. Its previous longstanding use as a nursery ceased several years ago. The large glasshouses that once stood on the northern area have been demolished and all that now exists are remnant hardstandings. A small bungalow occupies the north-eastern part of the site. This building would be demolished, and the site would be redeveloped with 84 extra care dwellings within a mix of apartment buildings and bungalows. The site is outside the defined built-up boundary of Albourne and is therefore in the countryside for policy purposes.

### **Effect on the landscape**

30. The appeal site is within the Hurstpierpoint Scarp Footslopes Landscape Character Area (the LCA) in the *Mid Sussex Landscape Character Assessment* (2005). Key characteristics include undulating sandstone ridges and clay vales; an agricultural and pastoral rural landscape; a mosaic of small and large fields; woodlands, shaws and hedgerows with woodland trees; expanded ridge line villages; traditional rural buildings and dispersed farmsteads; and a criss-cross of busy roads. In addition, views are dominated by the steep downward scarp of the South Downs.
31. The site boundaries are bordered by boundary tree and hedge lines, but in places these are patchy and their quality is diminished in places by the incursion of non-indigenous conifers. There is a small ridge running east to west across the northern part, which includes the roadways, hardstandings and bungalow along with conifer tree lines and groups. There is a narrow view of the South Downs framed by vegetation. The southern section is on the shallow valley side running down to Cutlers Brook and comprises rough grassland. From here there are open views southwards to the escarpment. Two lines of non-native hybrid black poplars cross the western section, which were grown as shelter belts for the nursery stock.
32. Unlike Albourne and the surrounding countryside, I do not consider that the



- appeal site is typical of the LCA of which it forms a part. Although it includes some characteristics such as the shallow ridge and some outward views to the escarpment, its tree and hedge lines are not particularly strong and its use as a nursery over many years has changed its character substantially. In my opinion, it is not well integrated with the wider landscape.
33. The appeal proposal is in outline, with the layout and external appearance to be considered at a later stage. However, the Parameters Plan and Sketch Layout help to establish some basic principles. The *Arboricultural Impact Assessment* indicates that a number of trees and tree groups within the site would be removed. These include the non-indigenous conifers and all those to be felled are judged by the Tree Survey to be of low quality and value. The better trees are mainly along the site boundaries and would be retained. Some of the hybrid black poplars would be removed but most would be assessed and, if necessary, there would be a phased programme of replacement with native tree stock. There would also be additional indigenous tree planting in the south-western corner in front of the incongruous conifer hedge along the boundary with Spurk Barn.
34. The built development would be within the western and eastern parts of the site with groups of cottages and apartment buildings set within landscaped gardens and interspersed with intervening belts of trees. The cottages would be one and a half storeys in height whilst the apartment buildings would be two-storeys with some higher elements incorporating accommodation in the roof. A 10m landscaped swathe between the trees along the London Road boundary and the adjacent apartment buildings is proposed. The largest building would be the two-storey clubhouse, which would be at the northern end of the site. There would be views maintained through to the South Downs escarpment, although these would be within the context of a built environment.
35. Undoubtedly the character of the site would change. The proposal would replace open and largely undeveloped land with buildings and hard surfacing within a green framework. However, as the site shares few of the features that provide this LCA with its identity and taking account of the large area that it covers, the overall impact would be small-scale and localised. In terms of the tree cover, the replacement of the non-indigenous species, especially the conifer stands, with native trees would be a landscape benefit that would increase as the new planting matures. For the reasons given below, I do not consider that the appeal scheme would be seen as an expansion of the ridgeline village. However, for the aforementioned reasons, the harm that would arise to landscape character would be relatively small and would reduce over time.

### Visual effects

36. There are public footpaths close to the northern and western boundaries of the site and these run west and south into the open countryside. They appear to be well used and provide attractive routes that link up with a wider network of paths for informal recreation. Walkers are likely to particularly value the rural nature of these paths and the attractive views of the South Downs escarpment and Wolstonbury Hill. These people will be attuned to the environment through which they pass and thus highly sensitive to change. However, it is important to remember that this will be a kinetic experience, which will continually

change as the receptor moves through the countryside.

37. During my visits to the area, I walked along the adjoining footpaths and to my mind the place where the impact of the new development would be greatest would be from the stretch of Footpath 19/1AI that runs adjacent to the northern boundary. From the direction of London Road, the site is on the left. At present there are intermittent inward views between trees and vegetation, with a framed view of the escarpment about half-way along. However, this corridor is not altogether rural in character and the inward view includes the hard standings, roadway and bungalow as well as tall stands of conifer trees. In addition, on the other side of the footpath is the large, hard surfaced car park of the Brethren's Meeting Hall. Whilst this is relatively well screened by the mixed indigenous hedge along the boundary, there are glimpses through the green wire fence and a full view through the metal gate. In addition, the managed appearance of the hedge and tall lighting columns that project above it further detract from the rural ambience. Further along the path, the large barrel roofed building itself comes into view.
38. Nevertheless, the appeal development would result in a considerable change on the southern side of the footpath. Whilst the Sketch Layout shows some tree retention and a belt of new planting, the new buildings would be evident to the observer and most particularly the long rear elevation of the clubhouse. Whilst a view of the South Downs would be maintained this would be framed by built development rather than vegetation. The existing user experience would therefore be considerably diminished although the adverse effects would be reduced over time as the new planting matures. Furthermore, these effects would be experienced over a relatively small section of the walk. Once past the site the footpath emerges into open farmland.
39. Approaching the site along Footpath 19/1AI from the other direction, there is a wide panorama. At various points this includes the Brethren's Meeting Hall building, the houses in the village amongst trees, the vineyard and the roof of Spurk Barn with Wolstonbury Hill behind. There are glimpses through the trees along the western site boundary of the bungalow and the conifers along the London Road frontage. The understorey is variable, and following development I have little doubt that filtered views of the new buildings would be seen, especially during the winter months. Whilst reinforcement planting with species such as holly would provide more screening, I am doubtful that it would be wholly effective in the longer term. Although there would be large gaps between the clusters of new buildings, the context of Spurk Barn as a lone rural outlier would also be compromised.
40. Footpath 18AI runs close to the western site boundary but when moving southwards the walker's attention is likely to be particularly drawn to the open panoramic view of attractive countryside and the dramatic form of the South Downs escarpment in the background. Views into the site would be to one side and secondary in the overall experience. In the other direction, Spurk Barn is the first building to come into view on the right-hand side. With its relatively open frontage and domesticised curtilage, the effect of the new development behind the trees would not be particularly pronounced.
41. Along the eastern site boundary, the bank with trees and understorey vegetation provides a relatively good screen to London Road. However, in

- places the cover is patchier and there are filtered views into the site, which will be more pronounced in winter. Motorists would be concentrating on the road ahead and so would have a lower awareness of changes to the peripheral view. There is a footway along the eastern side of the road, and I was told that this is relatively well used by dog walkers and those working in the businesses further to the south. For these people there would be a change, but it would be on one side and within the context of a relatively busy road and the existing built development along the eastern side of London Road.
42. The north-eastern corner of the site would be opened up with a new section of footway along the frontage and a new engineered access. This would entail some frontage tree removal, although the higher value oak tree is shown to be retained. From this point there would be a considerable change with views of the new clubhouse, cottages and apartments. New landscaping would provide some mitigation and the change would be experienced within the context of other urbanising influences. These include the wide green metal gates and entrance to the Brethren's Meeting Hall adjacent and the relatively prominent historic stuccoed houses opposite.
43. I observed the site from more distant footpaths, approaching along London Road in both directions and from various points in Church Lane. However, taking account of the undulating topography and the benefit of distance, I judged that the visual impact would be largely benign. I walked up Wolstonbury Hill and to the Devil's Dyke but was unable to identify the site from these more distant locations due to the vegetation cover. It may be that there would more visibility following development and in winter. However, this would be within the context of a wide panorama that includes built development.
44. In the circumstances, even if it were to be seen, I do not consider that the appeal scheme would materially detract from the enjoyment of these panoramic views. The site is not within the Dark Skies zone of the South Downs National Park and whilst the development would introduce new lighting this could be controlled. In addition, it would be seen within the context of lights in other villages, towns and roadways. In the circumstances there would be no conflict with policy ALC2 or the dark skies initiative in the ANP.
45. For all of these reasons I consider that there would be some adverse visual impacts, particularly for footpath users and at the site entrance on London Road. However, these would be limited and localised. The adverse effects would be reduced but not eliminated as new landscaping and tree planting matures.

### **Effect on the character of the settlement of Albourne**

46. Albourne is a ridgeline village and its main historic core is around The Street and Church Lane with a smaller historic group of houses to the north at Albourne Green. By the mid-20<sup>th</sup> century the space between these two areas had been infilled and later still the village expanded eastwards. The village therefore has a mixed character with the older parts in particular being defined by their wooded setting. The village boundary is quite tightly defined for policy purposes. However, as often happens, there is a more dispersed settlement pattern with linear development radiating outwards along the road frontages,

including along the eastern side of London Road as far as Cutlers Brook. The built-up area is therefore more extensive than the policy boundary.

47. The agrarian landscape provides the setting for this Downland village, but for the reasons I have given above the appeal site is not representative of its rural surroundings. Whilst it is largely undeveloped, in my opinion it contributes little to the context of the village. On the other hand, the proposed development would not appear as a natural expansion of the built-up area either. I appreciate that it would not extend it further to the west or south, but this is a factor of little consequence. The dispersed nature of the settlement is mainly due to frontage development, which the appeal proposal could not claim to be.
48. The Brethren's Meeting Hall is a development that physically, functionally and visually stands outside the village. The appeal scheme would be further to the south and appear as an outlier that would not conform to the prevailing pattern of development described above. On the other hand, it would share some of the features of the village. For example, the site benefits from a local ridgeline and over time the new buildings would stand within a well treed environment. Furthermore, the *Design Commitment Statement* indicates that the design approach is to create a development that reflects the surrounding architecture and landscape. The appearance of the new buildings is a matter that can be controlled by the Council at reserved matters stage.
49. There has been a great deal of local concern about the size of the development relative to the existing village. The Parish Council indicate that Albourne has about 250 households and some 650 residents. It therefore points to an increase in size of over 30%. For the reasons I have already given, I do not consider that this development would appear as a natural extension to the village. However, the proposed shop, lockers, electric charging points and workshops, which I discuss later, would allow a degree of community integration. The village itself has grown incrementally and cannot be viewed as a set piece that has not changed over time. There may be harmful impacts from an increasing population in terms of highway safety and insufficient infrastructure, for example and I consider these later. However, the size of the development in itself would cause little harm to the character of the village, in my judgement.

### **Effect on agricultural land**

50. Paragraph 170 of the Framework seeks to recognise the benefits of protecting the best and most versatile agricultural land, which is classified as Grades 1, 2, and 3a. The appeal site is shown on the *Provisional Agricultural Land Classification Maps* as being within an area of Grade 2, which denotes very good quality farmland. However, these maps were not based on physical surveys. They were intended to provide strategic guidance for planners on a small-scale map base. Natural England in its *Technical Information Note TIN049*, advises that they are outdated and should not be relied on for individual site assessments.
51. The Appellants commissioned an *Agricultural Land Classification Report*, which was based on a site survey carried out in February 2020, including examination of 5 auger samples and a trial pit. This concluded that the land was grade 3b with shallow soils over a depth of dense clay subsoil. This is the best available



evidence and I am satisfied that the development would not result in the unacceptable loss of high value agricultural land.

### **Overall conclusions**

52. The appeal site is located within the open countryside, outside the built-up area and not contiguous with its boundaries. There would be some residual adverse landscape and visual impact, although this would be localised and limited in nature. There would also be a small adverse effect on the character of the village of Albourne because the development would not be seen as an expansion to the main built-up area of the village nor reflect the frontage development along the peripheral roads. There would be no adverse impact on the South Downs National Park or views from within it. Nevertheless, there would be conflict with policy DP6, DP12 and DP15 in the MSDP and policies ALC1 and ALH1 in the ANP.

### **THE EFFECT OF THE PROPOSAL ON HERITAGE ASSETS**

53. There is no dispute that the designated heritage assets affected would be the four Grade II listed houses on the eastern side of London Road. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits. Unlike the setting of the listed buildings, the setting of the Albourne Conservation Area is not protected by statute. Nevertheless, the same considerations will apply as a matter of policy in terms of weighing harm to significance against benefits. Spurk Barn is adjacent to the south-western corner of the appeal site and is a non-designated heritage asset. Paragraph 197 of the Framework makes clear that a balanced judgement should be made, having regard to the scale of any harm and the significance of the asset.

### **The listed buildings**

54. There was much discussion at the inquiry about the contribution of the appeal site to the significance of the listed buildings. Elm House, Tipnoaks and Hillbrook House are two-storey stuccoed villas built in the early 19<sup>th</sup> century. These were modest country houses, which demonstrated their owners' aspirations for elegant country living with their classical, well-proportioned facades and convenient roadside location outside the main village. The immediate setting is provided by the gardens in which they stood but the wider rural environment, including the fields to the front and rear would have contributed to the pastoral context and significance of these houses. It can be seen on the 1874 Ordnance Survey Map that there are 4 subdivisions on the appeal site. This suggests that by this time the land was being used as a market garden or commercial nursery.
55. Mole Manor was of earlier construction and the 1839 Tithe Map shows it standing in an isolated position on the eastern side of London Road. It is a rare example of a modest Sussex cottage with a red brick and clay tile construction and an isolated countryside setting and these factors contributed to its significance. In my opinion its setting was significantly compromised by the building of Elm House and Tipnoaks. These more substantial houses overpower the cottage as they not only join it on either side but also stand well forward of its front elevation.

56. There is also significance derived from the listed buildings as a group. In this respect, Mole Manor makes a contribution through its style and character, which is in contrast to the classical form and proportions of the stuccoed villas.
57. The appeal site was clearly part of the countryside setting when these buildings were built and thus contributed to their significance. There is no indication on the 1874 map that there was tree planting at this stage and it is reasonable to surmise that originally the dwellings faced a relatively open landscape, which would have allowed the owners attractive views from the front of their houses. In any event, by 1910 the Ordnance Survey map shows a tree belt along the eastern boundary and some tree planting within the site itself. Whilst the context is therefore likely to have changed somewhat, the westerly outlook would still have been essentially green and rural with likely views through the trees into the site.
58. More substantial changes occurred in the mid-20<sup>th</sup> century as Albourne expanded and the London Road was re-engineered and widened. More recently still there has been further development along London Road, including to the south of Hillbrook House and the Brethren's Meeting Hall. The latter appears to have been on land formerly used as part of Hazeldens Nursery. The wider pastoral environment has thus been considerably eroded over time, which has diminished the historical understanding provided by the wider setting of these listed buildings. Their individual and group significance is now mainly derived from their fabric and the immediate setting of their garden plots.
59. Following development, the views towards the appeal site would change through the introduction of a new access, a footway along the London Road frontage and views towards a built environment. The effect would be greatest in respect of Tipnoaks, due to its position opposite the site entrance. Hillbrook House stands further back from the road in an elevated position and there would be filtered views of the new buildings from within its site through and above the roadside vegetation. There would therefore be some further change to the context in which the listed buildings would be appreciated but, for the reasons I have given, I consider that the effect on significance would be relatively small.
60. With respect of Elm House and Mole Manor the harm would be at the lower end of the scale of less than substantial harm. With respect of Tipnoaks and Hillbrook House it would be slightly higher but still lower than moderate, with a similar effect on the significance of these houses as a group. Whilst the choice of materials, design and landscaping of the new development would be controlled through reserved matters, the impacts I have identified are unlikely to be materially reduced over time.

### **Spurk Barn**

61. This agricultural building is a non-designated heritage asset probably dating back to the 19<sup>th</sup> century. Its primary interest is in its form and fabric with flint and brick construction and the retention of many original features. The boundary lines on historic maps suggest that Spurk Barn was not functionally connected to the appeal site. Indeed, with no obvious connection to any local farms it was probably an isolated field barn associated with the agricultural land to the west.

62. Spurk Barn has been converted to residential use and windows have been added along with an extension. Its immediate setting is now a domestic garden and parking area. Along its boundaries with the appeal site is a thick conifer hedge. Although this could be removed it would seem unlikely due to the privacy it affords. The significance derived from the wider setting is mainly across the open agricultural land to the west. Nevertheless, the largely undeveloped nature of the appeal site does contribute to the sense of isolation of the building, particularly in views from Church Lane and sequentially when walking east along Footpath 19/1AI and south along Footpath 18AI.
63. As I have already concluded above, the proposed buildings would be seen, especially in the winter months, through gaps in the trees and understorey along the western site boundary. Whilst the effect would be to have an adverse effect on the appreciation of the barn as an isolated entity, its value as a field barn is now diminished on account of its residential conversion and the domestication of its grounds. To my mind this undesignated heritage asset has a relatively low level of significance. The small degree of harm that would arise from the appeal proposal would also be further reduced over time as reinforcement planting matures, including the band of new trees between the conifer hedge and built development.

### **Albourne Conservation Area**

64. This comprises the original historic core of the village at the southern end of The Street and along a section of Church Lane. The only appraisal is found in *The Conservation Areas in Mid Sussex* (August 2018), which notes five features that contribute to its character. These include the trees and hedges; the sunken road relative to many of the houses with attractive retaining walls; the cottage style houses with small windows; the lack of a set building line or footway with varying road widths and a meandering rural character; and the attractive countryside views to the west and south. The latter is the only one relevant to setting.
65. At one time no doubt the appeal site, because of its relatively open and undeveloped character, would have played some part in this respect. However, modern housing on the south side of Church Lane and the construction of the Brethren's Meeting Hall building and car park has provided a visual intervention that has meant that it no longer contributes in this way. The main southerly aspect is provided by the fields beyond its western boundary. Even if there were glimpses of the new development through the trees from the southern part of the conservation area, which is doubtful, they would be peripheral and oblique.
66. It is also the case that the Council did not consider that the proposed development of the Brethren's Hall site would have any adverse impact on the conservation area, notwithstanding that the large building with its incongruous design would be in close proximity to the southern edge. I appreciate that this development was built on exceptional grounds of need but that does not negate the requirement to consider the effects on the setting of the heritage asset. Furthermore, the Council's *Strategic and Economic Land Availability Assessment* (2018) did not consider that a potential yield of 132 houses on the appeal site would negatively impact on the heritage asset. The Council's objection now in terms of harm to setting therefore seems to me to be

inconsistent.

67. It is likely that Albourne depended on farming and market gardening for its growth. However, in the absence of a detailed appraisal the only evidence of the features that contribute to its character are those in the aforementioned 2018 document. There is nothing to say that the tree nursery financed buildings in the village and even if it did this use has long ceased. This was certainly not a matter referred to in respect of the development of the land to the north, which was also part of the nursery at one time.
68. For all of the above reasons I do not consider that the appeal site provides part of the setting of the Albourne Conservation Area. It follows that the appeal development would have no effect on the significance of the designated heritage asset.

### **Overall conclusion**

69. Drawing together all of the above points it is concluded that the appeal proposal would cause less than substantial harm to the significance of the Grade II listed buildings, Elm House, Mole Manor, Tipnoaks and Hillbrook House. This would be at the low end of the scale but nevertheless is a matter to which considerable weight and importance should be ascribed. There would be a small degree of harm to Spurk Barn, but this will need to be considered against the relatively low significance of the building. The relevant balancing exercise will be undertaken later in the decision and a conclusion reached as to whether the appeal proposal would conflict with policy DP34 in the MSDP. The Albourne Conservation Area and its setting would remain unaffected by the appeal scheme. The appeal proposal would therefore comply with policy DP35 in the MSDP.

### **WHETHER THE SITE IS WITHIN AN ACCESSIBLE LOCATION, GIVING NEW OCCUPIERS THE OPPORTUNITY TO TRAVEL BY MODES OTHER THAN THE PRIVATE CAR**

70. There is an age restriction of 65 years for primary occupiers of the proposed development, although younger partners would not be excluded. Nevertheless, I was told that the average age of Retirement Villages' occupants is 82 years and that only about 25% are couples. Bearing in mind the nature of the scheme with its care component, it is reasonable to surmise that most people living there would be in the older cohort. That does not mean to say that some residents would not still drive but it is unsurprising that the evidence indicates a lower level of car ownership than general purpose housing and that car sharing is popular on other Retirement Villages' developments.
71. Residents living in the proposed development would occupy a self-contained cottage or apartment. The purpose, unlike a care home, is to maintain independence although the degree will vary depending on the care needs of the individual. Nevertheless, each dwelling is fitted with a kitchen and although there is also a restaurant within the communal building on the site, it is anticipated that many will also wish to cook for themselves. Albourne is a Category 3 village and has no shops or facilities apart from a village hall and primary school. There is a volunteer run community shop in Sayers Green, but other than that, the nearest shops are in Hurstpierpoint, where there is also a health centre, post office and pharmacy.



72. It seems unlikely that residents, even those with good mobility, would walk to Sayers Common or Hurstpierpoint. although a few may undertake the relatively short cycle ride. The nearest bus stops are some 85m from the site travelling north and 250m from the site travelling south. These serve the 100 bus to Burgess Hill, which is a Category 1 settlement with higher order shops, services and facilities. A bus journey would take about 11 minutes, although the bus only runs hourly and not on Sundays. Nevertheless, residents would not be making regular work journeys and it seems to me that the bus may be a viable choice for some trips such as visits to the supermarket or bank, for example.
73. The bus stops for the 273 service are some 560m away, north of the Albourne Road traffic lights. This service runs through Hurstpierpoint, which is a bus journey of about 5 minutes. However, the bus runs only every 120-160 minutes and, again, not on a Sunday. The journey would therefore need to be carefully planned and would be most likely to take the form of an outing rather than a trip for a dedicated purpose.
74. The proposal is that there would be a shift pattern for staff, with about 15 being on site at any time. The information from the Retirement Villages' other sites is that staff are in general drawn from the local area, with over half living within 5 miles and 82% living within 10 miles. The analysis indicates that most staff living within 5 miles are likely to come from Burgess Hill. This would be within cycling distance and the 100 service would also be an option for some shifts. However, the bus only runs until the early evening and not at all on a Sunday. There may well be some flexibility in terms of shift patterns, but the bus would not be an option for late evening, early morning or Sunday travel.
75. The Framework indicates that the opportunities to maximise transport solutions will vary between rural and urban areas and this should be taken into account in decision-making. It also says that significant development should be focused on locations which are or *can be made* sustainable. In this case the Appellants have included a number of provisions to improve the accessibility credentials of the proposed development.
76. A dedicated non-profit making minibus would be provided for use by residents and staff. The S106 Agreement includes a covenant for its provision and the evidence indicated that it could be used for shopping trips, GP and health related appointments and day outings. It would also be available for staff travel, subject to the payment of subsidised charges. I was told that this could be used for late evening shifts when the bus has stopped running or for pick-ups from bus stops or the railway station in Hassocks. Whilst some staff, especially those on a late shift or working on a Sunday may prefer the convenience of a car, the existence of this option would extend the available modal choice for staff, provided the subsidised charges are reasonably priced.
77. The proposed development would be subject to a Final Travel Plan before the development is first occupied. This would be based on the *Travel Plan* submitted with the planning application, which includes various targets to increase public transport, cycle and pedestrian trips. Measures include the provision of a length of new footway along the western side of London Road to link the site to the northbound bus stop; cycle parking facilities with changing and washing facilities for staff and discounts on bicycles and cycle equipment; and the minibus. In addition, the traffic calming measures would include an

uncontrolled crossing and pedestrian refuge. Along with the introduction of a 30mph speed limit, this measure would provide those residents wishing to cross London Road, for example on the way back from the bus stop, with a safe means of doing so.

78. The on-site facilities in the communal building are also a relevant factor. This includes a small shop to provide fresh products and basic groceries. I saw the shop at Charters, which had quite a good range of everyday goods including fresh fruit and vegetables, dairy products, tinned items and toiletries. The clubhouse would also have a small library, hair salon, therapy room, bar and restaurant. Clearly providing these facilities on the site would have the potential to reduce the number of external journeys that residents would have to make. I was told that the various facilities are not intended to be profit making and the UU includes a covenant that they would be operated and managed by the Owner or the Management Company. That they could not be leased to a commercial operator gives some comfort that they would continue to operate effectively in the longer term in accommodate daily needs of residents.
79. It seems to me that the appeal proposal has done what it can to enhance accessibility. Residents and staff would have genuine choices available to undertake journeys by modes other than the private car. This is a rural area where it is to be expected that travel options are more limited than in a town and the car would undoubtedly be used for some trips. Every decision turns on its own circumstances but, insofar as there are similarities, I have not reached the same conclusion as the Bolney Inspector for the reasons I have given. I consider that the appeal scheme would be relatively sustainable in terms of location to minimise the need to travel. Overall it would not conflict with policy DP21 in the MSDP.

## **THE BENEFITS OF THE PROPOSAL**

80. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, significant and substantial.

### **The need for extra care housing**

81. Paragraph 61 of the Framework requires that the size, type and tenure of housing needs for different groups in the community, including older people, should be assessed and reflected in planning policies. The glossary indicates that these are people over or approaching retirement age. They will include the active elderly at one end of the scale and the very frail elderly at the other. There will be a range of housing needs from adapted and accessible general needs housing to specialised accommodation with support or care.
82. The June 2019 version of the *Planning Practice Guidance* includes its own expanded section on housing for older and disabled people. It makes the point that the need to provide housing for this group is critical in view of the rising numbers in the overall population. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities. Extra care housing is recognised by the Government as providing such benefits.

83. The Council's consideration of the housing needs of elderly people can be found in the *Housing and Economic Development Assessment Addendum* (the HEDNA Addendum) published in August 2016. This provided part of the evidence base to the MSDP and uses the 2014-based population and household projections (released in 2016). Amongst other things the HEDNA Addendum considers the need for specialist housing for older people, including extra care housing, using the *Strategic Housing for Older People Analysis Tool* (SHOP@). This is given as an example of an online toolkit for assessment in the *Planning Practice Guidance* but the document neither endorses its use nor precludes the use of other methodologies. It is important to bear in mind that whichever model is used, its output will be determined by the assumptions on which it relies.
84. The SHOP@ toolkit is preset with the number of units required per 1,000 of the population over 75 years old at 25 or 2.5%. This I shall refer to as the "provision rate" and it has been derived from *More Choice Greater Voice* (2008), which is a document that seeks to provide a strategy for housing with care for older people. It is important to have in mind that the provision rate is an assumption and is not evidence based. The Council pointed out that a provision rate of 25 is roughly double that for extra care housing nationally. However, that reflects the critical need across the country and is not particularly helpful in the consideration of how need should be met in Mid Sussex.
85. In December 2012 *Housing in later life: planning ahead for specialist housing for older people* sought to update *More Choice Greater Voice*. It recognises that extra care housing was becoming better known as an alternative choice for older people who do not necessarily want or need to move to a residential care home. Furthermore, it recognises a prevalence for home ownership in the elderly population and predicts that demand for extra care housing for sale will be twice that of extra care housing for rent<sup>1</sup>. It provides a toolkit for use by local authorities in their planning for and delivery of specialist housing for older people. It seeks to improve housing choice for a growing ageing population and increases the provision rate to 45 or 4.5% per 1,000 of the population over 75 years old. Whilst a worked example is given for Bury Metropolitan Council, it seems apparent from the information provided that this provision rate is one that is more generally applicable. That said, it is important to understand that this is an aspirational figure and is also not evidence based.
86. The assessment in the HEDNA Addendum relies on population data that is now out-of-date. Its conclusions on elderly care needs justify reconsideration using the 2016-based population data. The only such assessment has been provided by the Appellants and, on the basis of a provision rate of 2.5%, this indicates a demand for extra care units of 386 in 2020. On the basis of a 4.5% provision rate the equivalent figure is 694 units.
87. In the Council's assessment the tenure split of extra care housing has been set at 73% rent and 27% purchase. In Mid Sussex private leasehold extra care provision is limited to a single development at Corbett Court in Burgess Hill. In terms of extra care units for rent, the database is out-of-date because since 2014, 68 units have been demolished. The Council conceded at the inquiry that the figures in the HEDNA Addendum for extra care provision are thus out-of-

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<sup>1</sup> Extra care housing for sale is generally on the basis of a leasehold tenure.

- date. The current (2020) supply is lower, the need is higher, and the tenure split, based on existing provision and the corrected supply, would therefore be about 60% rent and 40% purchase.
88. In Mid Sussex the evidence indicates that the vast majority of older people are owner occupiers. Many of these people will be able to continue to live in their own homes through old age with the necessary adaptations and care support. However, not all homes are suitable. In such cases a homeowner may be attracted to an extra care facility where they can continue to own their own home and maintain a degree of independence whilst enjoying support and care within a secure environment. Within Mid Sussex such choice is largely unavailable.
89. The Appellants have used a tenure split of 33% rent and 67% purchase in their modelling. Whilst this is recognised as favouring an owner-occupied solution it nonetheless reflects the local housing market in Mid Sussex. Furthermore, it aligns with national policy insofar as it redresses the balance towards greater flexibility and choice in how older people are able to live. It is to be noted that the SHOP@ toolkit itself recognises that the percentage of leasehold tenures will increase in the future and that areas of affluence will see a higher percentage increase by 2035. In such areas, which includes Mid Sussex, it suggests a tenure split more redolent of the Appellants' modelling.
90. The Council argued that the tenure split is of less importance than the headline figure. However, the evidence indicates that the extra care properties for rent in this District are managed by Housing Associations and therefore an existing homeowner would be unlikely to qualify for occupation. It also appears that the pipeline supply of extra care housing is all social rented tenure. It is therefore reasonable to assume that maintaining a tenure split that favours rental units would be unlikely to allow realistic alternative options to the majority of older people who are currently homeowners. In the circumstances and based on the specific evidence I have been given, I consider that the Appellants' assessment of demand in terms of tenure is more credible and thus to be preferred.
91. The existing supply, taking account of the aforementioned demolitions, is 142 extra care units. If need is defined as the difference between supply and demand, then even on the Council's favoured provision rate it currently stands at 244 extra care units. The information indicates that there are planning permissions for some 132 additional extra care units in the pipeline, including 60 on the Burgess Hill strategic site. Whilst there is no national policy imperative to maintain a 5 year supply of older person's housing as is the case with housing generally, this nonetheless signals a significant residual unmet need regardless of tenure. On the basis of the Appellants' higher provision rate it would be even greater at 552 units. Either way it would rely on the permitted units being built expeditiously. Using the tenure split favouring leasehold provision, the Council's assessment would be of a current need for 163 leasehold units whilst the Appellants' assessment would be for 368 leasehold units. The evidence indicates none in the pipeline supply.
92. Whilst there is no requirement in national policy or guidance to specifically allocate sites for specialist housing for older people, the *Planning Practice Guidance* does indicate that this may be appropriate where there is an unmet need. The response in Mid Sussex is to apply a flexible approach through policy



DP30 and the Council pointed out that the strategic allocations include provision for a range of housing, including for older people. Policy DP30 also indicates that further allocations may be made in the SA DPD if a shortfall is identified. Policy DP25 has a similar provision to meet local needs for community facilities, which include care homes and specialist housing. In the SA DPD there is a single residential allocation in East Grinstead that includes a "care community". There is though no detail as to the number or type of units and, in any event, the emerging status of the document means that very little weight can be given to it at the present time.

93. In the circumstances I consider that the evidence indicates a significant level of current unmet need, in particular for extra care leasehold housing, whichever provision rate is adopted. Furthermore, this will significantly increase over the local plan period. This situation has not been helped by the slow progress on the SA DPD and the failure to recognise an unmet need that is clearly evident. The Council's riposte that it is not being inundated by enquiries or applications for this type of development does not seem to me to be a very robust or objective yardstick on which to rely. For all of these reasons I consider that the provision of extra care units by the appeal development to be a matter of substantial weight.

### **Freeing up family sized homes**

94. As has already been said, in Mid Sussex a large proportion of those people 65 years of age and above are owner occupiers. Furthermore, the evidence indicates that a considerable number of older householders under occupy their homes. Indeed, the MSDP indicates in the supporting text to policy DP30 that providing suitable and alternative housing for this cohort can free up houses that are under occupied. It also records that a significant proportion of future household growth will generate a need for family sized homes, including those with over 3 bedrooms. This is reflective of the national picture.
95. There is though insufficient evidence to determine the proportion of new occupiers that would necessarily derive from the local area. Whilst Retirement Villages' analysis indicates that a third of moves to its developments have been from a 5 miles radius it also indicates that about 40% come from further than 20 miles. There is therefore likely to be some benefit to the local housing market as well as a contribution made in terms of the national housing crisis. Overall, I give this benefit significant weight.

### **On site facilities for use by the public**

96. The appeal development would include some facilities that would be available for use by those living outside the development. Albourne has no village shop and whilst the proposed unit would be relatively small with a limited range of goods it would stock day-to-day staples as I have already indicated. Residents in the village could walk or cycle to the shop and it would, in my opinion, provide a useful facility for those living nearby. I give this benefit significant weight.
97. The lockers would allow those living nearby a point from which to collect online deliveries. This would provide a convenient option if the person who ordered the goods was not going to be at home. However, many delivery companies offer specific time slots or the opportunity to nominate a safe place at home

where the package could be left. These options would clearly be more convenient and, although the availability of the lockers could be useful in some circumstances, I give the benefit limited weight.

98. The two workshops would be available for local artisans as well as residents. However, I am not convinced that there is evidence of a demand for such facilities. In the circumstances, I give this benefit limited weight.
99. Three rapid electric charging points would be available for use by the general public as well as by residents. I am not aware of any similar facilities for public use in the vicinity. This would therefore provide an opportunity to those who wish to take advantage of a fast charge, perhaps combining it with a visit to the shop. I therefore give this benefit significant weight.

### **Highway safety and traffic calming**

100. There was local concern that the appeal proposal would be harmful to highway safety. I am satisfied from my observations that lines of sight and the geometry of the new access would be satisfactory to allow for safe entry and exit. West Sussex County Council has a statutory responsibility to ensure the safety of the local highway network. It has not raised objections to the scheme on these grounds and this is a matter of considerable importance. The forecast trip generation would be relatively small and there is no evidence that London Road would have insufficient capacity to accommodate the additional vehicles safely. The proposed parking provision would exceed the Council's minimum standards. There is therefore no reason why there should be any overspill parking onto London Road.
101. The application drawing no: 1701-56 SK08 Rev B shows a number of measures to improve road safety within the vicinity of the appeal site. These include gateway features with kerb build outs and pinch points and a new 30 mph speed restriction between a point south of the limit of the built development on the eastern side of London Road and a point between the junction with Church Lane and the junction with Albourne Road. In the vicinity of the site entrance the road width would be narrowed and to the south of this would be an uncontrolled crossing with a refuge island and dropped kerbs.
102. These measures would be controlled by a planning condition. For the reasons I have given I consider them necessary to encourage reduced traffic speeds and allow residents to cross safely from the bus stop on the eastern side of London Road. However, it also seems to me that there would be some wider benefit due to decreased traffic speeds in the vicinity of the Church Lane junction, which is one of the main entrances into the village. I note that the ANP includes an aim to develop a scheme to improve the safety of road users utilising the local stretches of London Road and Albourne Road. It seems to me that this proposal would play some part towards achieving this objective. This benefit is attributed significant weight.

### **Economic and social benefits**

103. There would be employment benefits in terms of the provision of jobs during the construction phase and also longer term in connection with the operation of the site. There would also be some further spending within local shops and facilities by the new population.

104. There is evidence to indicate that elderly people who live in an extra care environment, with all that it offers, benefit in terms of health and wellbeing. The secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to surmise that these factors are likely to result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the National Health Service. The social and economic benefits are matters to which I give significant weight.

## **OTHER MATTERS**

### **Ashdown Forest**

105. The appeal site is outside the 7km zone of influence of Ashdown Forest Special Protection Area and therefore the issue of potential recreational disturbance would not be of concern. It is though necessary to consider whether there would be any effect on the Ashdown Forest Special Area of Conservation as a result of increased nitrogen deposition from vehicle emissions. The Council's Screening Report indicated that the in-combination transport model that supported the District Plan showed no overall traffic impact in terms of its strategy for housing and employment growth. The County Council considered that there would be about 4.6 additional daily trips that would travel to or through the Forest. I am satisfied with the conclusion of the Council that this would not result in a significant in-combination effect.

### **Ecology**

106. There have been a number of local representations relating to the ecological interest of the site. The Appellants' *Ecological Assessment* records the site as having relatively low value with much of its central area comprising managed semi-improved grassland. The most important areas for wildlife comprise the boundary trees and hedgerows, which are to be retained and protected during the construction period. The assessment includes a programme of mitigation prior to site clearance to take account of reptiles and in the unlikely event that Great Crested Newts are found to be present. These are protected species and it is an offence to undertake development that would cause them harm. Similarly, there is a requirement to protect birds during the nesting season.
107. There is no evidence that bats are using the bungalow as a roost. If that were found to be the case during demolition, work would have to cease to allow the proper licence protocols to be followed. Bats will use the site for commuting and foraging, especially along the retained hedgerow lines. A condition is therefore required to control the level and type of lighting to ensure habitats are not disturbed. Overall, I am satisfied that the development would not give rise to unacceptable harm to ecological interests.
108. There are also proposed enhancements to biodiversity including introducing species rich grassland, new hedgerows, a wild flower meadow and a new pond. Swift bricks and bat boxes would also be provided.

### **Local healthcare services**

109. There was local concern that the local healthcare facilities would be inadequate to serve the new residents. It is appreciated that existing residents often have to wait a considerable time to get a doctor's appointment

but that unfortunately is a much wider issue and applies to many places. Inevitably new residents will need medical care from time to time. However, there have been no representations from the local NHS Foundation Trust or local doctors objecting to the scheme or indicating an issue with capacity.

### **Residential amenity**

110. Objections have been raised that the proposed development would result in overlooking and loss of privacy, particularly to properties on the eastern side of London Road. However, the Parameters Plan indicates a 10m inset of new development from the boundary treeline. Furthermore, the outline form of the proposal means that matters such as window positions would be determined at a later stage. In the circumstances, I am satisfied that there would be no unacceptable harm to the living conditions of existing residential occupiers.

### **Other appeal decisions**

111. My attention was drawn to a number of appeal decisions, including some relating to other Retirement Villages' developments. A number were cited in relation to the Use Class matter, which is no longer an issue in this appeal. Most concerned other local authority areas and turned on their own evidence.
112. The appeals relating to Bolney were the subject of a recent decision in Mid Sussex District. One appeal was for a care home and the other for a care home and 40 age-restricted dwellings. The latter were classed as a C3 use. The conclusions of my colleague on need seem to relate to the care home (Class C2) element of the scheme rather than the extra care dwellings. In any event, I do not know what evidence was presented in respect of that scheme or whether tenure was a particular issue. I have commented on my colleague's conclusion on accessibility above. Overall, I do not consider that this decision is of particular assistance or relevance to the present appeal.

### **PLANNING OBLIGATIONS**

113. The S106 Agreement and UU were considered in detail at the inquiry. They were each engrossed on 20 August 2020. I have considered the various obligations with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and the policy tests in paragraph 56 of the Framework. It should be noted that the Deeds contain a "blue pencil" clause in the event I do not consider a particular obligation to be justified in these terms. In reaching my conclusions I have had regard to the supplementary planning document: *Development Infrastructure and Contributions Supplementary Planning Document* (2018) (the SPD) and development plan policies, including policy DP20 in the MSDP, which relates to securing infrastructure.

### **The S106 Agreement**

114. This is made between the Council, West Sussex County Council, the Owner (Notcutts Ltd) and the Developer (Retirement Villages Developments Ltd). The library contribution is based on a formula set out in the SPD and a worked example is provided in the First Schedule. This cannot be definitive at this stage as the final housing mix is not yet determined. In addition, the cost multiplier will change annually. Although the clubhouse would include a library, no details have been provided. The one I saw at Charters was very



limited in terms of its size and breadth of reading material. I consider that residents of the development would be likely to use the public library in Hurstpierpoint. The County Council indicates that its facilities would require expanding to cope with the additional population. In the circumstances I consider that the library contribution would be justified.

115. The TRO Contribution would be used to promote and advertise a Traffic Regulation Order to reduce the speed limit from 40 mph to 30 mph in the vicinity of the site. This would be part of the traffic calming measures, which have been referred to above. I was told that £7,500 reflected the fixed cost to West Sussex County Council of consultation and review and it therefore seems reasonable and proportionate.
116. The dedicated minibus would be provided prior to the occupation of any dwelling and the covenant includes its use for residents and staff in accordance with the Travel Plan. This is necessary to enhance the accessibility of the development as I have explained above.
117. For all these reasons I am satisfied that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

## **The UU**

118. A primary resident is a person who is 65 years or older and is in need of at least 2 hours of personal care a week. The basic care package, which it is obligatory to take, is defined to include a range of services that are needed by reason of old age or disablement following a health assessment. The health assessment is to be undertaken by the partner domiciliary care agency who must be registered by the Care Quality Commission. There is also provision for a periodic review of the health assessment to establish whether a greater level of care has become necessary. The domiciliary care agency would also provide a 24-hour monitored emergency call system.
119. The Communal Facilities would be provided in the clubhouse on the northern part of the site. They would include a number of facilities such as a restaurant, bar, lounge, library, therapy and exercise room, hair salon, function room, shop and collection facility. The covenants also require construction of the clubhouse prior to the occupation of any dwelling and all residents and their guests would have access to it. The shop and collection facility would also be accessible to non-residents. Restrictions on the operation of the communal facilities may be imposed by the Management Company, including in respect of the hours of opening of the shop.
120. The scheme would include 2 workshops within the clubhouse with details to be approved at reserved matters stage. These would be made available for use before more than 50% of the dwellings are occupied. They would be made available for use by residents and local businesses and subject to restrictions by the Management Company, including hours of operation and the nature of the use.
121. The Management Company would be established prior to the occupation of

any dwelling as a non-profit making legal entity. It or the Owner would manage the sustainable drainage system (SuDS). It or the Owner would also operate the workshops, shop and collection facility. Any profit received by the Management Company from operating the Communal Facilities and workshops would be used to offset against the annual service charge payable by each homeowner. There is also a restriction on the disposal of the communal facilities or workshops.

122. The Covenants by the Owner to the Council are contained within the First Schedule to the Deed. They are required to ensure that the development would operate effectively as an extra care facility within Use Class C2, which formed the basis of the planning application and on which it has been assessed. They would ensure that the communal facilities are operated and managed for the long-term benefit of the residents living on the site and that the drainage system remains effective and fit for purpose during the lifetime of the development. I consider that all of the obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. They can be taken into account in any grant of planning permission.

### **PLANNING CONDITIONS**

123. A list of planning conditions was drawn up by the main parties and these were discussed at the inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellants have confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
124. The Appellants have agreed to a shorter implementation period in this case to reflect the case that it has put forward about the scale of the current unmet need. I was told that Retirement Villages will be developing the site itself and thereafter managing the development as part of its extra care portfolio. Much store was set on the high quality of the development and the way the proposed layout had been designed to respect the existing landscape and views. In order to ensure that this is carried forward into the scheme that eventually materialises it is necessary to require compliance with the Parameter Plan and Sketch Layout. For similar reasons and to ensure that the development fulfils its intended purpose, a condition limiting the number of dwellings to 84 is required.
125. A relatively recent *Ecological Impact Assessment* has already been submitted and so I consider it unnecessary to require further details to be submitted. A condition is though necessary to ensure that the mitigation and enhancement measures are implemented in order to protect ecological interests and improve biodiversity. The suggested condition on ecological management requires details that have already been submitted in the above assessment. I have therefore reworded the suggested condition accordingly. Although landscaping is a reserved matter, it is appropriate at this stage to ensure that

protective measures for retained trees and hedgerows are provided during construction in order to protect wildlife and visual amenity. I have reworded this to take account of arboricultural information that has already been submitted. For similar reasons a condition requiring the arrangements for the management and maintenance of the landscaped areas is required.

126. The landscaped grounds would be communal areas and individual dwellings would not have amenity space other than a small patio area for sitting out. The erection of individual private enclosures would not fit in with this ethos or the open character of the site. In the circumstances a condition is necessary to remove permitted development rights for the erection of such features and to retain the gardens as places for all residents to enjoy.
127. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as to road users. A Demolition and Construction Management Plan is therefore required to help minimise adverse impacts. Separate conditions have been suggested to prevent the burning of waste material and restrict working hours. This is unnecessary as both of these matters would be covered by the provisions of the Plan.
128. A desk-based assessment submitted with the planning application concluded that the archaeological potential of the site was low. It recommends further investigation in the form of trial trenching. The County Archaeological Officer commented that there was nothing to indicate that remains were of a standard that would require preservation in situ. A condition is therefore appropriate to require a written scheme of investigation. There are significant gradient changes across the site. In order to ensure that the development would be visually acceptable, details of ground and floor levels are required.
129. The site has been previously used as a tree nursery with various buildings and glasshouses. The evidence suggests that contamination risks would be generally low. A precautionary but proportionate response is justified with a sequence of conditions that would require actions depending on whether contamination is found to be present.
130. Separate conditions are necessary for foul and surface water drainage. The *Flood Risk and Drainage Strategy* submitted with the application indicated that the site has a low flood risk and that surface water would be satisfactorily disposed by means of a sustainable drainage system (SuDS). In order to ensure this operates effectively in the longer terms it is necessary to require details of the management and maintenance of the system. The UU includes a covenant that the Owner or Management Company would be responsible for the SuDS, but it is not unreasonable to require that information be submitted of any adoption arrangements going forward. With these safeguards in place there is no evidence that there would be a flooding risk either on the site or elsewhere as a result of the appeal proposal.
131. A *Travel Plan* was submitted at application stage and its objectives include reducing the need for staff, residents and visitors to travel by car. It also contains targets to increase pedestrian, bus and cycle trips with milestones over a 5 year period. Various measures are included to encourage sustainable travel choices as already discussed above. A Final Travel Plan will be required

to be submitted based on the already submitted document before the site is first occupied.

132. In order to encourage sustainable solutions and comply with the Government's objective of moving towards zero emission road transport, the provision of electric charging points is necessary. These would include the three rapid active charging points in the communal parking area. Parking for residents is not assigned and it is understood that the use of the private parking spaces would be subject to a separate agreement. In such circumstances these spaces would be provided with passive provision, which can be activated by a socket as and when required.
133. Means of access is not a reserved matter and the details of this along with the new footway and traffic calming measures are shown on drawing no: 1701-56 SK08 Rev B. In order to ensure the safety of road users and pedestrians it is necessary to require the details to be implemented prior to the occupation of the development. I have reworded the condition to be comprehensive and concise. It is also important that before a dwelling is first occupied it is served by a pedestrian and vehicular access in order to ensure a safe and secure residential environment.
134. External lighting, especially along roadways and within public areas, can be intrusive and detrimental to ecological interests as well as the visual amenity of neighbouring residents. I have amended the wording to make the condition more concise bearing in mind that the approval of the relevant details is within the control of the Council. In order to meet the requirements of the Water Framework Directive and policy DP42 in the MSDP a condition is necessary to restrict water usage to that set out in the optional requirement in Part G of the Building Regulations.
135. Conditions relating to materials and landscaping are unnecessary as these will be considered at reserved matters stage.

## **PLANNING BALANCE AND OVERALL CONCLUSIONS**

136. I consider that the development plan is up-to-date and that the basket of most important policies for determining this application are not out-of-date. The development would conflict with policies DP6, DP12, DP15 and DP34 in the MSDP and ALC1 and ALH1 in the ANP and in my judgement it would be contrary to the development plan when taken as a whole. The "tilted balance" and the presumption in favour of sustainable development in paragraph 11 of the Framework would therefore not apply.
137. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The MSDP was adopted relatively recently and the Framework makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case there are a number of material considerations to be taken into account. The provision of extra care leasehold housing to meet a considerable level of unmet need is of particular importance, but there would also be various other benefits. I have explained why I consider them of pertinence and the reason for the varying degree of weight that I have attributed to them. Overall, I consider that the package of



benefits delivered by this appeal development is a matter of very substantial weight in the planning balance.

138. There would be harm to the landscape and the character and appearance of the area, including the village of Albourne. For the reasons I have given this would be relatively limited and localised.
139. There would be harm to the significance of designated and undesignated heritage assets by virtue of development proposed within their setting. In terms of the listed buildings the less than substantial harm identified in each case would be relatively low on the scale but nevertheless these are irreplaceable assets and the harm should be given considerable importance and weight. Nevertheless, in my judgement the harm would be outweighed by the very substantial public benefits I have identified. Spurk Barn is an undesignated heritage asset and the scale of harm relative to its significance would be low. The balance in that case is also that the benefits would outweigh the harm.
140. Drawing all of these matters together my overall conclusion is that this particular development would result in benefits of such importance that they would outweigh the harm that I have identified and the conflict with the development plan. In such circumstances, material considerations indicate that planning permission should be granted otherwise than in accordance with the development plan.
141. I have taken account of all other matters raised in the representations and in the oral evidence to the inquiry but have found nothing to alter my conclusion that, on the particular circumstances of this case, the appeal should succeed.

*Christina Downes*

INSPECTOR

## **ANNEX A: APPEARANCES**

### **FOR THE APPELLANTS:**

Mr Christopher Young	Of Queen's Counsel
Ms Leanne Buckley-Thomson	Of Counsel, both instructed by Ms L Wilford, Barton Willmore
<i>They called:</i>	
Mr G Flintoft BA(Hons) DipTP DipUD MRTPI	Planning Director of Retirement Villages Ltd
Mrs L Wilford BA(Hons) DipTP MRTPI	Planning Associate of Barton Willmore
Mr J Donagh BA(Hons) MCD MIED	Development Economics Director of Barton Willmore
Mr P Clark BA MALscArch CMLI	Landscape Associate of Barton Willmore
Mr J Darrell BSc(Hons) CMILT MCIHT	Associate Director of Transport Planning Associates
Richard Garside MRICS	Director and Head of Newsteer
Mr J Smith BA(Hons) MA PGCE DGDip MCIfA IHBC	Deputy Operational Director of Heritage at RPS
Mr T Kernon BSc(Hons) MRAC MRICS FBIAC	Director of Kernon Countryside Consultants Ltd
*Ms J Burgess LLB Law(Hons)	Solicitor with Aardvark Planning Law

\*Participated in the Planning Obligations session

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Jack Parker	Of Counsel, instructed by Mr T Clark, Solicitor and Head of Regulatory Services, Mid Sussex District Council
<i>He called:</i>	
Mr D McCallum BA(Hons) MPhil MRTPI	Project Director of DPDS Ltd
Mr W Harley BSc(Hons) CMLI	Director of WH Landscape Consultancy Ltd
Mr C Tunnell BSc(Hons) MPhil FRTPI FAcSS FRSA	Director of Arup and Leader of the London Planning Group
Ms E Wade MA MSc	Conservation Officer at Mid Sussex District Council

### **FOR THE RULE 6 PARTY:**

Ms N Ernest	Councillor of Albourne Parish Council
Mr G Stafford	Chair of Albourne Parish Council
Mr J Butler	Vice Chair of Albourne Parish Council
Mr J Drew	Councillor of Albourne Parish Council

**INTERESTED PERSON:**

Mr P Holding

Local resident of Church Lane, Albourne

**ANNEX B: DOCUMENTS AND PLANS**

**DOCUMENTS**

- 1 Planning for Retirement, ARCO and CNN (June 2020), submitted by Mr Young
- 2 The health and social care cost-benefits of housing for older people, the Mears Group (June 2019), submitted by Mr Young
- 3 Inquiry Note submitted by the Appellants explaining the reason for submitting Documents 1 and 2
- 4 Specialist housing need, alternative assessments, prepared by Mr Donagh
- 5 Tables of supply of specialist housing for older people, prepared by Mr Donagh
- 6 Understanding local demand from older people for housing, care and support, submitted by Mr Young
- 7/1 Committee Report relating to development including an extra care facility at Sayers Common, submitted by Mr Parker
- 7/2 Location plan of the Sayers Common development site submitted by Mr Young
- 7/3 Policy C1 of the Mid Sussex Local Plan (2004), submitted by Mr Parker
- 8/1 Secretary of State's decision on development at Wheatley Campus, Oxford Brookes University (APP/Q3115/W/19/3230827) dated 23 April 2020, submitted by Mr Young
- 8/2 Inspector's Report on the above appeal, submitted by Mr Young
- 9 Correspondence with Housing LIN concerning the use of the SHOP@ tool, submitted by Mr Young
- 10 Planning Obligation by Agreement between Mid Sussex District Council, West Sussex County Council and Eldon Housing Association Ltd relating to redevelopment for an extra care housing scheme at Lingfield Lodge, East Grinstead
- 11 Decision by the High Court relating to a planning appeal for extra care housing at The Elms, Upper High Street, Thame (31 July 2020), submitted by Mr Young
- 12/1 Representations on behalf of the Appellants to the Council's Strategic Housing and Economic Land Availability Assessment, submitted by Mr Young
- 12/2 Correspondence between the Parish Council and the Appellants regarding when the above was submitted
- 13/1 Schedule of draft conditions
- 13/2 Agreement by the Appellants to the pre-commencement conditions
- 13/3 Appellants' suggested additional conditions regarding electric charging and water usage
- 13/4 Appellants' suggested additional condition regarding the communal gardens
- 14/1 Site visit itinerary and map

- 14/2 Suggested viewpoint and map from Wolstonbury Hill, submitted by the Parish Council
- 15 Amendments to Document 4 and the proof of evidence of Mr Donagh, submitted by Mr Young
- 16 Agreed position on the Mid Sussex extra care housing supply, submitted by Mr Young
- 17/1 Costs application by Mr Young on behalf of the Appellants
- 17/2 Costs response by Mr Parker on behalf of the Council
- 18 Correspondence by the Council and Appellants regarding the Use Class of the proposed development
- 19 Planning Obligation by Agreement
- 20 Planning Obligation by Unilateral Undertaking

## **PLANS**

- A Application plans
- B Sketch Layout Plan

## **ANNEX C: SCHEDULE OF PLANNING CONDITIONS**

1. Details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and development shall be carried out as approved.
2. Application of the approval of reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters.
4. Any reserved matter applications made pursuant to the development hereby permitted shall demonstrate compliance with the Parameter Plan (drawing no: and RETI150215 PP-01 rev G) and Sketch Layout (drawing no: RETI150215 SKL-04 rev J).
5. No more than 84 extra care dwelling units shall be built on the site.
6. No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the local planning authority. The DCMP shall provide plans and details of the following:
  - a. Location of site offices
  - b. Demolition and construction traffic routing
  - c. Location of plant and materials storage
  - d. The area within the site reserved for the loading, unloading and turning of HGVs delivering plant and materials
  - e. The area reserved within the site for parking for site staff and operatives
  - f. Wheel washing facilities



- g. A scheme to minimise dust emissions from the site
- h. Measures to control noise affecting nearby residents. This should be in accordance with *BS5228:2014 Code of practice for noise and vibration control on construction and open sites*, with particular regard to the noisiest activities such as piling, earthmoving, concreting, vibrational rollers and concrete breaking
- i. A scheme for recycling and disposal of waste resulting from the demolition and construction works
- j. Delivery, demolition and construction working hours
- k. Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing where appropriate
- l. Site contact details

The approved DCMP shall be adhered to throughout the demolition and construction period for the development.

- 7. No development shall take place until an archaeological written scheme of investigation and programme of works has been submitted to and approved in writing by the local planning authority. The investigation and works shall be carried out as approved
- 8. The development shall be carried out in accordance with the mitigation and enhancement measures in the *Ecological Impact Assessment* by Lloyd Bore dated 7 March 2019.
- 9. No residential occupation shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This shall include the arrangements for the maintenance and management of the biodiversity measures carried out in accordance with Condition 8. The development shall be carried out in accordance with approved Ecological Management Plan.
- 10. No development shall take place, including works of demolition, until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. This shall detail protective measures for trees and hedgerows to be retained in accordance with the principles outlined in the *Arboricultural Impact Assessment* and *Arboricultural Report*, both by Lloyd Bore Ltd (26 February 2019 Rev P05 and 22 November 2018 Rev P02, respectively).
- 11. Before the development is first occupied a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.
- 12. The landscaped grounds of the development hereby permitted shall be provided and managed as communal shared spaces. Notwithstanding the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) or any subsequent Order revoking or re-enacting that order, no fences, gates, walls or other means of enclosure shall be erected for the purpose of creating an enclosed garden or private space for the benefit of any extra care dwelling unit.

13. No development shall take place, other than works of demolition, until details of existing and proposed site levels and proposed ground floor slab levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. No development shall take place, including works of demolition, until an assessment of any risks posed by contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken to remediate the site and render it suitable for the development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the local planning authority. The assessment and any necessary remediation measures and verification shall be undertaken in accordance with a timescale that has been first submitted to and approved in writing by the local planning authority.
15. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the site and additional measures for remediation shall be submitted to and approved in writing by the local planning authority. The remediation shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed. It shall thereafter be approved in writing by the local planning authority and carried out as approved before any further work on the site recommences.
16. Before the development is first occupied details of the foul drainage system for the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Before the development is first occupied details of the sustainable drainage system (SuDS) for the site, which shall be in general accordance with the *Flood Risk and Drainage Strategy* by Quad Consult dated May 2017, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Before the development is first occupied details of the implementation of the SuDS approved under condition 17 shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - a. A timetable for implementation;
  - b. A management and maintenance plan for the lifetime of the development;
  - c. Arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

19. Before the development is first occupied a Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Final Travel Plan shall be in accordance with the *Travel Plan* by TPA Consulting, dated March 2019. The development shall be carried out in accordance with the approved Final Travel Plan.
20. Before the development is first occupied, three rapid active electric charging points shall be provided in the communal parking area serving the shop for use by the general public and residents of the development. The electric charging points shall be retained for their intended purpose for the lifetime of the development.
21. No more than 75% of the extra care dwelling units shall be occupied until no less than 84 parking spaces have been equipped for passive vehicle charging, to allow for the integration of future charging points. Once the charging points have been provided, they shall be retained for their intended purpose for the lifetime of the development.
22. Before the development is first occupied:
  - a. The site vehicular access shall be constructed and open to traffic
  - b. The new section of footway along London Road shall be constructed and available for pedestrian use
  - c. The off-site traffic calming scheme shall be completedIn accordance with the general arrangement shown on drawing no: 1701-56 SK08 rev B.
23. Before a dwelling is first occupied the internal access roads and footways serving that dwelling shall have been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
24. No above ground development shall take place until details of external lighting, including light intensity, spread and shielding, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
25. The extra care units shall include water efficiency measures in order to meet the optional requirement of Building Regulations part G to limit the water usage of each extra care dwelling unit to 110 litres of water per person per day.

*End of conditions 1-25.*

	Year	Units	
A.	<b>2014</b>	<b>210</b>	[CD 7.03, page 2, Current Needs table]
	of which:	154 for affordable / social rent 56 leasehold	
B.	<b>2020</b>	<b>142</b>	[NA Report (appended to his Proof), page 80 and 83]
	of which:	86 for affordable / social rent 56 leasehold	
	<i>Difference:</i>	<b>68</b>	
	<i>of which:</i>	68 for affordable / social rent 0 leasehold	
	<i>Reconciliation:</i>	22 affordable / social rent units lost with closure (and subsequent demolition) of Dart Court, RH19 3HE (Clarion Housing). 21 affordable / social rent units lost with closure (and subsequent demolition) of Packer Close, RH19 3EE (Clarion Housing). 25 affordable / social rent units following confirmation (in May 2015) that Peabody's Prescott House, RH15 8HB, provided 25 units and not the 50 previously notified. 68	
C.	<b>Pipeline supply:</b>	<b>132</b>	as detailed in NA Report (appended to his Proof), page 72, footnote 56
	of which:	132 for affordable / social rent 0 leasehold	(60 at Burgess Hill, 48 at East Grinstead, 24 at Horted Keynes)
D.	<b>Current (2020) supply plus pipeline supply (B + C):</b>	<b>274</b>	
	of which:	218 for affordable / social rent 56 leasehold	

Impact of the agreed supply statement on the respective (1. Council and 2. Apellant) Extra Care Need Assessments in 2020 and 2030<sup>1</sup>

1. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted <sup>2</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>393</b>	<b>251</b>
	of which, 73%	287 for rent	201 for rent
	and 27%	106 leasehold	50 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>543</b>	<b>269</b>
	of which, 73%	396 for rent	178 for rent
	and 27%	146 leasehold	90 leasehold

3. SHOP @ [CD7.03] Estimated Future Need (page 3), supply adjusted, tenure adjusted <sup>4</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>393</b>	<b>251</b>
	of which, 33%	131 for rent	45 for rent
	and 67%	262 leasehold	206 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>543</b>	<b>269</b>
	of which, 33%	181 for rent	-37 for rent
	and 67%	362 leasehold	306 leasehold

2. Nigel Appleton Assessment [NA Report, page 71, Table 17 and page 72, Table 18] <sup>3</sup>			
	Year	Need	Shortfall (need less B. 2020 supply)
	<b>2020</b>	<b>694</b>	<b>552</b>
	of which, 33%	231 for rent	145 for rent
	and 67%	463 leasehold	407 leasehold
	Year	Need	Shortfall (need less D. 2020 supply plus pipeline supply)
	<b>2030</b>	<b>939</b>	<b>665</b>
	of which, 33%	313 for rent	95 for rent
	and 67%	626 leasehold	570 leasehold

<sup>1</sup> The respective assessments use different start and end dates, however assessment for 2020 and 2030 are common to both and have been used to provide a fair comparison.

<sup>2</sup> The need figures are as presented in the SHOP@ report. The shortfall for 2020 is calculated by subtracting supply in 2020 (B.). Shortfall in 2030 is calculated by subtracting supply in 2020 plus pipeline supply (C.).

<sup>3</sup> Note that Mr Appleton's assessment, as presented at Table 17 and 18 of his report, is based on the current and pipeline supply identified at B. and C. above.

<sup>4</sup> To illustrate the effect of the tenure split advocated by Mr Appleton (and referenced on page 7 of CD7.03) this assessment assumes one third for rent and two thirds leasehold extra care provision.



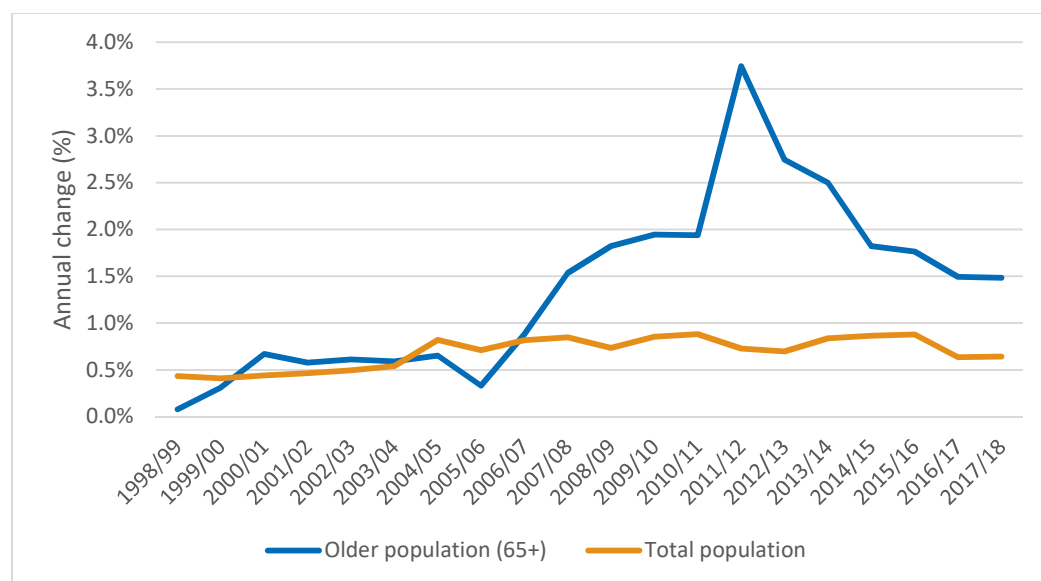
## APPENDIX 3 - Need for specialist older persons' accommodation across England and Mid Sussex

### National context

This section provides an overview of the wider demographic trends generating a need for specialist older persons' accommodation across England. It subsequently outlines how national planning policy and guidance requires these needs to be addressed.

The population of older people in England is rapidly growing. Over the past twenty years for which data is currently available (1998 – 2018), official population estimates<sup>1</sup> indicate that the number of residents aged 65 and over in England has increased by some 31%, more than double the rate of growth in the total population over the same period (15%). This growth has continued over recent years, with a 9% growth in the older population of England over the last five years (2013 – 2018) alone, this far exceeding the 4% growth recorded in the total population over the same period. This 'important demographic transition' is being largely driven by the ageing of the sizeable baby boomer generation, who are beginning to reach retirement<sup>2</sup>.

### Annual Proportionate Change in Total and Older (65+) Population of England, 1998 – 2018



Source: ONS via Nomis

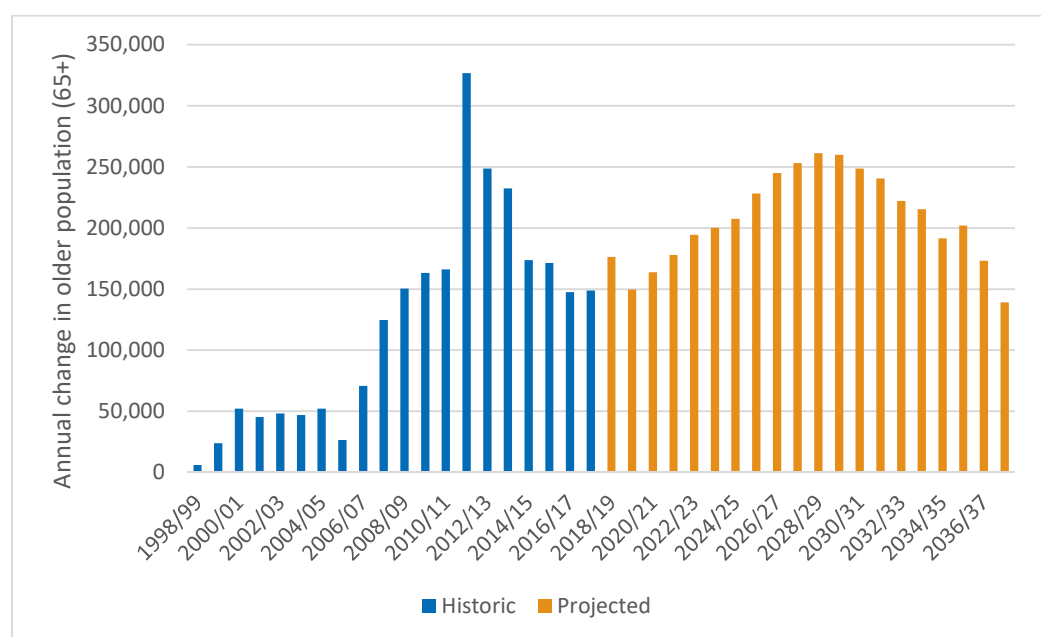
This ageing trend is expected to accelerate, with official projections produced by the Office for National Statistics<sup>3</sup> (ONS) indicating that the older population of England could increase by some 41% over the next twenty years (2018 – 2038). By 2038, almost one in four (24%) of the population in England are expected to be aged 65 or over, increasing from 18% in 2018 and 16% in 1997.

<sup>1</sup> ONS (2019) Mid-year population estimates

<sup>2</sup> Resolution Foundation (2017) Live Long and Prosper? Demographic trends and their implications for living standards

<sup>3</sup> ONS (2019) National Population Projections: 2018-based

## Historic and Projected Annual Change in Older Population (65+) of England



Source: ONS via Nomis

This has implications for the profile of households in England, as recognised within official household projections. The latest 2016-based household projections<sup>4</sup> were released by the ONS in September 2018, and suggest that the number of older households<sup>5</sup> in England will increase by over 3 million during the next twenty years (2018 – 2038). Such households are projected to account for 37% of all households in England by 2038, increasing from 26% in 2001.

In the context of the Government's concerns around the reliability of the latest household projections for the purposes of assessing housing needs<sup>6</sup>, it is notable that the earlier 2014-based household projections<sup>7</sup> similarly suggested a growth of over 3 million older households, which were again expected to account for 37% of all households in England by 2038.

This has clear implications for the type of housing required to meet the needs of such older households over future years. The Government Office for Science and Foresight has recognised that meeting this changing demand could involve *'providing suitable new homes, ensuring that the existing housing stock is appropriate and adaptable, and helping people to move to a home that is appropriate for their needs'*<sup>8</sup>.

While the ageing population can therefore be expected to *'change demand for housing'*<sup>9</sup>, their diversity as a group creates challenges in planning to meet housing needs. Although many will lead independent and active lives, others are amongst the most vulnerable and isolated in society<sup>10</sup>.

<sup>4</sup> ONS (2018) Household projections in England: 2016-based

<sup>5</sup> Household reference person aged 65 or above

<sup>6</sup> Ministry of Housing, Communities and Local Government (2018) Technical consultation on updates to national planning policy and guidance; Planning Practice Guidance Reference ID 2a-015-20190220

<sup>7</sup> Department for Communities and Local Government (2016) 2014-based household projections

<sup>8</sup> Government Office for Science and Foresight (2016) Future of an Ageing Population, p52

<sup>9</sup> *Ibid*, p52

<sup>10</sup> Shelter (2007) Older People and Housing factsheet

People are living longer, but the years gained are generally being spent in poor health because 'healthy life expectancy' has not risen at the same rate<sup>11</sup>.

Numerous studies have identified the benefits of extra care and retirement housing as part of any mix of specialist housing delivered, given the health and adult care savings resulting from a reduced risk of falls, residential care costs and potential to improve wellbeing<sup>12</sup>. More broadly, it has been recognised that:

*"Providing the right kinds of accommodation for older people, in the right places, would lead to positive well-being and health outcomes for them, and would help to create movement in the housing market by freeing up family-sized homes for those who are stuck in unsuitable or overcrowded accommodation"*<sup>13</sup>

This notes the wider market benefits associated with the provision of specialist accommodation for older people in response to needs and demand. In many areas, available evidence indicates that 'housing designed for families is being occupied by older people'<sup>14</sup> living in smaller households, implying higher levels of under-occupation. While the issue of downsizing is complex, there is 'consensus...that there is not enough choice of appropriate housing available either in the specialist housing sector or in the private sector'<sup>15</sup>.

Indeed, the 'chronic undersupply of appropriate housing for older people' has been elsewhere described more explicitly as 'the next housing crisis', because those at the top of the property ladder are 'often trapped in homes that are too big and unmanageable'<sup>16</sup>. There is evidence that 'a lack of choice of suitable homes to downsize into is having a negative effect not just on older people's health and wellbeing, but on the rest of the housing chain, as 85 per cent of larger family homes owned by older people only become available when someone dies'<sup>17</sup>. National polling has suggested that some 58% of those over 60 would be interested in moving, of which over half (57%) want to downsize by at least one bedroom. It suggests that one in every four people aged over 60 would be interested in buying a retirement property, at retirement villages, sheltered housing developments or extra care schemes for example<sup>18</sup>.

With the supply of new housing at a national level consistently failing to keep pace with growth in the population<sup>19</sup>, the ageing population and lack of an appropriate supply response will only exacerbate any existing shortage in overall housing supply. This matters because:

*"...housing in England is a scarce resource and some families have to overcrowd or live in highly unsuitable accommodation...In the absence of greater housing supply for everyone, policy makers will need to consider how effectively existing housing stock is used...The scale of the housing crisis is such that a sensible discussion on the merits of downsizing is required.*

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<sup>11</sup> ONS (2018) Health state life expectancies, UK: 2015 to 2017

<sup>12</sup> Housing LIN (2017) Older People's Housing – we need a solution

<sup>13</sup> Shelter (2012) A Better Fit? Creating housing choices for an ageing population, p8 – 9

<sup>14</sup> Government Office for Science and Foresight (2016) Future of an Ageing Population, p51

<sup>15</sup> Government Office for Science and Foresight (2014) What developments in the built environment will support the adaptation and 'future proofing' of homes and local neighbourhoods so that people can age well in place over the life course, stay safe and maintain independent lives?

<sup>16</sup> Demos (2013) The Top of the Ladder, p9

<sup>17</sup> *Ibid*, p9

<sup>18</sup> *Ibid*, p10

<sup>19</sup> DCLG (2017) Fixing our Broken Housing Market

*Better options for older households could deliver a range of benefits and these should be discussed openly without attaching value judgements or blame to different generations”<sup>20</sup>*

On this basis, the supply of housing in England must adapt to reflect the needs of the growing older population, providing a diverse range of housing types in the right locations to meet this growing need and assist in delivering positive health outcomes. Meeting this need through suitable new accommodation will also make an important contribution in addressing the wider housing crisis, by assisting in freeing up under-occupied housing nationally.

### **National policy and guidance**

The Government revised its National Planning Policy Framework (NPPF) in July 2018, and made further minor changes in February 2019<sup>21</sup>. This followed the publication of a Housing White Paper in February 2017, which aimed to fix ‘*our broken housing market*’ by boosting housing supply and creating ‘*a more efficient housing market whose outcomes more closely match the needs and aspirations of all households*’<sup>22</sup>.

The Housing White Paper specifically recognised the importance of ‘*offering older people a better choice of accommodation*’<sup>23</sup>. It highlighted that:

*“Helping older people to move at the right time and in the right way could also help their quality of life at the same time as freeing up more homes for other buyers”<sup>24</sup>*

While the Housing White Paper recognised the ‘*barriers to people moving out of family homes that they may have lived in for decades*’ and the ‘*emotional attachment...which means that where they are moving to needs to be very attractive to them and suitable for their needs over a twenty to thirty year period*’, it clearly expresses the Government’s commitment to ‘*exploring these issues further and finding sustainable solutions to any problems that come to light*’<sup>25</sup>.

A week before the publication of the Housing White Paper, a Select Committee inquiry into the issue of housing for older people was launched by the Government, in response to the ‘*ageing population with resultant health and care needs and a general shortage of homes*’<sup>26</sup>. The inquiry report, published in February 2018, aimed to reflect the diversity of older people in terms of their ages, individual circumstances, choices and preferences. It concluded *inter alia* that:

- A national strategy on housing provision for older people is needed, and should be introduced in consultation with older people and those who provide for them;
- Independent research should be commissioned on the wider housing market impact of older people moving to a smaller home that better suits their needs, to further explore frequent claims that this could be part of the solution to tackling the housing shortage;
- National planning policy should give greater encouragement to the development of housing for older people, ensuring that sites are available for a wider range of developers;

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<sup>20</sup> Shelter (2012) A Better Fit? Creating housing choices for an ageing population, p13

<sup>21</sup> MHCLG (2019) National Planning Policy Framework

<sup>22</sup> DCLG (2017) Fixing our Broken Housing Market, p16

<sup>23</sup> *Ibid*, paragraph 4.42

<sup>24</sup> *Ibid*, paragraph 4.43

<sup>25</sup> *Ibid*, paragraph 4.44

<sup>26</sup> House of Commons Communities and Local Government Committee (2018) Housing for older people, second report of session 2017-19, paragraph 2



- The new standard approach to assessing housing need should explicitly address the complex and differing housing needs of older people;
- Older people should be able to choose from a wide choice of housing which can accommodate their needs and preferences, including smaller general needs housing, accessible housing, retirement homes, extra care housing and cohousing;
- Local authorities should produce strategies explaining how they intend to meet the housing needs of older people, with Local Plans identifying a target proportion of new housing to be developed for older people as well as suitable well-connected sites close to local communities; and
- Local authorities should be more receptive to private developers who wish to build housing for older people in their area, and appreciate the potential health and wellbeing benefits leading to reduced need for health and social care services.

The inquiry reported only a month before the launch of consultation on draft revisions to the NPPF, which were formally implemented in July 2018 and subject to only minor changes in February 2019. The revised NPPF continues to identify older people as a specific group whose housing needs should be assessed and reflected in planning policies<sup>27</sup>. It recognises the breadth of housing which may be required to meet the diverse needs of older people, in defining this group as:

*“People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs”<sup>28</sup>*

Following the publication of the revised NPPF, the Government formally responded to the Select Committee inquiry into housing for older people. It highlighted the Government’s ‘endeavour...to ensure that our planning and housing policies positively reflect the requirements of older people’<sup>29</sup>. The response details a range of measures that are being implemented to address the recommendations, including its ‘strengthened’ NPPF and new method for assessing housing need which is ‘based on data which provides an indication of the future age structure’. The response expresses agreement that ‘further research into the impact of older people moving home on the housing market could contribute to a stronger evidence base to inform policy making’, provided that its scope and remit was tailored to add value to currently available information.

The Government’s response also referenced its ongoing preparation of new guidance on housing for older people, which was eventually published to form part of the Government’s Planning Practice Guidance (PPG) in June 2019. The updated PPG describes ‘the need to provide housing for older people’ as ‘critical’, and recognises that:

*“Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”<sup>30</sup>*

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<sup>27</sup> MHCLG (2019) National Planning Policy Framework, paragraph 61

<sup>28</sup> *Ibid*, glossary

<sup>29</sup> Government response to the Second Report of Session 2017-19 of the Housing, Communities and Local Government Select Committee inquiry into Housing for Older People, September 2018

<sup>30</sup> PPG Reference ID 63-001-20190626

There is further acknowledgement that:

*“The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. For plan-making purposes, strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people”<sup>31</sup>*

This section of the PPG also covers housing for disabled people, and notes that *‘an ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime’<sup>32</sup>*.

The PPG confirms that information on the existing age profile and projections of population and households by age group can be used to identify the housing needs of older people, while Census data can be used to understand the prevalence of long-term limiting illnesses<sup>33</sup>. It accepts that *‘there is a significant amount of variability in the types of specialist housing for older people’*, and intentionally provides an incomplete list of the types of products available which include age-restricted general market housing, retirement living or sheltered housing, extra care housing or housing-with-care and residential care or nursing homes<sup>34</sup>. It confirms that *‘innovative and diverse housing models will need to be considered where appropriate’<sup>35</sup>*.

The PPG accepts that the Government’s standard method for assessing local housing needs cannot be broken down to assess the housing needs of individual groups, and notes that any such needs *‘may well exceed, or be proportionally high in relation to’* the overall housing need figure calculated using the method. It is recognised that this is because *‘the needs of particular groups will often be calculated having consideration to the whole population of an area as a baseline as opposed to the projected new households which form the baseline for the standard method’<sup>36</sup>*.

The PPG states that the future need for specialist older persons’ accommodation can be assessed through reference to *‘online tool kits provided by the sector’*, and specifically references the Strategic Housing for Older People Analysis (SHOP@) toolkit produced by Housing LIN which is described as *‘a tool for forecasting the housing and care needs of older people’<sup>37</sup>*.

The PPG continues to require plan-makers to:

*“...consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish”<sup>38</sup>*

It confirms that *‘it is up to the plan-making body to decide whether to allocate sites for specialist housing for older people’*, but notes that:

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<sup>31</sup> PPG Reference ID 63-003-20190626

<sup>32</sup> PPG Reference ID 63-002-20190626

<sup>33</sup> PPG Reference ID 63-004-20190626 and 63-005-20190626

<sup>34</sup> PPG Reference ID 63-010-20190626

<sup>35</sup> PPG Reference ID 63-012-20190626

<sup>36</sup> PPG Reference ID 67-001-20190722

<sup>37</sup> PPG Reference ID 63-004-20190626

<sup>38</sup> PPG Reference ID 63-012-20190626

*“Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres”<sup>39</sup>*

When assessing planning applications for specialist housing for older people, the PPG makes clear that ‘local authorities should take a positive approach’ to schemes that propose to address ‘an identified unmet need for specialist housing’<sup>40</sup>.

## **Summary**

At a national level, the rapid growth in the older population is expected to accelerate over future years, with well documented implications for the type of housing needed to meet this changing demand.

Older persons’ housing needs and aspirations are diverse, with the necessary level and type of care varying. Although many will lead independent and active lives, others are amongst the most vulnerable and isolated in society, with numerous studies having identified the health and wellbeing benefits that can be generated through the provision of care. Provision of specialist accommodation can also trigger benefits in the wider housing market by releasing much-needed family housing, which is frequently under-occupied.

In support of its commitment to addressing the wider housing crisis, the Government aims to ensure that older people are offered a range of suitable housing options. Revised national planning policy requires the diverse needs of older people to be assessed and reflected through planning policies, and refreshed guidance provides further clarity on the approach that should be followed when assessing and planning for such needs. It confirms that local authorities must take a positive approach when assessing planning applications that propose to meet an identified unmet need for specialist older persons’ housing.

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<sup>39</sup> PPG Reference ID 63-013-20190626

<sup>40</sup> PPG Reference ID 63-016-20190626

## EVIDENCED NEED IN MID SUSSEX

Through its pre-application responses, the Council has asserted that it considers there to be no identified need for a care home in Mid Sussex. However, this position is not considered to be supported by its own evidence, which, as this report identifies, appears likely to understate the scale of need for specialist older persons' housing and care homes specifically.

The Council's position is understood to originate from its Housing and Economic Development Needs Assessment (HEDNA), and specifically the addendum report<sup>41</sup> produced in August 2016. This appears to remain the latest published evidence on housing needs. The addendum was produced to both explore the impact of 2014-based population and household projections – which continue to be endorsed by the Government for the purposes of determining the minimum need for housing<sup>42</sup> – and consider the specific housing needs of older people, including the provision of specialist accommodation or care.

The addendum acknowledges that *'an ageing population is a national issue which poses a significant housing challenge and will influence future housing needs and requirements in Mid Sussex'*<sup>43</sup>. It recognises that the PPG requires assessment of the specific needs of older people, albeit the guidance itself has since changed as noted in the previous section of this report.

It provides *'background'* on the potential growth of the elderly population of Mid Sussex through reference to an earlier iteration of the HEDNA, produced in February 2015. The figures cited are therefore inconsistent with the subsequently published 2014-based projections, which form the basis for the overall housing need to be met through the District Plan<sup>44</sup>.

As shown in the following table, the District Plan implicitly seeks to accommodate the housing needs of an elderly population (65+) that is projected to increase by some 46% by 2031, outpacing the growth anticipated by the same official projection at regional and national level. This is particularly driven by strong growth in the oldest cohorts aged over 75, as the number of residents aged 65 to 74 is actually projected to grow at a slightly slower rate than anticipated in the South East or England.

### Projected Growth in Elderly Population of Mid Sussex (2014-based; 2014-31)

	2014	2031	Change	% change	South East (%)	England (%)
65 to 74	15,086	18,958	3,872	26%	30%	28%
75 to 84	9,039	14,368	5,329	59%	54%	49%
85+	4,374	8,155	3,781	86%	81%	76%
<b>Total 65+</b>	<b>28,499</b>	<b>41,482</b>	<b>12,983</b>	<b>46%</b>	<b>45%</b>	<b>41%</b>
Total 75+	13,413	22,523	9,110	68%	62%	57%

Source: MHCLG, 2016

<sup>41</sup> Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum

<sup>42</sup> PPG Reference ID 2a-005-20190220

<sup>43</sup> Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.3

<sup>44</sup> Mid Sussex District Council (March 2018) Mid Sussex District Plan 2014-2031, paragraphs 3.11-3.12



The addendum notes, again with reference to an earlier iteration of the HEDNA, that such growth in the older population reflects both a national trend of people living longer and an established local trend that sees Mid Sussex attract retirees, particularly from London and its surrounds<sup>45</sup>.

The addendum proceeds to broadly observe that *'the vast majority of older people wish and choose to remain living in the homes which they have lived in for many years'*, but does concede that the needs of elderly residents are diverse and often *'specialised'*<sup>46</sup>. It estimates the demand for such specialist accommodation through reference to analysis conducted by West Sussex County Council Public Health Research Unit, which drew upon the Strategic Housing for Older People Analysis (SHOP@) tool produced by Housing LIN. This toolkit is specifically referenced in the PPG, as noted in section 2 of this report<sup>47</sup>. The SHOP@ toolkit provides national benchmarks on the rate at which those aged 75 and over could require the following forms of specialist housing provision, suggesting that there could be demand for:

- **125 sheltered housing units** per 1,000 residents aged 75+;
- **20 enhanced sheltered housing units** per 1,000 residents aged 75+;
- **25 extra care units with 24/7 support** per 1,000 residents aged 75+;
- **65 bedspaces in residential care homes** per 1,000 residents aged 75+; and
- **45 bedspaces in nursing care homes** per 1,000 residents aged 75+.

Collectively, these rates assume that 28% of residents aged over 75 require specialist accommodation, with private housing still assumed to play a major role in meeting the needs of most older people (72%).

The Council's addendum report appears to apply these national rates to the older population implied in Mid Sussex by the 2014-based projections to estimate the scale of demand for these types of specialist accommodation, in 2014 and 2031. It compares demand against recorded supply as of 2014 with a view to determining the existence of a shortfall, either currently or in 2031. This is summarised in condensed format below.

#### Need for Sheltered, Extra Care and Registered Care (2014-31)

	2014			2031	
	Demand	Supply	Shortfall	Demand	Projected shortfall
Sheltered housing	1,650	1,499	151	2,775	1,276
Enhanced sheltered	264	104	160	444	340
Extra care	330	210	120	555	345
Registered care	1,452	1,680	-228	2,442	762
Residential care	858	471	387	1,443	972
Nursing care	594	1,209	-615	999	-210

<sup>45</sup> Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.11; Mid Sussex District Council (February 2015) Housing and Economic Development Needs Assessment, paragraph 2.21

<sup>46</sup> Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.12

<sup>47</sup> PPG Reference ID 63-004-20190626

<b>Total</b>	<b>3,696</b>	<b>3,493</b>	<b>203</b>	<b>6,216</b>	<b>2,723</b>
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Source: Mid Sussex District Council, 2016

This indicates that there will be a growing demand for all forms of specialist housing, with a projected shortfall of some 2,723 bedspaces by 2031. Resolving this shortfall would require an average of 160 bedspaces each year.

Specifically, the addendum identifies an *existing* shortage of sheltered and enhanced sheltered housing, as well as extra care provision. There is also an implied shortage of residential care units, albeit this is offset by the claimed “overprovision” of bedspaces in nursing care homes such that there is seen to be no “current” shortfall of registered care homes. Growth in the older population is nonetheless assumed to increase the demand for such accommodation by 2031, creating an overall shortfall of circa 762 bedspaces relative to supply in 2014 (across residential and nursing care) but continuing to imply a level of excess capacity in nursing care alone. It is assumed that this has directly influenced the Council’s perception that no further care homes are needed, within its pre-application response.

In interpreting the analysis replicated in Table 3.2, however, it is considered that caution must be exercised. The addendum report necessarily draws upon national benchmarks on the demand for different forms of accommodation, which, although useful for estimating the potential scale of demand, at the strategic level, have inherent limitations and will not always reflect local characteristics. Housing LIN itself advises that ‘*national averages can only provide a benchmark for prioritisation rather than accurate future numbers*’<sup>48</sup>.

Within this context, it is notable from Table 3.2 that substantially more Mid Sussex residents (1,209) were living in nursing care homes in 2014 than would have been anticipated based on national demand benchmarks (594). The addendum report implies that this signals an excess of supply over demand, but in practice it is considered more likely to reflect the proportionately higher need and demand for such accommodation in this location relative to the national average. This would be consistent with the findings of the 2011 Census, which – as summarised below – showed that older people in Mid Sussex were considerably more likely to be living in residential institutions than the national or indeed regional average.

#### Residence of Older People Aged 65+ (2011)

	Residents aged 65+	Older residents living in communal establishments	%
Mid Sussex	25,307	1,185	4.7%
South East	1,482,020	59,451	4.0%
England	8,660,529	317,521	3.7%

Source: Census 2011

Within this context, it is considered that national benchmarks should be applied with caution in Mid Sussex and should not be treated as definitive. Alternative approaches can and should be tested, for

<sup>48</sup> <https://www.housinglin.org.uk/Topics/browse/HousingExtraCare/ExtraCareStrategy/SHOP/SHOPAT/Consultancy/>

example by assuming that the rate at which older residents actually occupied nursing care homes in 2014 is sustained. The supply of 1,209 bedspaces would therefore need to increase in proportion to the growth of the older population. With Table 3.1 indicating that the number of residents aged over 75 could grow by 68% by 2031, the supply of this type of accommodation could conceivably need to increase by over two thirds to exceed 2,000 bedspaces; more than double the demand for 999 bedspaces assumed in the addendum report, based on its application of national benchmarks.

Through this approach, the supply of nursing care accommodation would need to increase by an average of circa 50 bedspaces per annum. Such a level of additional need would exceed the size of the average care home in Mid Sussex<sup>49</sup>, thereby suggesting that at least one such development is required as a minimum each year to ensure future needs are met.

The addendum report does appear to concede that there are alternative approaches to estimating future need, citing analysis on the broader ‘care market’ developed by West Sussex County Council which:

*“...estimates that at present, provision of bed stock is operating at 95-100% of capacity. The market in the north of West Sussex faces particular pressure which has been exacerbated by scheme closures. To meet existing and future demand projections, the County Council estimates that a further 60-100 bed spaces are needed to support WSCC funded residents, while the total market needs to increase by **170-280 beds per year**”<sup>50</sup> (emphasis added)*

This clearly reaffirms the principle that growth in the care market is needed in Mid Sussex beyond the current stock of supply, and challenges a position whereby current provision is viewed as sufficient to meet needs.

In that context, the Council’s generalised claim that there is no need for care homes is considered to be unsubstantiated, and based on a simplistic interpretation of singular analysis that has inherent uncertainties and limitations. It is ultimately predicated upon an assumption that residents of Mid Sussex will be less likely to require such accommodation than is currently the case, and that current supply will satisfy additional demand. Such a claim, based on the formulaic application of national benchmarks, sits at odds with strong projected growth in the local elderly population who are most likely to require such accommodation. A failure to recognise this limitation of the calculation creates a fundamental and unnecessary risk that the district will be unable to meet the needs of its growing elderly population, contrary to the requirements of national policy.

## Summary

The Council has claimed that there is no identified need for a care home in Mid Sussex. Such a position conflicts with evidence that the elderly population of Mid Sussex will increase by almost half over the plan period, with particularly strong growth amongst the oldest cohorts (75+) which exceeds that anticipated regionally or nationally. The Council’s evidence base has attributed this growth both to people living longer and the continued attraction of retirees, particularly from London and its surrounding area.

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<sup>49</sup> The 2011 Census recorded 665 people living in 23 care homes with nursing, equating to circa 29 residents per care home on average

<sup>50</sup> Mid Sussex District Council (August 2016) Housing and Economic Development Needs Assessment Addendum, paragraph 2.19

The Council's evidence base recognises that the needs of elderly people are diverse and often specialised, and cannot always be met within private homes. It applies national benchmarks to estimate the demand for specialist housing that could be generated by older residents, which is compared to current supply and reveals – in broad terms – an existing shortfall that will increase by 2031 without further provision. Resolving this shortfall would require an average of 160 bedspaces per year.

This is broken down by type of provision, implying a specific shortfall of sheltered, enhanced sheltered and extra care housing. There is also an apparent shortage of residential care units which is set to grow over the plan period, but this is offset by a perceived "overprovision" of bedspaces in nursing care homes both now and in the future.

While this is likely to have informed the Council's position regarding the need for the proposed development, a more cautious and considered interpretation of the analysis is required in the context of local trends and the changing age profile noted above.

The outcome of the calculation is based on national benchmarks of demand, which appear to understate the rate at which Mid Sussex residents currently require nursing care and thus create a perception of current and future "oversupply" that is without robust foundation. The application of these national benchmarks is considered appropriate in principle to present a broad understanding of need but importantly they should not be viewed as definitive. It is proven in this section that demand for nursing care could conceivably be more than double the estimate made by the Council, if an alternative approach is taken which assumes that a growing older population continues to occupy such accommodation at the existing rate proven in Mid Sussex. This would require the development of at least one new care home each year, based on their average size in the district.

The Council's generalised claim that there is no need for care homes is therefore considered to be unsubstantiated, and based on a simplistic interpretation of analysis that has inherent uncertainties and limitations. With a growing population of older residents that already show a tendency to occupy care homes, there is considered to be no reasonable basis from which to claim that existing supply will entirely satisfy this specialist need and would not benefit from the additional capacity brought by the proposed development.



2118

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA11

**ID:** 2118

**Response Ref:** Reg19/2118/4

**Respondent:** Mr J Plant

**Organisation:** Gladman

**On Behalf Of:** Gladman Developments - Lindfield

**Category:** Developer

**Appear at Examination?** x

[REDACTED]

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**From:** Josh Plant [REDACTED]  
**Sent:** 28 September 2020 11:33  
**To:** ldfconsultation  
**Subject:** Mid Sussex Site Allocations DPD Regulation 19 Consultation - Gladman Developments Representation  
**Attachments:** Mid Sussex Reg 19 Site Allocations - Gladman Representations-compressed.pdf; Appendix 1 - Vision Document Land off Scamps Hill, Lindfield-compressed.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** TBC

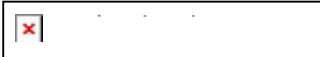
Good morning,

Please find attached representations in relation to the above consultation, submitted by Gladman Developments.

I would appreciate if you could confirm receipt of the submission by responding to this email.

Many thanks,  
Josh

**Josh Plant**  
Graduate Planner



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Mid Sussex District Council Site Allocations Development Plan  
Document (SADPD)

**Regulation 19 Submission Draft**



**September 2020**

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## APPENDICES

Appendix 1      Land off Scamps Hill, Lindfield Vision Document

# 1 INTRODUCTION

## 1.1 Context

- 1.1.1 Gladman welcome the opportunity to comment on the Mid Sussex District Council Site Allocations Development Plan Document Consultation and request to be updated on future consultations and progress of the Local Plan going forwards. These representations provide focussed comments regarding the emerging Local Plan and highlight Gladman's land interests at Land off Scamps Hill, Lindfield, a site submission is included in Section 5 of this representation and a vision document is located at Appendix 1.
- 1.1.2 Gladman Developments specialise in the promotion of strategic land for residential development and associated community infrastructure and has considerable experience in the development industry. From that experience, we understand the need for the planning system to provide the homes and jobs that are required to meet Central Government's objectives and the needs of local communities.
- 1.1.3 Through this submission, Gladman have highlighted areas where the Local Plan's policies require further clarity or justification in order to be found sound at Examination, namely the need to identify further housing allocations to support the delivery of the district's housing needs. As such, Gladman formally request that we are afforded the opportunity to discuss the issues raised at the Local Plan examination public hearing sessions and would welcome further discussions with officers about the promotion site.

## 1.2 Plan Making

- 1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:
- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
  - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

- 
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

## 2 LEGAL COMPLIANCE

### 2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.

### 2.2 Sustainability Appraisal

- 2.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2 The Mid Sussex Site Allocations Development Plan Document (DPD) should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Site Allocations Plan's decision-making and scoring should be robust, justified and transparent.



### 3 NATIONAL PLANNING POLICY

#### 3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019. These publications form the first revisions of the Framework since 2012 and implement changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft Revised Framework consultation.

3.1.2 The revised Framework (2019) introduces a number of major changes to national policy and provides further clarification to national planning policy as well as new measures on a range of matters. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 16 of the Revised Framework (2019) states that Plans should:

***"a) Be prepared with the objective of contributing to the achievement of sustainable development;***

***b) Be prepared positively, in a way that is aspirational but deliverable;***

***c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;***

***d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;***

***e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and***

***f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."***

3.1.3 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay<sup>1</sup>.

- 3.1.4 Once the minimum number of homes that are required is identified, the planning authority should also have a clear understanding of the land available in their area. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. It states:

***"... policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:***

***a) specific, deliverable sites for years one to five of the plan period; and***

***b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."***

- 3.1.5 Once a local planning authority has identified its housing needs, these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so.

- 3.1.6 To be considered sound at Examination the emerging SAP will need to meet all four of the soundness tests set out in paragraph 35 of the revised Framework (2019).

## 3.2 Planning Practice Guidance

- 3.2.1 The Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018. The updated PPG provides further clarity on how specific elements of the revised Framework should be interpreted when preparing Local Plans.

## 3.3 Planning for the Future – White Paper

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.

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<sup>1</sup> Revised NPPF – Paragraph 60

- 3.3.2 Consultation is currently underway on these proposals and it will be important that the Council keeps abreast with the implementation of these changes although the implications are unlikely to have an impact on the preparation of the Mid Sussex Sites Allocations DPD.
- 3.3.3 Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.
- 3.3.4 A further consultation is also underway on immediate changes to the current planning system<sup>2</sup>. Of significant note is a proposed revised standard method for calculating local housing need, which proposes to incorporate a percentage of existing stock as the baseline of the calculation. Once implemented, this will be used as the basis for plans created prior to any changes outlined in the White Paper.

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<sup>2</sup> Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation  
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

## 4 MID SUSSEX SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (SADPD)

### 4.1 Context

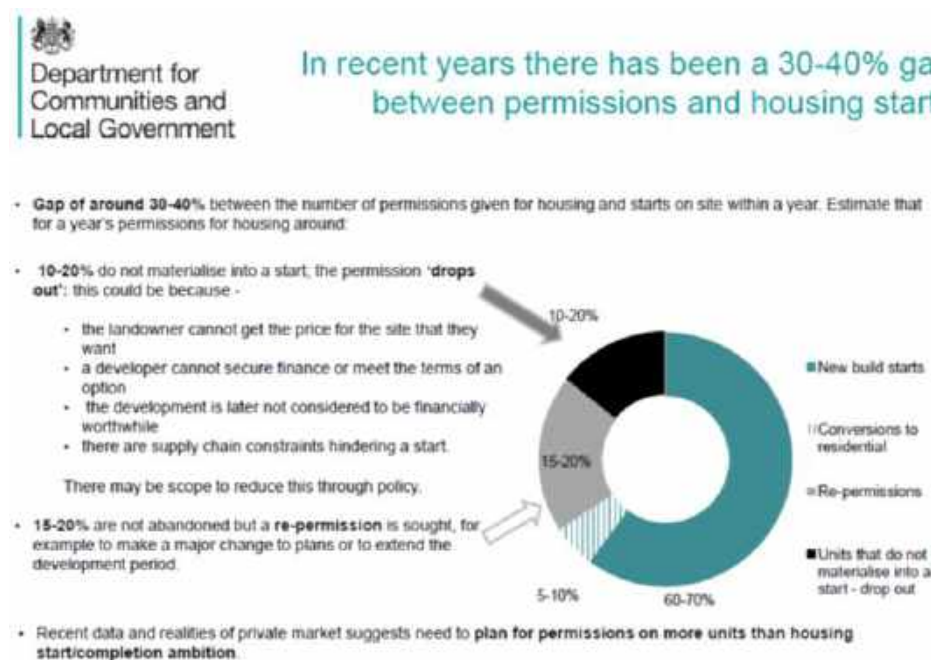
- 4.1.1 This section is in response to the Mid Sussex SADPD consultation document and its supporting evidence base. Herein, Gladman highlight where modifications will need to be made for the Plan to be found sound at examination.

### 4.2 Policy SA10: Housing

- 4.2.1 Policy SA10 supports with Policy DP4: Housing of the Mid Sussex District Plan and sets out how the Council will address residual housing need of 1,280 dwellings over the plan period.
- 4.2.2 The housing requirement for Mid Sussex is set through the Mid Sussex District Plan totalling 16,390 dwellings over the whole plan period, equating to 964 dwellings per year (dpa). However, it should be noted that this is set as a stepped trajectory whereby an average of 876 dwellings per annum will be delivered until 2023/24, before an average of 1,090 dpa will be delivered between 2024/25 and 2030/31. It is noted that windfall sites will be delivered through Neighbourhood Plan sites or through the Development Management Process.
- 4.2.3 Furthermore, the Policy states that the Site Allocations DPD will allocate 1,764 dwellings providing an oversupply of 484 dwellings or a 2.9% oversupply of housing against the adopted total plan housing requirement of 16,390 dwellings.
- 4.2.4 Gladman are concerned that the contingency between the proposed deliverable supply of housing and assessed housing need is insufficient to ensure that the District's needs are met, or a five-year housing land supply can be maintained over the whole plan period.
- 4.2.5 While it is acknowledged that the Council's claimed supply and proposed residential allocations are drawn from varying sources including brownfield and greenfield sites, alongside neighbourhood plan allocations, Gladman contend further flexibility is necessary to ensure the Plan is responsive to market signals and delivery issues which may occur.
- 4.2.6 Indeed, the Home Builders Federation (HBF) presented research at the 2015 Home Builders Federation Planning Conference which highlighted that 10-20% of planning permissions do not materialise into a start on site with the permissions 'dropping out'. While an additional 15-20% of the proposed supply do not drop out but are delayed through 're-permissions'



being sought. Figure 1 sets out the information presented by HBF and provides further reasoning as to why these issues may occur.



**Figure 1 – Home Builders Federation Planning Conference 2015 Slide.**

- 4.2.7 Although the HBF's research is now 5 years old, it highlights the needs for Council's to provide sufficient housing allocation contingency above the housing requirement to ensure that a housing land supply can be maintained through the plan period through a responsive, flexible Plan.
- 4.2.8 Therefore, it is evident that an 'over-supply' or 'contingency' of just 484 dwellings (2.9%) does not provide sufficient flexibility which can safeguard against under-delivery or delivery issues. Gladman contend that the Council must identify further housing allocations to a level that will provide between 10-20% contingency of residential development land.
- 4.2.9 Secondly, the Council's average annual housing delivery rate since 2014/15 is 820 dpa, while the highest annual delivery figure is 1003 dwellings<sup>3</sup>. In this regard, the Council has never achieved the quantity of housing necessary to meet the initial stepped housing requirement (876dpa), nor the second step (1090 dpa) which is to begin in 2024/25. This further highlights the need to allocate additional sites to support the delivery of the plan and ensure the needs of the district can be met.

<sup>3</sup> Site Allocations DPD Housing Land Supply Statement (August 2020)

4.2.10 Additionally, windfall sites are proposed to deliver through Neighbourhood Plan allocations and the development management process. Although a number of sites have already been allocated and are delivering through 'made' Plans, further Neighbourhood Plans are currently in the plan-making process. It is unclear, through the Plan or the supporting evidence base, what proportion of these sites have already delivered or when they may deliver. Yet, the Council continue to place reliance on the delivery of housing through Neighbourhood Plan allocations, whilst there is no certainty that this delivery will occur in a timely manner, or even come forward at all. The Council should adopt a more proactive approach to the delivery of housing and allocate further sites to ensure sustainable development will come forward and meet the needs of the district during the plan period.

4.2.11 Furthermore, Gladman contend that while a wide range of sites are identified within the supply, it is clear that a number of the brownfield sites are likely to experience delay in delivery. This will be explored in response to Policy SA11 below.

### 4.3 Policy SA11: Additional Housing Allocations & Policy SA16 St. Wilfrid's Catholic Primary School, School Close, Burgess Hill

4.3.1 Policy SA11 sets out additional site allocations to support the strategic sites allocated through the Mid Sussex District Plan Policy DP4. Table 2.5 states that the SADPD will allocated a further 1,764 dwellings across 22 sites.

4.3.2 It should be noted that 6 of the sites, accounting for 312 of the proposed additional dwellings, are brownfield sites.

4.3.3 Paragraphs 117 and 118 of the Framework highlight that planning policies and decisions should support the use of previously developed or brownfield land. Indeed, Gladman support the allocation of various types of sites, including brownfield land, however, it is important to note that the development of brownfield land is complex and often subject to delay and deliverability issues.

4.3.4 For instance, brownfield sites are often subject to unexpected physical constraints and often contamination which requires significant remediation. The Council acknowledge the potential contamination of such sites within the Plan but the supporting evidence within the Site Allocations Library depicts that little investigative work has to date been completed. Several of the proposed allocations also require clearance of buildings and relocation of existing tenants which will inevitably take a period of time. Therefore, while the sites may be

deliverable, unexpected physical constraints and remediation work may lead to a delay in the delivery of such sites.

- 4.3.5 Furthermore, unexpected constraints and the remediation of such sites may lead to unanticipated financial costs. This places significant risk upon the developer and may impact the viability of the site leading to delays in the delivery or even no commencement of the development. Additionally, the significant costs associated with the development of previously developed land which may impact the viability of the schemes and thus the scale of developer contributions required to be provided. Indeed, national policy guidance highlights that an applicant can demonstrate such circumstances at the application stage through a viability assessment detailing the inability to meet certain cost implications of policy requirements, planning obligations and where relevant Community Infrastructure Levy charges<sup>4</sup>. The costs identified in the viability assessment may include numerous circumstances, such as;

*"...abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value"* <sup>5</sup>

- 4.3.6 The decision maker will then give weight to this assessment with regard to all the circumstances in the case. In this instance there is a very real prospect that the Council will receive lesser community benefits from the proposed allocations than may be anticipated. Therefore, allocating further residential sites would provide sufficient headroom in case the brownfield housing allocations experience a delay in delivery and ensure that community benefits can be delivered across the District.
- 4.3.7 Furthermore, Gladman highlight uncertainty in the delivery of proposed allocation 'SA16 St. Wilfrid's Catholic Primary School, School Close, Burgess Hill'. The site is currently an operational school proposed to deliver 200 dwellings with an indicative phasing of 6 to 10 years.
- 4.3.8 The previous iteration of the Plan stated the proposal was dependant on,

***"The satisfactory relocation of St Wilfrid's Primary School to St Paul's Catholic College site is required before development can commence on the school part of the site"***

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<sup>4</sup> Planning Practice Guidance: Paragraph: 014 Reference ID: 10-014-20190509

<sup>5</sup> Planning Practice Guidance: Paragraph: 012 Reference ID: 10-012-20180724

4.3.9 However, Policy SA16 of the Regulation 19 Plan provides no commentary on the school relocation only stating,

- ***“Across the broader development area, which includes BHNP – TC3 The Brow Quarter, the existing uses include the following community uses; a General Practice (GP) Surgery/Clinic, Fire and Rescue Service Fire Station, Ambulance Station and Police Headquarters and St Wilfrid’s Roman Catholic Primary School and playing fields.***
- ***Redevelopment proposals shall provide evidence that demonstrates how replacement community facilities will be provided to the satisfaction of the Council and relevant key stakeholders...”***

4.3.10 It is unclear from the Plan or the supporting evidence base whether the requirement to relocate the school still exists and whether this must have been completed prior to commencement of SA16. Indeed, the Site Selection Paper 3 Appendix B highlights that discussions had taken place regarding the potential relocation, yet the latest Infrastructure Delivery Plan does not seem to account for this<sup>6</sup>.

4.3.11 In addition, no planning applications have been submitted on the site in relation to the housing development and while the school remains in operation no clearance can occur.

4.3.12 Although the site may represent a logical development site and be deliverable at some point in the future, Gladman propose that significant uncertainty exists around the allocation, particularly in relation to the relocation of the School.

4.3.13 This provides further justification for the Council to identify additional housing allocation to support the delivery of Mid Sussex housing needs and ensure a five year housing land supply can be met.

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<sup>6</sup> Site Allocations DPD Infrastructure Delivery Plan Regulation 19 Version (March 2020)



## 5 SITE SUBMISSION

### 5.1 Land off Scamps Hill, Lindfield

5.1.1 The Site is located north east from Haywards Heath, and east of Lindfield on the north side of Scamps Hill (B211). The Site is formed of three fields which are currently in agricultural use and the total land area that is available for development measures circa 10 ha.

5.1.2 The Site is capable of accommodating circa 180 homes of a mix of sizes including 30% affordable with considerable scope to design and masterplan a scheme that responds positively to the surrounding influences.

5.1.3 The Site is sustainably located, within safe walking distance of a large number of the community services and facilities available within Lindfield including primary schools and shops.

5.1.4 The development will be a positive addition to Lindfield complementing the character of the surrounding area in terms of scale, density, character and quality, with the opportunity to deliver a number of benefits, in addition to new market and affordable housing, for both new and existing residents, including:

- Informal and formal public open space
- A new children's play area
- New landscaping features including additional tree and hedgerow planting
- Drainage basin for surface water attenuation
- Support for existing local services and facilities through increased spend

5.1.5 Further details of the Site are included in a detailed Vision Document at Appendix 1 of this representation.

## 6 CONCLUSION

- 6.1.1 Gladman welcome the opportunity to comment on the Mid Sussex Site Allocations Development Plan Document Regulation 19 Consultation and wish to be informed of future consultations in the plan-making process. For the Mid Sussex SADPD to be found sound at examination it must be able to meet the four tests of soundness as required by paragraph 35 of the Framework. These tests are outlined as follows:

**Positively prepared** – provide a strategy which, as a minimum seeks to meet the areas objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

**Justified** – an appropriate strategy, taking account the reasonable alternatives based on proportionate evidence;

**Effective** – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

**Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

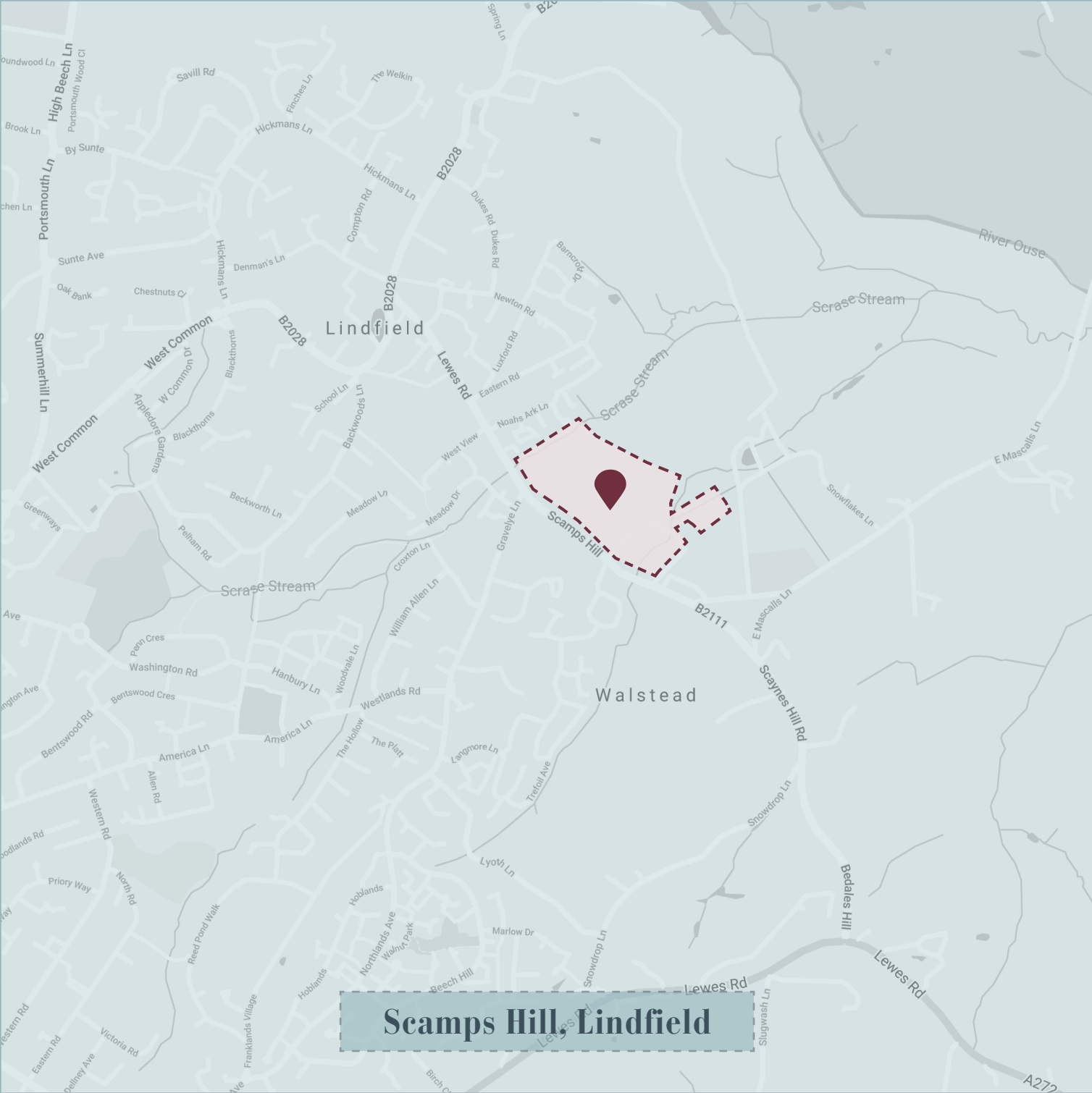
- 6.1.2 Gladman have highlighted the need for the Council to identify additional housing allocations to ensure sufficient headroom between the adopted housing requirement and housing land supply to ensure that the Plan is flexible and responsive to change over the entire plan period.
- 6.1.3 Gladman are promoting the land at Lindfield which is located in a sustainable location and is available and deliverable. Further details of the Site are at Appendix 1.
- 6.1.4 I hope you have found this correspondence to be informative and useful towards the preparation of the Mid Sussex SADPD and Gladman look forward to being provided the opportunity to engage further with the Council regarding our land interest as the SADPD further progresses.

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# The Vision for Land off Scamps Hill, Lindfield

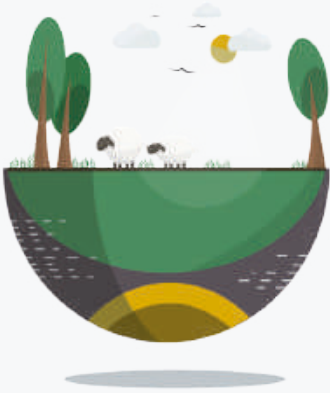






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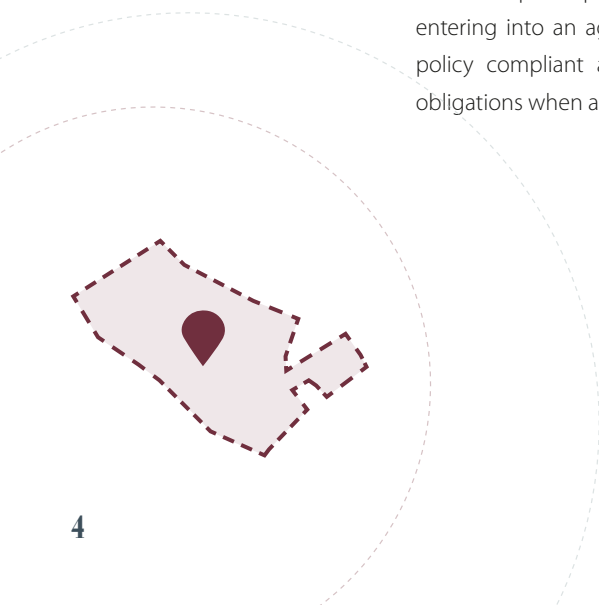


# Introduction

Gladman are working with the Trustees of Walstead Grange to promote land off Scamps Hill, Lindfield for residential development as part of the Site Allocations DPD. The 10 hectare site represents an ideal opportunity to continue growth in Lindfield and develop a high quality, sustainable residential scheme that would make an important contribution to meeting housing needs in the District.

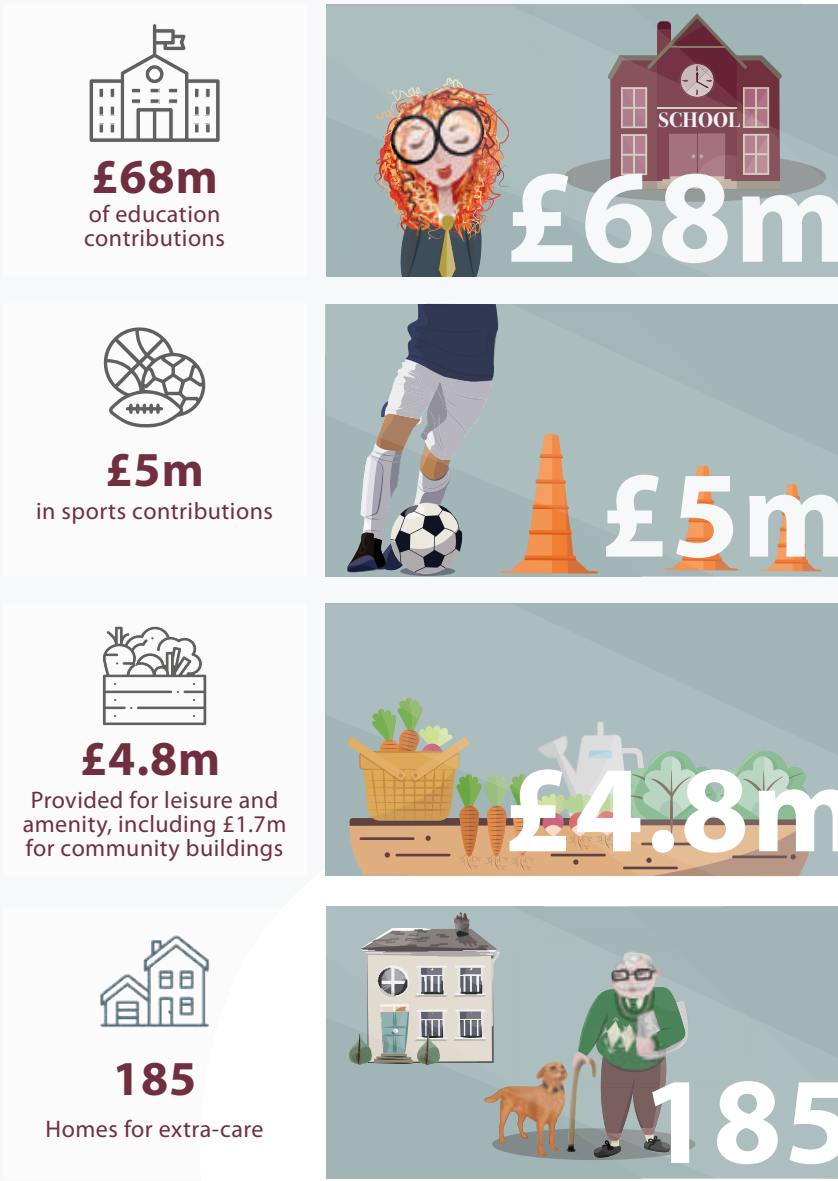
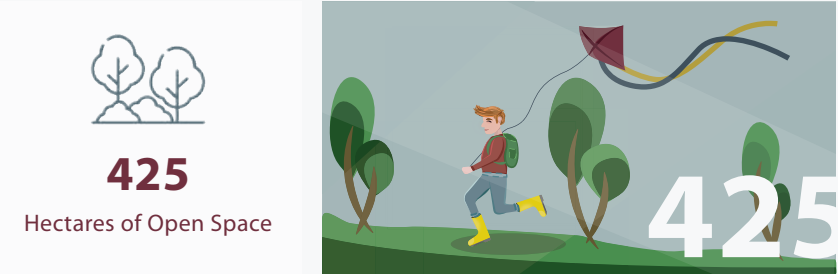
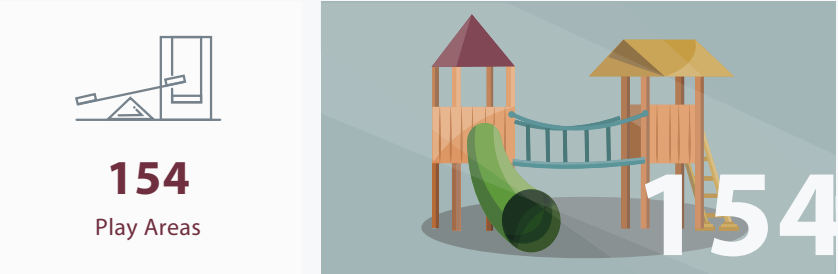
Gladman Land is a privately funded, family run business with over 30 years' experience in the land and development industry. From our beginnings in housebuilding, through to commercial and industrial properties, we have a solid history of delivering sites quickly.

We enter into transparent Promotion Agreements with landowners rather than the more complex Option Agreements and thoroughly review a site's viability before entering into an agreement. This ensures that our proposals can provide the full policy compliant affordable housing requirement and CIL compliant planning obligations when an application is submitted.



# More than Market Housing

As a demonstration of our delivery record, over the past 9 years we have achieved planning permission for the following:



Gladman and the landowners would welcome further discussions with the Council and local stakeholders, as we look to realise this exciting development opportunity, and secure the delivery of a housing Site that can readily provide further homes as part of the emerging site allocations plan.





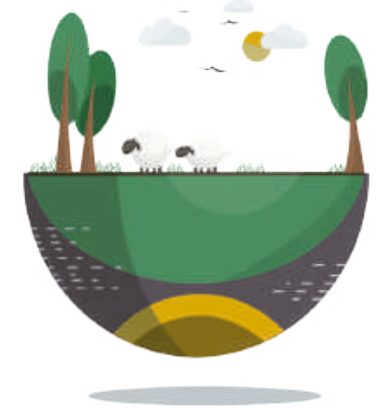
# The Site and Settlement

The site is located north east from Haywards Heath, and east of Lindfield, on the north side of Scamps Hill (B211). The total land area that is available for development measures circa 10 ha which presents considerable scope to design and masterplan a scheme that responds positively to the surrounding influences.

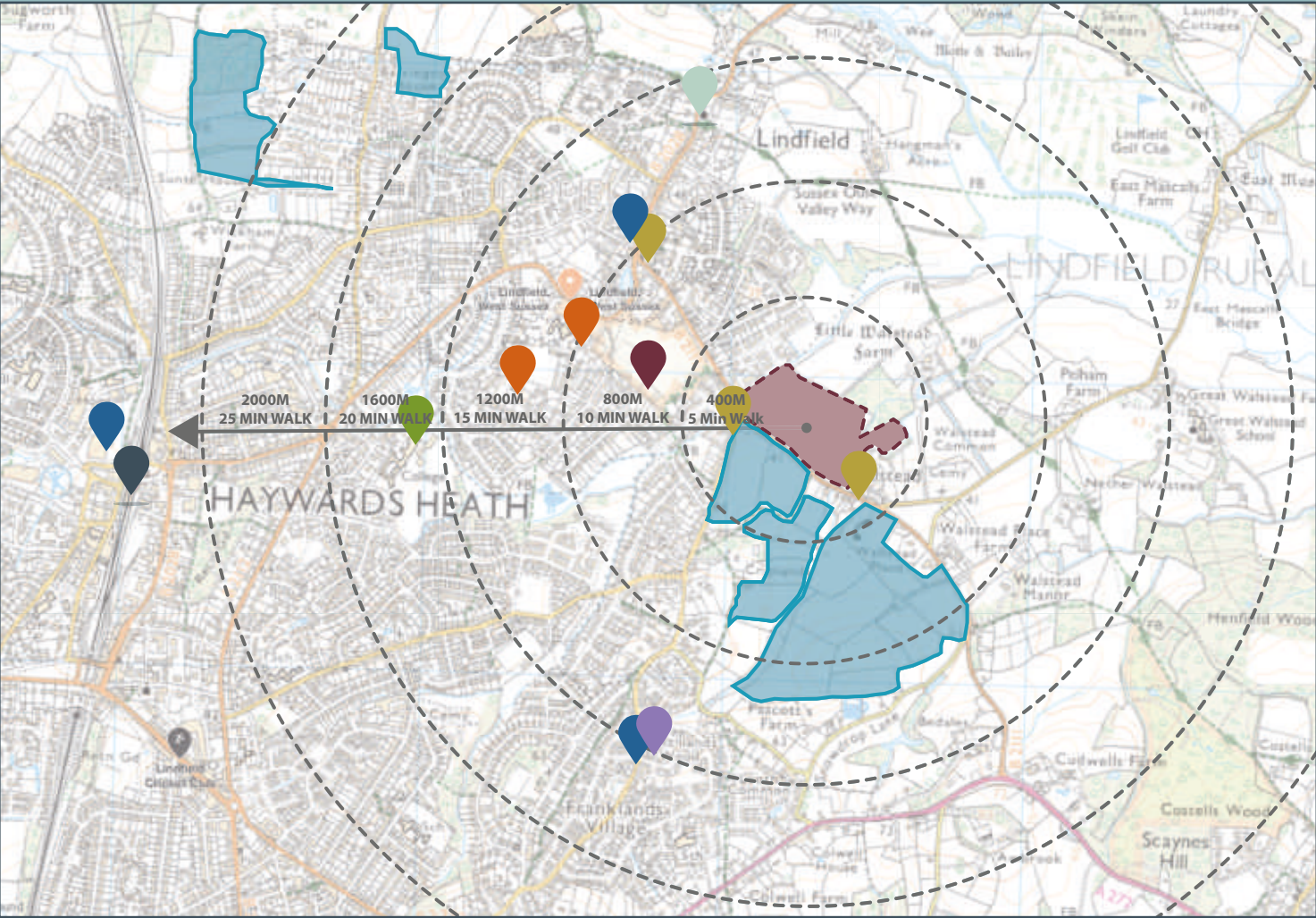
The land is currently in agricultural use. Existing built structures include the residential property Walstead Grange and its associated outbuildings.

With a population of 5,836 residents, the Mid Sussex Local Plan identifies Lindfield as a Category 2 settlement, which is a Larger Village that functions as a local service centre providing key services in the rural area of Mid Sussex.

- Site boundary
- Radii from centre of site
- Approved Planning Applications
- Conservation Area
- Local Nature Reserve
- Ancient Woodland
- Flood Zone 2 & 3
- Public Rights of Way
- Listed Buildings
  - Grade II
  - Grade II\*







Key:

-  Site Boundary
-  Approved Planning Applications
-  Bus Stops
-  Cricket Club
-  Primary Schools
-  Secondary Schools
-  Shops
-  Place of worship
-  Railway Station
-  Doctors

# The Site and Settlement

As demonstrated by the adjacent Plan, Lindfield benefits from a good range of services and facilities that would be accessible to future residents of the site. Table 1 below, provides a summary of these facilities and their respective distance from the site:

Facility	Distance	Facility	Distance
Blackthorns Primary Academy	0.95km	Northlands Wood Primary Academy	1.38km
Lindfield Primary Academy	0.78km	Hospital	2.13km
Oathall Community College	1.35km	Sainsburys Local	2.53km
Public House	1km	Tesco Express	2.22km
Northlands Wood Doctors Practice	1.24km	Haywards Heath Railway Station	2.25km
Haywards Heath Shopping district	2.1km	Sainsburys Supermarket	2.33km
Co-Op	0.79km		

Table 1 – Services and facilities within close proximity of the site





# The Site and Settlement

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The site benefits from good public transport links to wider destinations. The nearest bus stop is situated to the east on Scamps Hill, approximately 320m from the centre of the site offering hourly services to Brighton, Burgess Hill and Haywards Heath.

The nearest train service is available from Haywards Heath Railway Station that is approximately 2.25km from the site. Destinations accessible from this station include London Victoria, London St Pancras, Gatwick Airport and Brighton.

The site immediately abuts the Lindfield Enterprise Park that offers some immediate employment opportunities, with more available in the wider locality, including in the centre of Haywards Heath.





# Supporting Sustainable Growth

The adopted Local Plan comprises the District Plan 2014 – 2031 that identifies an OAN of 14,892 with an additional 1,498 of unmet need in the North West Sussex Market Area that needs to be accommodated. This equates to a minimum housing requirement of 16,390 over the plan period with a staged annual requirement which begins at 876 dwellings per annum between 2014/15 and 2023/24 before increasing to 1,090 dwellings per annum for the remainder of the plan period through to 2031.

## Housing Distribution

Adopted Policy 'DP4: Housing' identifies the spatial distribution of new housing across Mid Sussex. The top tier Settlements (Towns) of Burgess Hill, East Grinstead and Haywards Heath are directed the greatest level of growth. As top tier settlements, the three towns are expected to deliver over 10,600 new homes.

There are six second tier settlements (Larger Villages), of which Lindfield is one that together have been directed growth of 3,005 new homes. The District Plan identifies a residual shortfall against this requirement of 838 homes throughout the Category 2 settlements with the greatest need coming from Lindfield with a shortfall of 540 homes.



## Site Allocation Plan

The purpose of the Site Allocations Plan is to identify suitable sites for delivering the spatial strategy set out in Policy DP4 of the District Plan. At the time of publishing the Regulation 19 Submission Draft version, Table 2.4 identifies a total shortfall of 1,280 homes with a shortfall of 198 homes across the six Larger Villages. In order to accommodate this shortfall the emerging plan allocates 22 new development sites that range in size and are listed in Table 2.5 of the Plan. Within the Larger Villages two sites are proposed for allocation in Crawley Down and Cuckfield for 50 and 55 homes respectively.



## Growth in Lindfield

Under adopted Development Plan policy, Lindfield is classed as a separate settlement from the main town of Haywards Heath, however it is clear that they function as one continuous settlement with residents relying on services from both settlements on a daily basis. Therefore, despite being classed as a Larger Village for the purposes of the spatial distribution, Lindfield should in fact be considered as part of the wider conurbation of Haywards Heath and a logical area to support growth similar to the three identified Towns.

Referring to the Site Allocations Plan, it is noted that despite there being a residual shortfall of 198 homes in larger villages, the emerging Plan only allocates land for 105 homes, leaving a residual shortfall of 93 homes. This shortfall presents an opportunity to allocate the site for development, which would be in line with the adopted development strategy. Whilst it is likely that the site can accommodate more than the 93 home shortfall, the housing requirement included in Policy DP4 is expressed as a minimum requirement, therefore over delivery would help to ensure that the Council maintains a deliverable supply of much needed new homes for new and existing residents in Mid Sussex.

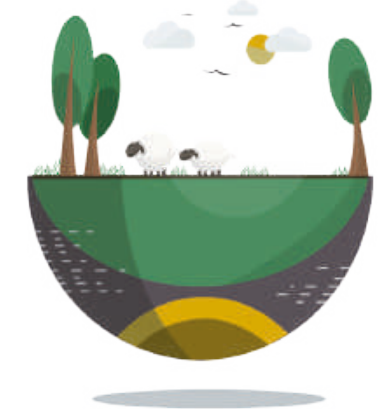






## Site Influences and Opportunities

To inform Gladman's understanding of the site it has appointed a multi-disciplinary team of specialist consultants to undertake a series of surveys and appraisals of the site and its surroundings. The findings from these investigations are fed into the masterplanning process that remains iterative until a final scheme is agreed.







## Key:

	Approximate Extents of Flood Zone		Tree Protection Order		Potential Vehicular Access
	Approximate Extents of Surface Water Flooding		Existing Brook (Culverted)		Sun Path
	Local Nature Reserve		Existing Public Rights of Way		Potential Noise Contour along Scamps Hill
	Ancient Woodland		Potential Pedestrian Link to Existing Footpath		Potential Access to 3rd Party Land to the North
	Existing Contours		Potential Location for SUDs Basin		
	Existing Vegetation		Listed Building		



### Design

The proposals will follow a design-led approach, taking into account the setting of the site and its surroundings.



### Biodiversity and Green Infrastructure

An area of Ancient Woodland wraps around a part of the north and eastern boundary of the site, however sufficient space exist to provide an appropriate buffer that would accord with guidance issued by the Forestry Commission and Natural England.

To the north west is the Eastern Road Nature Reserve (LNR) that is a mosaic of woodland, scrub, rough grassland and wetland that includes a range of plants, insects and birds, with wetland parts accommodating frog and newt species and dragonflies. Given the separation between the site and LNR, it is not expected that development would result in any negative effects against the reserve's stated management objectives. The site itself is not designated for its biodiversity value and is in agricultural use. Any development would aim to enhance the environment through careful provision of onsite green infrastructure. Through additional planting, landscaping and the creation of habitat, there is the potential exists to create ecological corridors alongside the retention of the existing features such as mature trees and hedgerows where possible.



### Flood Risk and Drainage

The majority of the site lies within the Environment Agency Flood Risk Zone 1 i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding. Two brooks lie to the north and south of the site with adjacent Flood Zone 2 areas (annotated in dark blue on the influences and opportunities plan). Part of the site lies within an area of surface water flooding.

Our consultants will work with the County Council, as lead flood authority, to design a surface water drainage scheme that can be incorporated into the design of any development on the site, which would manage surface water without causing flooding on the site or elsewhere.



### Landscape Character

The site is not covered by any statutory or non-statutory nationally recognised designations for landscape character or quality. The site is well contained within the landscape and landscape features can be retained wherever possible. A landscape appraisal has been commissioned, and it is envisaged will confirm that through sensitive landscaping, green infrastructure provision and good quality design, any impact of a development on the countryside and the character of Lindfield would be minimal and certainly no more than the development of any greenfield site.



### Archaeology and Built Heritage

Two Listed Buildings are located within the vicinity of the site. To the south is the Grade II Listed Grayfriars (ID 1025623) to the east is the Grade II listed Tythe Cottage (ID 1180964). It is anticipated that a sensitive masterplan, informed by a detailed heritage assessment of the Listed Buildings will ensure that any harm is mitigated. Mitigation could include a landscape buffer in the southern part of the site and buffer area within the eastern portion.



### Highways

Several access options have been identified on Scamps Hill. A comprehensive access strategy will be developed for the site. The access strategy will aim to maximise connectivity to the local road network. On site pedestrian and cycle accessibility will be designed to provide safe and convenient links to the existing highway and footpath network.



### Noise and Air

It is anticipated that there will be no significant noise or air constraints that would preclude development on site. Where necessary or required, it is anticipated the site could easily incorporate a noise buffer

A review of the site's influences and opportunities has identified some factors need to be considered in any development, however, these can easily be accommodated as part of the masterplanning process.



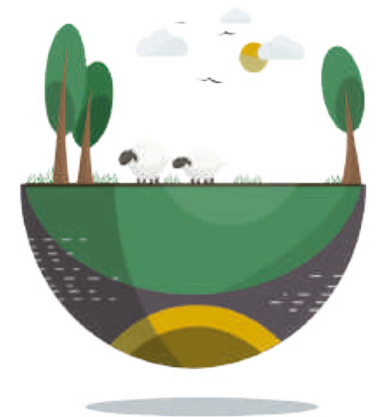


## The Vision

The land off Scamps Hill offers itself as a logical site for Mid Sussex District Council to secure a high-quality residential development that follows the recent pattern of growth in the settlement.

Drawing on the initial appraisal of the site’s characteristics and its influences and opportunities the following illustrative concept plan has been prepared to illustrate how development could be accommodated. It is the intention to develop this masterplan further as technical studies progress.

It is hoped that this concept plan will provide a starting point for further discussions with the Local Planning Authority and other local stakeholders about developing this sustainable site for residential use.



# What could the Development Deliver?

## Recreational green space

A significant amount of public open space is proposed, connected by a series of footpaths to the wider network.

A new children's play area will be available to both existing and new residents.



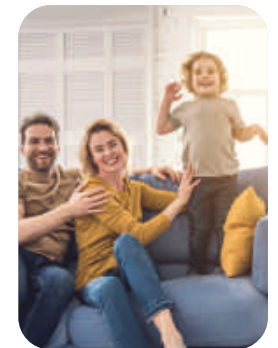
## Biodiversity and Green Infrastructure

A significant proportion of the site will be green infrastructure. This will help retain and enhance existing landscape features, provide habitat connectivity and enhance biodiversity. New landscaping features will be incorporated into the development and will filter views.



## New homes

180 homes of a mix of sizes including 30% affordable will be provided. This will enable local people who are seeking an affordable home the ability to stay within their community.



## Community

Alongside affordable homes for local residents, the scheme will help to support existing services and facilities through increased local use and spend.





# Incorporating Strong Design Principles

As a relatively unconstrained site, it offers an opportunity to deliver a scheme of exemplar design standard that could be secured using design codes, parameter plans and a landscape strategy. Whilst site masterplanning remains ongoing Gladman considers that the following principles could be incorporated into site design:

**Non-standard housing types** – As identified in the Neighbourhood Plan, the settlement includes a number of character areas that are individually unique and include a variety of house types. So as to reflect the diversity that exists within current built form, there would be opportunities to set in place high aspirations for house design that could be captured and delivered through design codes generated in consultation with the local community.

**A strong landscape framework** - That would ensure the development is set within an attractive landscape, retaining existing features as well as enhancing these with new and complimenting native planting. The site's landscape framework could include an array of green corridors as well as new recreational routes around housing for residents to utilise.



**Usable and integrated public open space** – As shown on the concept masterplan, there would be an opportunity to include a large, central area of public open space that could include play equipment for younger children. This creates both a visual feature at a centre point of the site, and an area of recreation that residents can enjoy. To the east of the site, there is ample space to create a larger open area that could include for example, wildflower meadows or a community orchard, that would bring added biodiversity benefits.

**Legible street layout** – by incorporating a mix of spine roads, secondary streets and private lanes it is expected that that there would be opportunities to deliver a scheme that would be both functional and legible for residents.

**Pedestrian and cycle connectivity** – There would be ample opportunities to include within the development formal and informal cycleways and a walkable and pedestrian friendly environment, that would contribute to the feeling of spaciousness and openness.





# Delivering Sustainable Development

## Social Objective

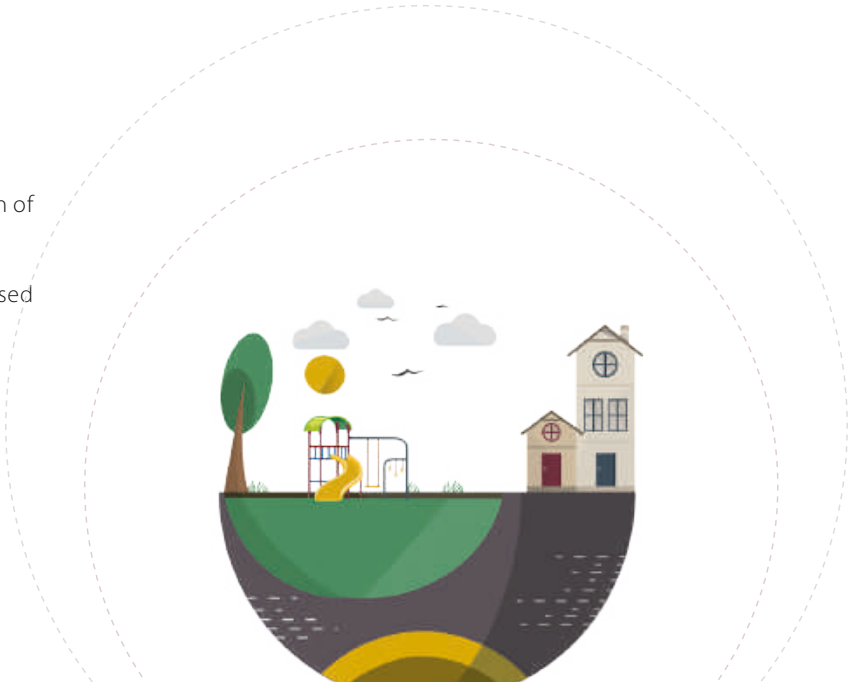
The development would result in the following social benefits

- Delivering new market and affordable homes to meet local needs;
- The delivery of a high quality residential environment, with the potential to result in an attractive, well designed and inviting place to live;
- Supporting the creation of a strong, and healthy community through the provision of attractive open spaces, enhancing the existing recreational offer that exists and is planned in the locality.

## Economic Objective

The development would add the following economic benefits

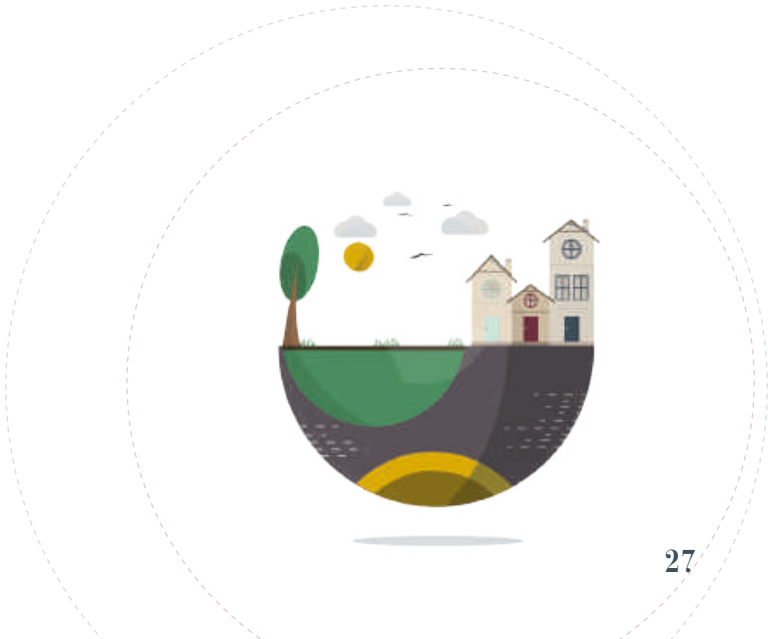
- Increased spending power to the local economy following completion of the development, helping to support jobs within the borough.
- Added new homes bonus to the local authority as well as increased Council tax.



## Environmental Objective

The development would deliver the following environmental benefits

- The delivery of on-site green space and the creation of a high quality landscape framework, that has the potential to diversify the range of on-site habitats and result in net-biodiversity gains
- The provision of a sustainable urban drainage system that will control water run-off, whilst supporting new habitats and ecosystems; and
- The potential to deliver improvements to the existing rate of water run-off from the site, to reduce the risk of flooding elsewhere



# Summary and Delivery

The site was assessed as part of the SHELAA and received negative comments in the following categories: Flood Risk, Land Use, Biodiversity, Countryside and Historic. Gladman would suggest that the outcome of the assessment is unduly negative and indeed would make the case that none of the matters identified are insurmountable or would preclude development on the site.



## Site Options: Lindfield

**Settlement Category: 2**  
**Residual Need: N/A** (assumed windfall growth only)

### Reasonable Alternatives for Assessment

**A:** Land at Walstead Grange, Scamps Hill. SHELAA#983 **Units: 270.**

Objective	A - Walstead Grange	Assessment
1 - Housing	++	Site option (a) would make a significant contribution towards the residual housing need, and has demonstrated deliverability.
2 - Health	+	This site option is located less than a 10-15 minute walk from the nearest health facility.
3 - Education	+	This site option is located less than a 10-15 minute walk from the nearest primary school.
4 - Retail	+	This site option is located less than a 10-15 minute walk from the nearest convenience store.
5 - Communities	+	This site would encourage the growth of communities.
6 - Flood Risk	-	A section within the east of the site, and the western boundary are within Flood Zone 2/3. Parts of the site are susceptible to surface water flooding.
7 - Land Use	--	This site is on green field land and is large in scale.
8 - Biodiversity	-	The site is bordered by ancient woodland to the north-east, part of the site is within the 15m buffer.
9 - Countryside	-	This site option is within an area of low capacity in landscape terms.
10 - Historic	-	The site is adjacent to the Grade II-listed Tythe Cottage
11 - Transport	?	This site option is unlikely to contribute to negative impacts on the highways network. In-combination modelling of the package of preferred option sites will be tested as part of the evidence supporting the Site Allocations DPD.
12 - Energy/Waste	?	This site option would impact on the amount of waste generated, due to additional population generated from housing as well as during construction. It should seek to recycle materials and make best use of resources, including using sustainable construction techniques and renewable energy in accordance with District Plan policies.
13 - Water	?	This site option will impact on the amount of water used and wastewater generated, due to additional population generated from housing as well as during construction. It should seek to minimise water use, including using sustainable construction techniques in accordance with District Plan policies.
14 - Regeneration	++	This option performs positively against this objective because it is in close proximity to the village centre.

15 - Employment	+	This site option would provide housing to meet the identified housing need, and therefore aligns with job projections.
16 - Ec. Growth	+	This site option would encourage investment by businesses within Mid Sussex, as an increasing workforce means a larger jobs pool for potential employers to call upon.
Conclusion	✖	
This option performs positively against the social objectives. Lindfield has met its housing need, therefore provision of housing on this site would be beyond the requirement at this location. However, the site performs negatively against the environmental objectives, particularly impacting flood risk, landscape and ancient woodland. The scale of this site is also likely to have a very negative impact on the land use objective. Overall, the negatives likely to arise from this site are not likely to be outweighed by the positives. It is likely that better performing sites are available within this settlement tier, or the tier above.		



### Flood Risk

The majority of the site lies within the Environment Agency Flood Risk Zone 1 i.e. land assessed as having a less than 1 in 1,000 annual probability of flooding. Two brooks lie to the north and south of the site with adjacent Flood Zone 2 areas (annotated in dark blue on the influences and opportunities plan). Part of the site lies within an area of surface water flooding.

Our consultants will work with the County Council, as lead flood authority, to design a surface water drainage scheme that can be incorporated into the design of any development on the site, which would manage surface water without causing flooding on the site or elsewhere.



### Land Use

It is agreed that the site is on green field land but due to a shortage of suitable and available brownfield land the Council are proposing to allocate green field land for development. With regards to scale the site is of a comparable size to surrounding development sites including the Taylor Wimpey scheme and the Wates Developments site.



### Historic

The SHELAA scores the site negatively due to its proximity to the Grade II Listed Tythe Cottage (ID 1180964). A sensitive masterplan, informed by a detailed heritage assessment of the Listed Building will ensure that any harm is appropriately mitigated and would certainly not amount to substantial harm.



### Biodiversity

There is a small area of Ancient Woodland which wraps around a part of the north and eastern boundary of the site. As demonstrated on the Masterplan sufficient space has been left out of the developable area in order to provide an appropriate buffer that would accord with guidance issued by the Forestry Commission and Natural England.

The site itself is not designated for its biodiversity value and is in agricultural use. Any development would aim to enhance the environment through careful provision of onsite green infrastructure. Through additional planting, landscaping and the creation of habitat, there is the potential create ecological corridors alongside the retention of the existing features such as mature trees and hedgerows where possible resulting in a biodiversity net gain.

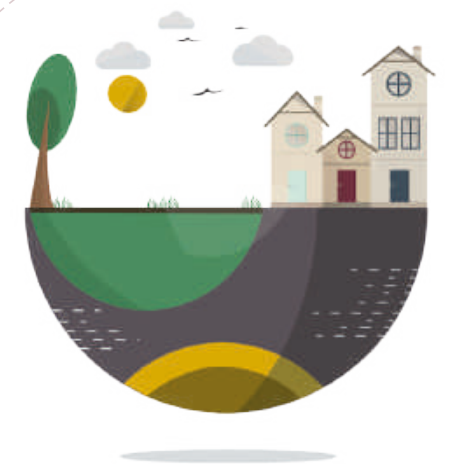


### Countryside

The site is not covered by any statutory or non-statutory nationally recognised designations for landscape character or quality. The site is well contained within the landscape and landscape features can be retained where possible. A landscape appraisal has been commissioned, and it is envisaged that it will be confirmed that through sensitive landscaping, green infrastructure provision and good quality design, any impact of a development on the countryside and the character of Lindfield could be minimised.

## Going Forward

Gladman and the landowners would welcome further discussions with the Council and local stakeholders, as we look to realise this exciting development opportunity, and secure the delivery of a housing Site that can readily provide further homes as part of the emerging local plan.



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## Next Steps

Thank you for taking the time to look at our proposals.

**01260 288 800**  
**[www.gladmanland.co.uk](http://www.gladmanland.co.uk)**

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