

Planning Inspectorate Ref: 6002030

Mid Sussex District Council Ref: DM/23/2866

Land East of Ansty, Cuckfield Bypass

Landscape and Visual Proof of Evidence
Volume 1: Text

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on behalf of

Fairfax Acquisitions Limited and The Norris Family

R002e_2519 Appellant's landscape and visual proof of evidence 050526



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Section 1: Introduction

Introduction of the Witness

Qualifications

- 1.1 I am Clare Brockhurst, Director of Leyton Place Limited. I have had a career in landscape architecture and landscape planning spanning more than 35 years. Within my technical area of expertise, I specialise in landscape and visual planning matters and the design of strategic Green Infrastructure (GI).
- 1.2 I have a BSc (Hons) degree in Landscape Management from the University of Reading, and a postgraduate diploma in Landscape Architecture from the University of Central England.
- 1.3 I completed and passed my professional practice examinations and became a Chartered Member of the Landscape Institute (CMLI) in 1997. In 2007, I was invited to apply for, and was awarded, Fellowship of the LI (FLI) in recognition of my contribution to the profession in the field of landscape planning.
- 1.4 I have sat on the Landscape Institute's (LI) Policy and Awards committees and have served as an elected member of Council. In June 2025, I was elected for a second time to sit on the LI's Council. I have been a judge for the LI on four occasions. I have been a guest speaker for the LI's Pathway Graduation Ceremony. I am a pathway mentor and examination moderator and support the development of newly qualified graduates.
- 1.5 I have been involved in the preparation of a number of the LI's policy and technical position papers in respect of Green Infrastructure and new housing.
- 1.6 My professional experience and expertise have been sought by a number of organisations for the purposes of training and development, including:
 - 1.6.1 In March 2020, I was invited to speak at the Planning Inspectorate's Annual Training Event held over two days. I assisted with the workshops on the latest visualisation guidance, sat on the panel discussing the landscape and visual assessment process and specifically addressed matters relating to the presentation of evidence at inquiries.
 - 1.6.2 February 2021, I was invited to speak at the Landscape Matters Debate on the published Guidelines for Landscape and Visual Impact Assessment – a virtual event that was recorded and uploaded to YouTube.
 - 1.6.3 Other landscape practices have invited me to train members of their team in the process of impact assessment to prepare for acting as a landscape witness at public inquiry. I regularly provide peer reviews of Landscape and Visual Impact Assessments for clients and consultants;
 - 1.6.4 In October 2023, I was an invited speaker for the Southwest regional RTPi CPD training day.

- 1.6.5 In April 2025, I was approached by the LI to lead and organise an Expert Witness Masterclass for the professional membership. This event was sold out and held on the 30th June 2025; it is now a resource on the LI's CPD website.
- 1.6.6 Recently I was invited and provided training to Town Legal in respect of the process of landscape and visual impact assessment.

Career and Employment

- 1.7 I started my career as an in-house Landscape Architect for Bovis Homes, where I gained an understanding of the effects of development on the landscape from a construction and operational perspective.
- 1.8 I joined Countryside Planning and Management (CPM) as a Graduate in 1997. I became Managing Director of Waterman CPM in 2007, after the company was acquired by Waterman Group Plc. During this time, I worked with numerous developers on a range of housing, commercial and recreation projects.
- 1.9 During my career with Waterman CPM, I was the lead landscape witness for the Countryside Agency at the year-long inquiry into the designation of the South Downs National Park (SDNP). As part of that inquiry, I gave evidence at over 250 informal hearings and a number of formal inquiry sessions. In respect of this project, I gained extensive knowledge of protected landscapes, landscape characterisation and the process of assessing landscape value. I also addressed issues related to the concept of 'setting' of statutorily designated landscapes.
- 1.10 I set up Leyton Place Limited after I sold my ownership in Tyler Grange LLP, where I was a founding partner. I continue to focus on delivering landscape planning consultancy services to clients, in particular as an expert witness.

Experience

- 1.11 In the last 35 years, I have been involved with more than 60 Landscape and Visual Appraisals (LVAs) and over a hundred Landscape and Visual Impact Assessments (LVIAs), either as stand-alone reports or as chapters for Environmental Statements. I have been appointed by clients, including local planning authorities, to review and critique the work of others. My approach to LVAs and LVIAs has been subject to scrutiny through peer review and the public inquiry process over more than 25 years.
- 1.12 In addition to the yearlong SDNP inquiry, I have been called as an expert witness on more than a hundred occasions, including giving evidence on behalf of developers, private clients, district councils, and local community groups.
- 1.13 In respect of development projects in rural landscapes and within the setting of protected landscapes, in addition to my involvement in the designation of the South Downs National Park and now as the SDNPA's advisor on development in the National Park's setting, amongst other projects I have been appointed in respect of the following developments:
- **Willington, Wealden** – Appearing from the appellant in respect of an objection to housing development on an allocated site because of adverse impacts on the setting of the South Downs National Park (Allowed).

- **Nutbourne, Chichester** – Appeared at inquiry representing the appellant against an objection by the Council and AONB partnership in respect of the adverse effects on the Chichester Harbour AONB and settlement coalescence (Allowed).
- **Sondes Place Farm, Dorking** – Presenting evidence at the successful appeal into Mole Valley District Council's reasons for refusal on landscape, Green Belt and National Landscape (setting) impacts grounds (Allowed).
- **Silverhand Wine Vaults** – Presenting evidence for a new state to the art wine vaults within the Kent Downs National Landscape in Cuxton (Dismissed).
- **Watermill Bridge, Newbury** – I appeared at inquiry for the appellant, adopting the LVIA of Fabrik for development within a mature wooded pastoral landscape in the setting of the North Wessex Downs AONB (Allowed)
- **Land south and east of Sittingbourne combined with Land west of Teynham** – I appeared for the applicant at the call-in inquiry in respect of development of in the region of 8,000 new homes, relief road, commercial development and infrastructure in the setting of the Kent Downs National Landscape, including the construction of a new motorway junction in the KDNL (SoS decision, to be determined)

Instruction

- 1.13 I was approached by the appellant in October 2025 following receipt of the Decision Notice. I was invited to view the Appeal Site, to consider the Council's reason for refusal and asked to provide initial thoughts on the approach to be adopted in light of the refusal and ultimately confirm whether I could provide expert evidence for an appeal for the appellant.
- 1.14 Accordingly, I considered the material which had been submitted with the planning application. I undertook an accompanied site visit in order to discuss the scheme evolution and assess the issues in dispute associated with my area of expertise and provide my professional judgment on the proposed development.
- 1.15 Only after the site visit, my preliminary familiarisation and confirmation I would be able to act, did I provide the appellant with a fee proposal for my role as landscape and visual witness for this inquiry.
- 1.16 In preparing my evidence, I have undertaken the following tasks (amongst other things):
- Reviewed the relevant material prepared by the Appellant's professional consultants, particularly the Landscape and Visual Impact Assessment, the DAS, and the illustrative masterplan;
 - Reviewed the consultation responses provided by the statutory consultee;
 - Reviewed the relevant policies, published material and the Council's landscape, evidence base.
 - Drafted the Landscape Statement of Common Ground and liaised with the Council's witness; and
 - Visited the Appeal Site and local area.

Submitted Landscape and Visual Appraisal

- 1.17 Having reviewed the LVIA prepared by Fabrik (**CD 2.17**) I consider that the approach and methodology employed in its preparation follows the Landscape Institute's published guidance (GLVIA 3).
- 1.18 The LVIA was updated and amended during the determination period of the planning application and submitted with a response from Fabrik on the matters raised by the Council (**CD 2.17** and **2.18**). The LVIA amendments addressed comments received from the Council's landscape advisors. The changes related to provision of additional information (in blue text within the document) and not to change the methodology employed in the assessment.
- 1.19 The guidelines are not prescriptive and whilst I do not dispute the approach adopted by Fabrik, there are some components of the LVIA process which I supplement in my evidence.

Need for an alternative Landscape and Visual Impact Assessment

- 1.20 Due to my experience as an expert witness and my reputation within the industry, particularly with developers planning consultants and barristers, I am frequently instructed to appear at planning inquiries after the planning application has been determined and where other consultancies have prepared an LVIA or LVA.
- 1.21 To date, and specifically since August 2019 when I started Leyton Place Limited, this has occurred in respect of 42 of my 45 inquiry appearances. In each instance I have not prepared an alternative Landscape and Visual Impact Assessment (LVIA) or Landscape and Visual Appraisal (LVA) as part of my evidence and although my stance has been, on only a few occasions, challenged through cross-examination, no inspector has found the absence of an alternative LVIA to be a deficiency or omission in my evidence.
- 1.22 The Fabrik LVIA complies with the Landscape Institute's published guidance, and I have concluded that an alternative LVIA is not necessary for this inquiry. In my professional experience it is possible to articulate opinions and discuss matters in a narrative format without preparing an alternative assessment, particularly where the methodology underpinning the assessment is unchallenged during the determination period of the planning application.
- 1.23 In respect of the revised plans (concept masterplan and parameters, (**CD 16.1 - CD 16.9**) to address matters relating to the school, the changes are such that no new LVIA is required. The LVIA represents the worse case in terms of building heights and extent of development within the school site.
- 1.24 Additionally:
- 1.24.1 No such additional assessment has been requested by the Council, and it is not identified as an issue in the Council's Statement of Case. I therefore draw on the existing LVIA where appropriate, albeit I do not go behind what is written by the authors.
- 1.24.2 In any event, it is not necessary or appropriate for me to produce a new LVIA/LVA given that:

- 1.24.2.1 The Council was clearly able to determine the planning application based on the submitted material including the LVIA and consultation responses and has not suggested otherwise;
 - 1.24.2.2 The Council had the opportunity to comment on, and provide alternative analysis prior to determination of the application and did not prepare an alternative assessment;
 - 1.24.2.3 At no point did the Council indicate that they were unable to determine the planning application without further landscape and visual analysis of any kind, nor did it instruct a landscape practitioner to provide an alternative assessment to assist with the determination;
 - 1.24.2.4 The wording in the reason for refusal does not suggest any inadequacies in the existing material or necessitate the preparation of an LVIA for any other reason, evidence can therefore be focussed on addressing the matters between the parties; and
 - 1.24.2.5 The Council's Statement of Case makes clear the landscape concerns are primarily associated with the impacts arising from the proposed development in the setting of the High Weald National Landscape (HWNL) upon the Special Qualities and matters pertaining to coalescence.
- 1.25 From experience additional and duplicate analysis leads to Inquiry time being spent debating nuances in different methodologies used in the drafting of such an assessment, the terminology used, and the conclusions drawn, but that debate does not advance the matters raised in the reasons for refusal, or the main issues identified by the Inspector at the Pre-Inquiry CMC.
- 1.26 In my evidence I will supplement the LVIA where I consider it will assist the Inspector; this includes matters on:
- 1.26.1 Impacts on the Special Qualities of the HWNL
 - 1.26.2 Zone of Theoretical Visibility

Special Qualities of the HWNL

- 1.27 In the LVIA the 'setting' of the HWNL is treated as a landscape resource. Since the preparation of the LVIA the Landscape Institute has published Notes and Clarification on Aspects for Landscape and Visual Impact Assessment Third Edition - Technical Guidance Note LITGN-2024-01 (**CD 17.1**). This makes clear an issue that was not consistently assessed within the landscape profession.
- 1.28 The latest advice relating to assessing effects on designated landscape and specific landscape qualities:

5(12)

For most national landscape designations, the special qualities (i.e. the components of natural beauty) are explicitly documented as such (typically in management plans for Areas of Outstanding Natural Beauty), local plans, or management plans for National Parks, or in reports published by NatureScot for designations in Scotland). For local designations, the valued attributes may not be called 'special qualities' and are more likely to be found within landscape studies which form part of the local plan evidence base or within the local plan.

The LVIA should not form conclusions in relation to conformance with policy relating to the designation - this is a judgement for the decision maker, using the evidence contained in the LVIA.

1.29 And in respect of assessing effects on the setting of designated landscapes 5(13):

It should be noted that the setting of protected landscapes is generally created in policy and is not a designation (or a receptor) in its own right (unlike the settings of heritage assets). The extent of the setting of a designated landscape for LVIA purposes is not geographically defined and will vary with the nature of the development proposed. In LVIA, the question would remain whether changes in the setting (i.e. the landscape nearby but outside the designated area) would affect the designated landscape in terms of effects on its special qualities and, if so, to what degree. For example, a major development close to a designated landscape could generate noise, lighting and visual impacts that could erode the tranquility, dark skies, and scenic quality of views.

1.30 In this context, I supplement the LVIA by providing specific analysis of the effects of the proposals on the Special Qualities (SQ) of the HWNL.

Zone of Theoretical Visibility

1.31 I note that Figure 4.13, and subsection 4.1.8 in the LVIA (CD 2.17) shows a binary analysis of the potential visibility of the development. The text states that the:

Zone of Theoretical Visibility (ZTV) based on the maximum building height parameter of 16m. The viewshed is based on the topographical context, without taking into account the screening effects of vegetation and built form and therefore represents the worst case scenario in terms of visibility. In reality, The Site is naturally well contained by virtue of the woodlands and tree belts within and surrounding The Site in combination with the undulating topography.

1.32 The acknowledged limitations of this analysis mean that:

1.13.1 The ZTV does not reflect the building height parameters for which consent is being sought; and

- 1.13.2 The mapping does not take account of any existing visual barriers such as woodland, hedgerows or buildings.
- 1.14 I have therefore prepared a more refined and accurate Zone of Theoretical Visibility mapping (ZTV) **Volume 2, Appendix LP1**.
- 1.14.1 The area from within which people are likely to experience a visual change has been digitally mapped using LiDAR data to create the ZTV. The mapped ZTV utilises available data which includes buildings and vegetation.
- 1.14.2 The totality of those areas which are coloured are the locations from which the built development will be visible. In effect this represents the Visual Envelope for the development. The different colouration represents the proportion of the development that will be visible from those locations within the Visual Envelope.
- 1.14.3 Those areas coloured red will experience >80% visibility of the development within the Site, the counter point is that the blue colouration indicates that <20% of the development will be visible. Fieldwork has enabled me to; confirm that the ZTV is a fair representation of the extent of the Visual Envelope.
- 1.15 Importantly, Figure 4.13, contained in the LVIA, shows an over-representation of the potential visibility of the proposed development. The assessment addressed the worst-case scenario; in reality the extent of visual effects is less than shown in the LVIA and upon which the consultees responded.
- 1.16 In addition to the site wide analysis in **Appendix LP1**, I include **Appendix LP2** which shows the theoretical visibility, using the same data sets and approach listed above, for the different development parcels within the Appeal Site.
- 1.17 Later in my evidence I use this information to address the potential issues of:
- 1.17.1 Impacts on the visual appreciation of scenic beauty in respect of the HWNL; and
- 1.17.2 Visual coalescence of Ansty and Cuckfield.

Technical Approach and Structure of my Evidence

- 1.33 Within my proof of evidence, and where appropriate, I refer to published best practice guidance for considering landscape and visual matters as contained in:
- Guidance for Landscape and Visual Impact Assessment, third edition, LI and IEMA, 2013 (GLVIA 3) (**CD 17.3**).
 - Notes and Clarification on Aspects for Landscape and Visual Impact Assessment Third Edition - Technical Guidance Note LITGN-2024-01 (**CD 17.1**).
- 1.34 These are standard documents for the landscape profession, and I refer to those matters pertinent to my case, quoting from the documents, as necessary.
- 1.35 At the outset of my evidence, I wish to make clear that I understand each development proposal needs to be determined on its own merits. In my evidence I refer to allocations, allowed appeals or consented developments which share simi. I do this, not as a means of making a direct comparison

of the planning merits of that scheme but to draw on matters that relate to consistency in the consideration of planning issues.

1.36 My evidence will be structured as follows:

Volume 1: Text

- Section 1: Introduction
- Section 2: Scope of my evidence relating to the Council's decisions.
- Section 3: Context and general observations
- Section 4: Character, appearance, and design response
- Section 5: The National Landscape and its setting
- Section 6: Analysis of the propositions
- Section 7: Summary and conclusions

Volume 2: Plans and Appendices

Declaration

1.37 As a matter of professional judgement, I do not take the stance adopted by some of my professional colleagues that change in and of itself equates to harm, or that simply seeing housing is a negative experience. Therefore, whilst LVIA's which follow the approach outlined in the published guidance, reach conclusions that housing on greenfield sites is an adverse effect, I consider that if the new housing complements and respects its context, the change can be neutral in nature, as the housing becomes part of the characteristic townscape that it is intended to be. All of the housing around the Appeal Site was once green and undeveloped landscape and is now valued by the community it is part of.

1.38 This matter was addressed in the Committee Report (**CD 3.1**) wherein the officer recorded that:

12.84 It is clear that with any green field development there will be a significant change from that of an undeveloped landscape to a housing development, more so given the scale of the proposed development.

1.39 The Landscape Institute celebrates and awards projects that result from extensive change and celebrates the positive outcomes that result from the provision of new housing alongside strategic Green Infrastructure and new landscape outcomes (**CD 17.2**), for example at Cambourne (see **Volume 2, Appendix LP5**) which I will touch on later in my evidence.

1.40 In light of the Reasons for Refusal this proof of evidence contains my opinions and judgements on the nature of the effects which arise from the proposed development, which in turn are informed by my extensive professional experience associated with development of greenfield locations and development in and within the setting of protected landscapes.

1.41 I accept that the approach promoted in GLVIA 3 is predicated on the basis that change arising from new housing is inevitably adverse. However, I consider that the nature (adverse/beneficial) can be ameliorated by the appropriate placement and design of new development. GLVIA 3 does not include the word 'harm', the landscape architect undertakes analysis of the effects independent of planning policy, their analysis is drawn upon by those making a planning judgement, which may conclude there is 'harm' having conducted the planning balance.

- 1.42 To assist with my analysis Mr Jonathan Vernon-Smith of Urban Design Box has been commissioned by the appellant to independently review the proposals and provide his thoughts on the extent to which the appeal proposals are demonstrably 'landscape led'. I include his review at **Appendix LP3**.
- 1.43 Given the volume of information before the inspector I have sought to keep my evidence focused on the key areas of disagreement. My silence on aspects of the landscape and visual context should not be taken to mean I have concerns and/or choose to set these matters aside. Having read the material and visited the site I have drawn my own conclusions on the issues before this inquiry. I have not identified any matters which indicate that development should be resisted on landscape and visual grounds, or that the effects of the proposals are sufficiently substantive to support an 'in-principle' objection on landscape grounds.
- 1.44 The evidence I have prepared represents my informed professional opinion on the objective and subjective aspects of the development for the Appeal Site and the local planning authority's reasons for refusal so far as they relate to the landscape and visual effects of the Appeal proposals. Based on my knowledge, I believe the facts stated in this evidence are true and accurate and I have complied with my professional Code of Conduct.

Section 2: Scope of my evidence to the inquiry relating to the Council's decision

Scope of My Evidence to the Inquiry Relating to the Council's Decision

- 2.1 My Proof of Evidence should be read alongside the others produced on behalf of the appellant to understand of all issues to be considered in the planning balance.
- 2.2 The evidence of Mr Brown draws on my evidence to reach conclusions on the extent to which the proposals comply with those policies cited in the reasons for refusal (in respect of landscape matters), and the weighting and materiality of the planning policies.
- 2.3 I address a number of propositions in my evidence at **Section 6**, where I deal with the reasons for refusal and the matters on which the parties disagree. These propositions have been identified from the following sources:
- The Inspectors Main Issues set out in the note of the CMC.
 - The Decision Notice and wording in the reason for refusal.
 - The Council's Statement of Case.
 - The Case Management Conference Note; and
 - The landscape Statement of Common Ground (SoCG) – areas of disagreement.

CMC Note

- 2.4 The Post-Case Management Conference Note confirmed that one of the main issues to be addressed in the evidence is:

the effect of the proposal on the character and appearance of the area, with particular regard to coalescence, trees, and the High Weald National Landscape;

- 2.5 These overarching matters will be considered through the propositions set out below.
- 2.6 The Appellant's LVIA (**CD 2.17**) provides an assessment of the effects on the character of the landscape. As I have formed the opinion that the LVIA has been prepared in line with the the LIs published guidance I would direct the inspector to this document in terms of the more general issue of 'effects on the character and appearance' of the area to avoid duplication of material. My evidence therefore focussed on the matters of coalescence and the HWNL.

Decision Notice

- 2.7 I deal with the highlighted matters contained in the reasons for refusal (**CD 3.3**), namely whether the proposals:

Are out of keeping with the rural character, which fails to protect the distinctiveness of the area by extending the settlement boundary of Ansty, resulting in the perceived coalescence with Cuckfield, eroding the rural nature of the site which is further harmed by the proposed loss of trees...

*...the proposal would result in **an unacceptable urbanising feature**, eroding **the rural nature of the site that makes a positive contribution to the setting of the HWNL**. The proposal would therefore fail to avoid and minimise the adverse impact on the High Weald National Landscape to the detriment of the scenic beauty of the designated area.*

2.8 In respect of these matters, the propositions which arise are:

Proposition 1: Settlement is not distinctive of the area; the character of the area is currently rural.

Proposition 2: Perceived coalescence with Cuckfield will occur, and if it does the extent to which this is a harmful consequence of the proposals.

Proposition 3: The development would harm the setting of the High Weald National Landscape.

Proposition 4: That the proposals for the development would result in an urbanising incursion into the rural landscape.

Council's Statement of Case

2.9 Clearly the Council's position at this inquiry is not consistent with the professional judgement and recommendation of its officer, who recommended that consent be granted. The Committee Report (CD 3.1) and the update sheet (CD 3.2) are material considerations before this inspector and I will draw on their contents, where appropriate.

2.10 Relevant to my evidence, the Council's key matters are:

2.10.1 The allegation that harm arises from coalescence which in turn impacts on to the identity of the settlements, their amenity or unacceptable urbanisation of the area between settlements.

2.10.1.1 The Council alleges visual¹ coalescence of Ansty and Cuckfield in its Statement of Case (CD 15.2, para 8.13) and harm the natural environment as a means of generating coalescence.

2.11 The Council's position is different from that expressed in the reason for refusal, therefore I am amending Proposition 2, to:

Proposition 2: Perceived coalescence arising from intervisibility of the appeal proposals and Cuckfield, and the extent to which this is a harmful consequence of the proposals.

2.12 The majority of the text dealing with landscape matters comprises paragraphs 8.19 to 8.39 and specifically adverse impacts on the setting of the HWNL, and the objectives of the HWNL Management Plan. These issues will be addressed through analysis of Proposition 3.

2.13 Mr Brown will address the provision to further the statutory purposes of the designation.

¹ The reason for refusal asserts that there is perceived coalescence.

Landscape Statement of Common Ground

- 2.14 The Statement of Case was agreed on the 5th May. For a variety of reason, shared with Mr Peacock my proof was substantively completed before this was concluded as I would not be in the country at the time of exchange of evidence. I had anticipated many of the issues on which we disagree however, from the comments made by Mr Peacock on behalf of the Council I understand he will be taking issue with the appropriateness and proportionality of the LVIA and the viewpoints. I reserve my position to comment on these in rebuttal once I understand what the issues are.
- 2.15 All other matters pertaining to the landscape and visual effects, coalescence and impacts on the setting of the HWNL(including dark skies) are addressed in the propositions outlined above.

Third Parties

- 2.16 The Statement of Case (**CD 15.3**) prepared by the Parish Councils² contend similar landscape and visual matters as articulated in the reason for refusal, namely:
- 2.16.1 Coalescence of Ansty and Cuckfield
 - 2.16.2 Impact on the National Landscape resulting from development in its setting.
- 2.17 No additional propositions arise from the Rule 6 Party case.

² Ansty & Staplefield Parish Council and Cuckfield Parish Council – I will refer to as the Rule 6 Party.

Section 3: Context and General Observations

- 3.1 It is accepted that the site is not the subject of a development plan allocation, however the proposals are brought forward in the context of a recognised national and local need to deliver new homes.
- 3.2 A significant number of these new homes are being, or will be, delivered on greenfield sites, within a range of landscapes, including National Parks, National Landscapes, and their settings, Green Belt land and general open countryside.
- 3.3 Such development can find support from Councils, the planning inspectorate, and the Secretary of State. There is no in-principle objection that the inevitable harm that arises from the loss of open land to development, and changes to views from the immediate area are not always a barrier to development and the delivery of new homes.
- 3.4 Even now the council has supported the carrying forward from the Saved Local Plan a major site in a greenfield location:
- 3.4.1 Strategic Allocation DP10 – east of Pease Pottage for 600 new homes, a gypsy and traveller site, primary school and hospice is within the HWNL
- 3.5 Within the Reg 19 Consultation Submission District Plan the draft allocations include (**CD 5.18**) a number of greenfield locations. These greenfield allocations include housing sites and locations for significant Sustainable Communities some of which are in the setting of the HWNL (see Figure **LP3.1**).
- 3.6 Allocations 4, 13 and 19 are within the HWNL. Allocation 7 is in the setting of the HWNL Allocations 11 and 18 are in the setting of the South Downs National Park. It is clear that change within and within the setting of the National Landscape is not unacceptable to the Council.

Within the HWNL

- 3.6.1 DPA4: Land off West Hoathly Road, East Grinstead, 45 dwellings;
- 3.6.2 DPA13: The Paddocks, Lewes Road, Ashurst Wood up to 12 dwellings; and
- 3.6.3 DPA19: Land at Hyde Lodge, Handcross – Older Person's Accommodation.

Within the setting of the HWNL

- 3.6.4 DPA7: Land east of Borde Hill Lane, Haywards Heath, 60 dwellings.

Within the setting of SDNP

- 3.6.5 DPA11: Land rear of 2 Hurst Road, Hassocks, 25 dwellings; and
- 3.6.6 DPA18: Land at Byanda, Hassocks, 60 bed residential care home.

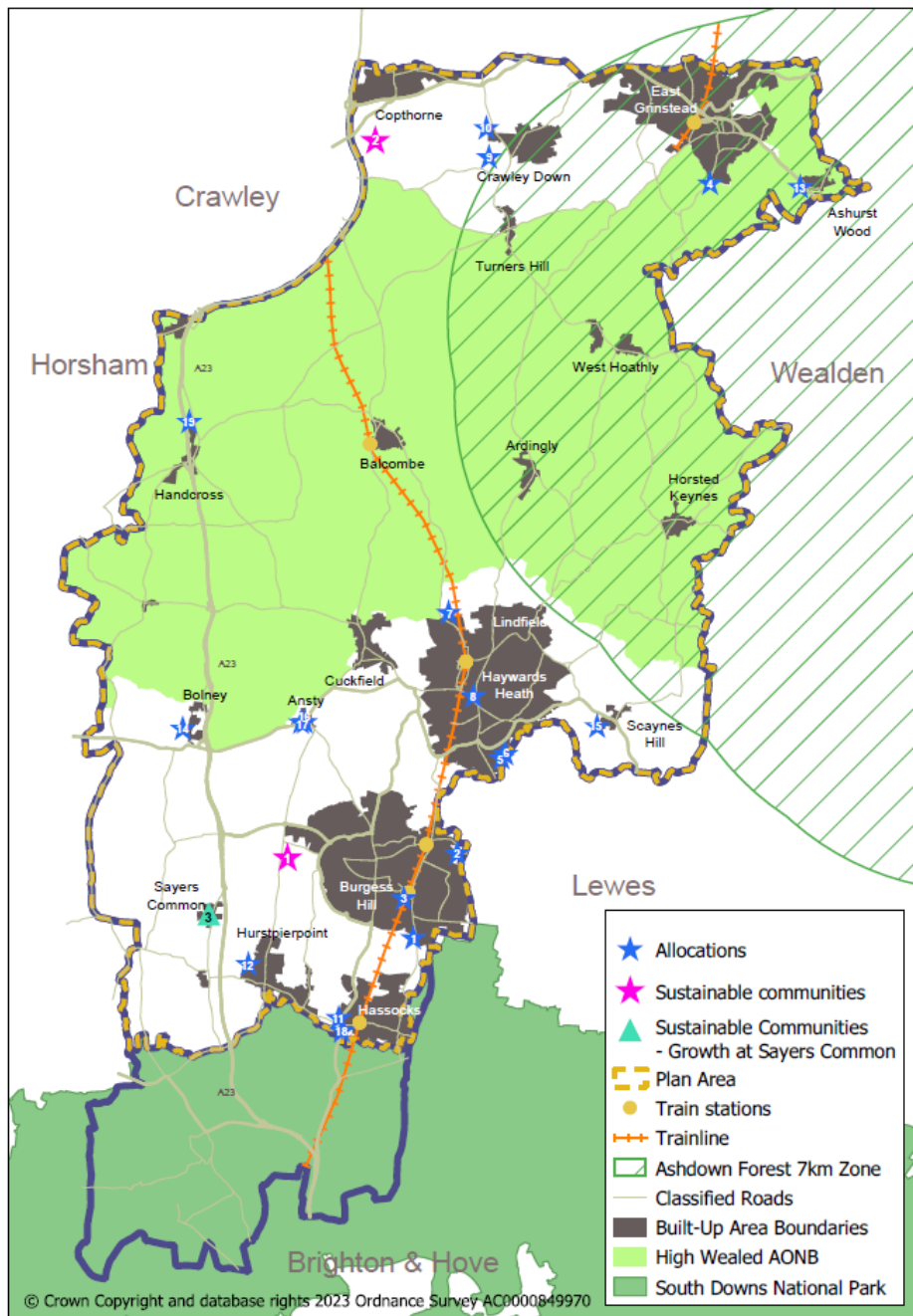


Figure LP3.1: Key Diagram in CD 5.18

Contextual Background – Borough

3.7 Mid District is the subject of a number of statutory designations which constrains the locations wherein development can be accommodated without impacting directly on a nationally valued landscape assets (Figure LP3.2).

3.8 The district is subject of a number of environmental designations which significantly constrain development opportunities, including, but not limited to:

- South Downs National Park and its setting
- High Weald National Landscape and its setting

- SNCIs
- Ramsar Sites
- SPAs and SACs
- SSSIs
- Ancient woodland;
- Registered Parks and Gardens; and
- Scheduled Monuments

3.9 The setting of each designated landscape or protected landscape asset is not shown on the adopted Local Plan, but this does extend the constraints.

3.10 Approximately 11% of the district falls within the South Downs National Park and 53% is within the High Weald National Landscape.

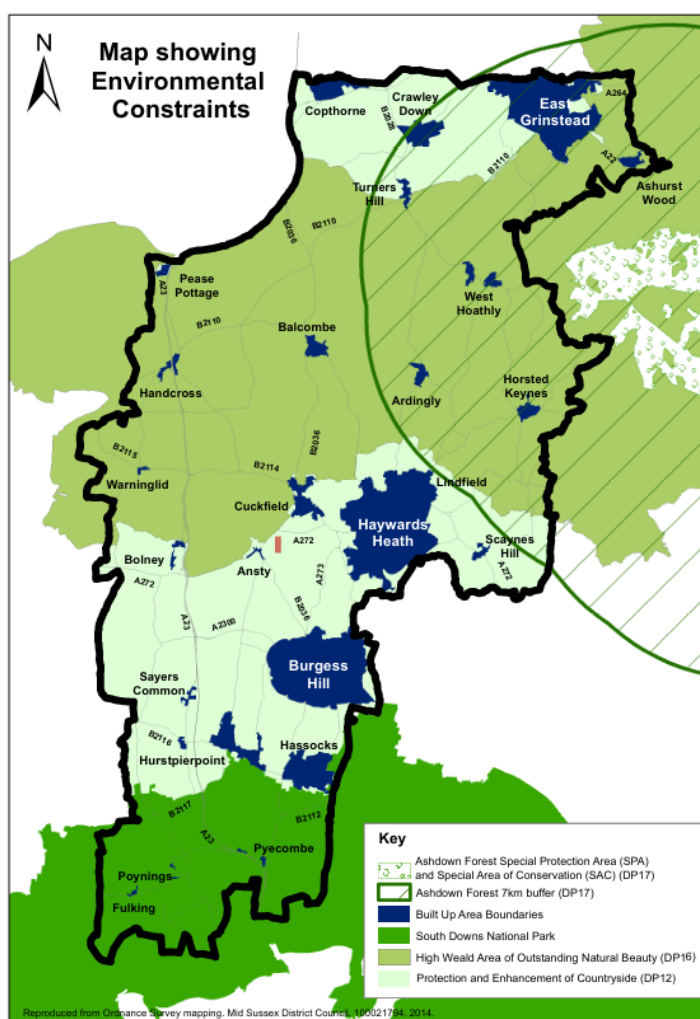


Figure LP3.2: Extract from adopted Local Plan – Figure 4: Environmental Constraints

3.11 Much of the 'white' land is strongly rural, containing smaller settlements or is primarily unsettled, and without rail or principal transport links. Matters of sustainability is addressed in the evidence of others for the appellant.

- 3.12 The extent of primary and secondary constraints is explored in the report prepared for Mid Sussex entitled '*Capacity of Mid Sussex District to accommodate development Report for Mid Sussex District Council*' Prepared by LUC June 2014 (CD 17.11). Relevant extracts summarising the analysis are contained in Figures 4.5 to 4.8 of the LVIA. As a general observation LUC has helpfully demonstrated the extent to which environmental constraints are unavoidable when looking to bring forward new homes in the district. However, this is a blunt tool in determining the strategy for delivering housing in the district.
- 3.13 The Capacity Study is focussed on landscape and visual constraints, and not the totality of the considerations for bringing forward development. As a result if one were to adopt the findings of this aspect of the Council evidence base, development would be brought forward in open and unsustainable locations disconnected from infrastructure and services (Figure LP3.3), such as Areas 14 (within the NL), 40 61 and 62.

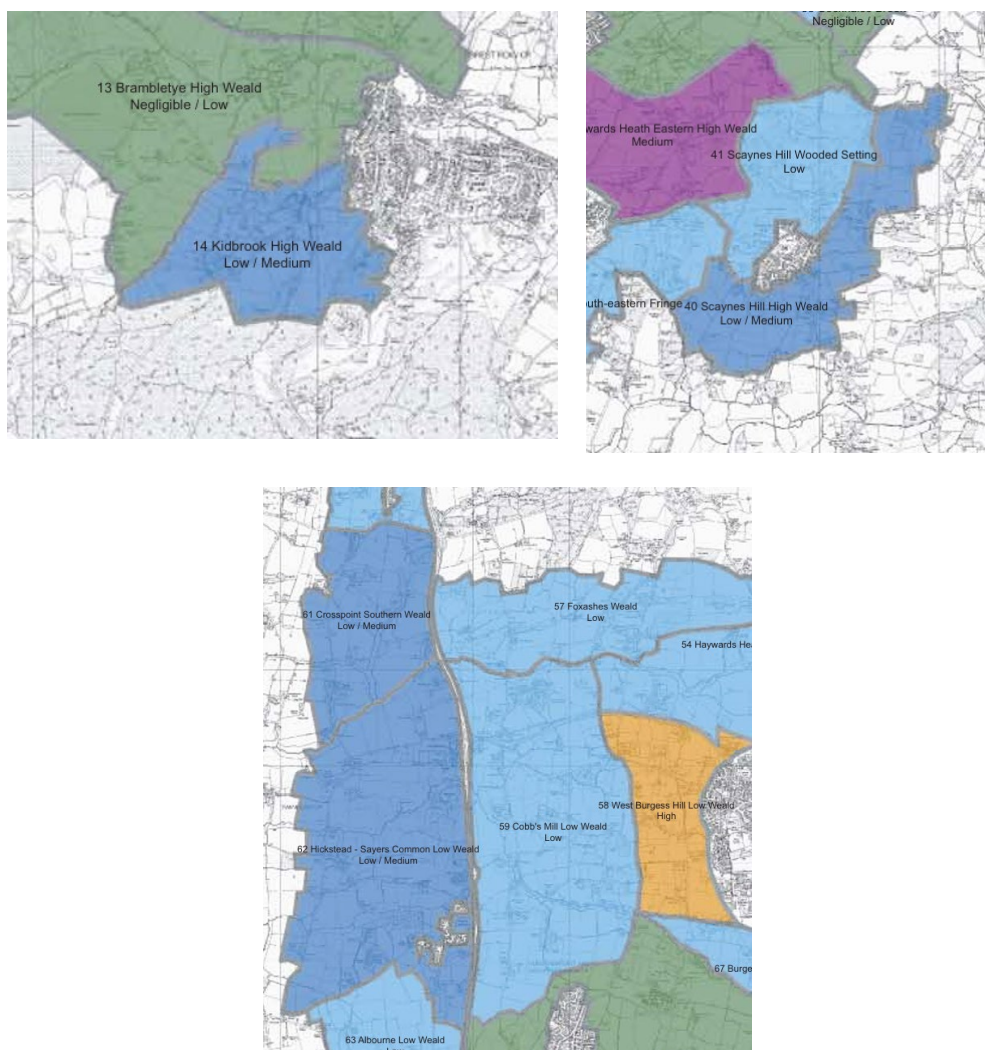


Figure LP3.3: Extract from 2007 capacity study

- 3.14 Notwithstanding this background information, the Council has considered the strategic constraints of the district and specific 'sites' and proposed the Appeal Site to be allocated for 1,600 new dwellings (DPH5), (CD 5.10, pages 91 to 93) see Figure LP3.4).

3.15 The Site Selection Conclusions (CD 5.15) recorded:

The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers. However, the transport assessment is an iterative process, and the next stage will be to assess capacity mitigation measures, where applicable. The HRA is not anticipated to identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest; however, this will be confirmed through ongoing scenario testing.

In light of the above, it is considered that the site represents a suitable option for allocation.

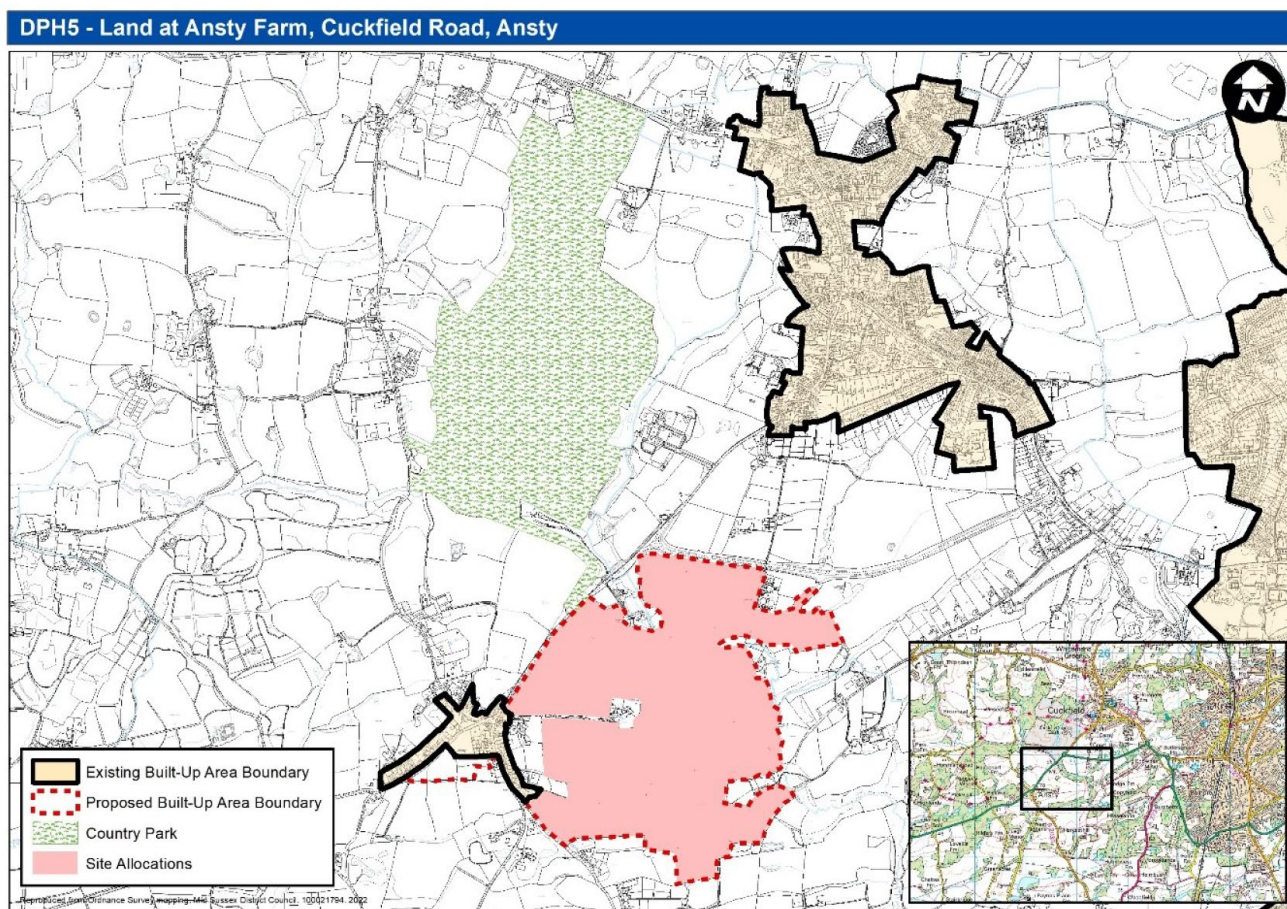


Figure LP3.4: Extract from committee version of the proposed Reg 18 draft Local Plan

3.16 In other words, it is not just the appellant who considers this to be a place where new homes can be developed.

Contextual background – site specific

3.17 Figure 2.1 in the LVIA illustrates the Appeal Site in the context of the designated environmental and policy constraints.

3.18 In this instance the Appeal Site is:

- Located in within a settled context and thereby utilise the existing infrastructure and avoids incursions into remote and rural landscapes.
- Out with any national statutorily designated landscape.
- Not within a Gap Policy area.
- Not within or near any Registered Historic Parks and Gardens.
- Not within or adjacent to a Conservation Area.
- Not associated with any ecological designations.
- Not within an identified strategic or local gap as assessed by the Council.
- Not within a paragraph 187a) NPPF valued landscape, albeit in the immediate setting of the National Landscape (NPPF 189).

3.19 The evidence of Ms Stoten addresses the effects on the Listed Buildings.

3.20 Within the Appeal Site there are a number significant landscape features that both impose constraints and opportunities to development. These are explored in the Design and Access Statement (**CD 1.23**) and will be addressed in more detail later in my evidence.

Protected views

3.21 There are no identified valued views or vistas in the Adopted Local Plan or its evidence base.

3.22 Whilst the High Weald Management Plan (**CD 17.12**) has an objective to protect 'valued views' (Objective PQ2) it does not record any specific valued viewpoints or vistas. The text describes the general nature of views that are valued such as a 'glimpsed and long views' or 'unexpected panoramic long views'.

3.23 At a local level within the ABNP, paragraph 4.10 (**CD 5.7**) suggests that the 'gap' has value because it enables views of the Ancient Woodland and Cuckfield to the east. This indicates that visual connections between Ansty and Cuckfield currently exist and have some positive value.

3.24 The CNP, Map 5 (**CD 5.6**) shows the important views (external, outward facing from the settlement) which I extract for easy of referencing at **Figure LP3.5** with the Appeal Site imposed (red line). Of relevance are viewpoints 11 and 10, which have views across the land to be maintained as open space or open sports provisions (pitches).

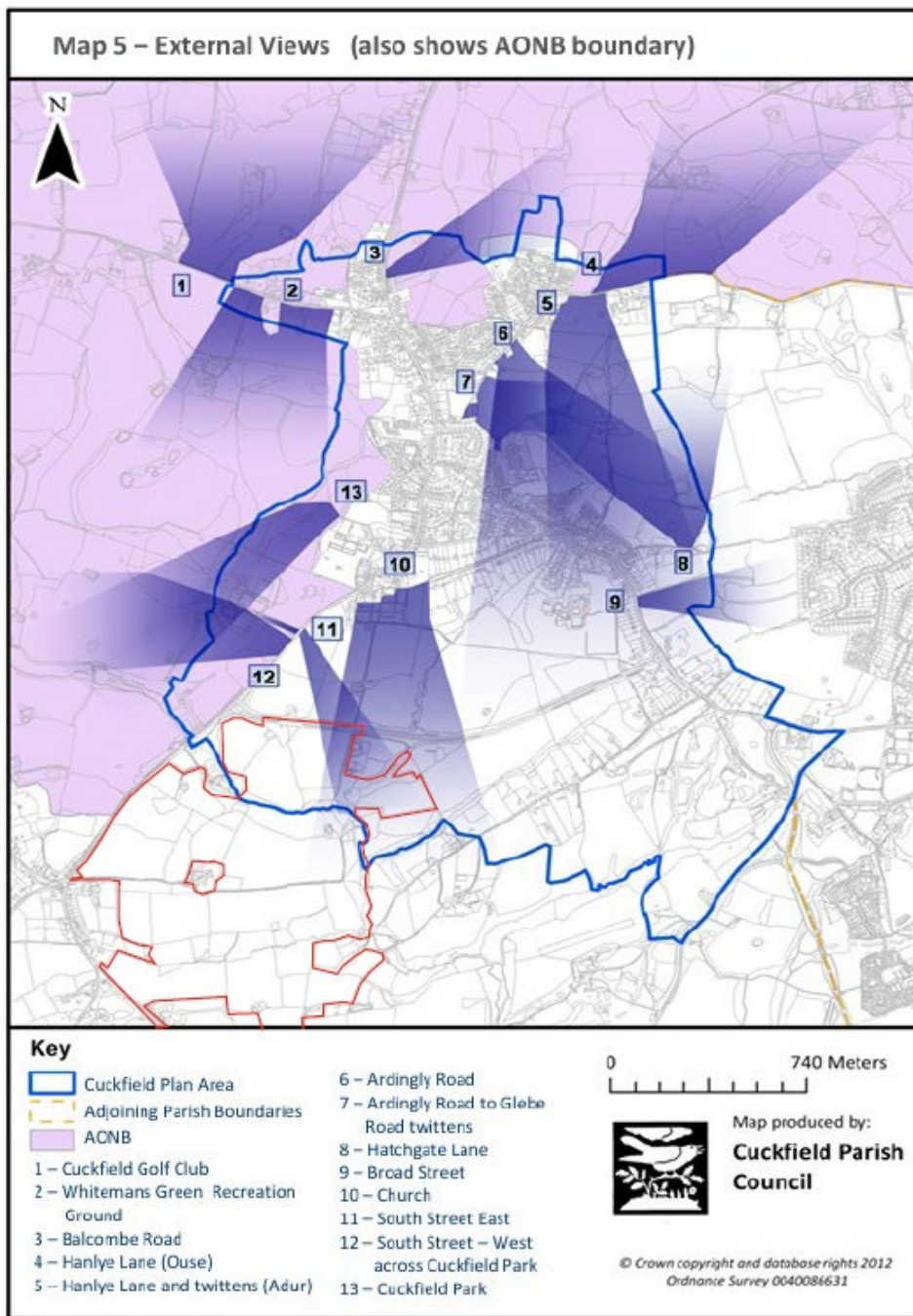


Figure LP3.5: Extract of CNP, with Appeal Site outlined

Interim conclusions

3.25 In a highly constrained district, the Appeal Site benefits from being out with all designated landscapes. Notwithstanding the proximity of the National Landscape (NL), the A272 and settlement of Ansty has the effect of severing the Appeal Site from the NL. There are no physical or perceptual links and as demonstrated by **Appendix LP1**, visual links are limited to the intervisibility with small areas within the NL rather than visual links into and across the wider NL.

- 3.26 The Appeal site does not fall within the visual composition of any NL or district wide key views. At a local scale the north eastern part of the Appeal Site lies within view cones 10 and 11 of the CNP, albeit not built development is proposed within the the view cones.

Section 4: Character, appearance, and design response

Contribution to character

- 4.1 Typically, for landscape and visual issues in the application and appeal process, much time is invested debating the methodology and terminology used and judgements reached in the respective LVIA/LVIAs, particularly relating to the significance of effect. This draws attention away from the scheme proposals and the approach to delivering positive outcomes when providing well-designed new homes.
- 4.2 In this section I explain the relationship and relevance of landscape and townscape characterisation I the design process, which Mr Vernon-Smith deals with in more detail. I also consider the delivery of Green Infrastructure as part of the scheme of development.

Background and context

- 4.3 Homes and housing are important components of our wider environment and are places we live in and value. Indeed, we celebrate and protect some of our most urban and densely settled townscapes through the application of Conservation Area policies. Whilst this reflects historic elements, this does not mean only historic properties are attractive and do not cause harm. New developments win awards and are celebrated by communities.
- 4.4 The introduction by the LI President to its position statement 'Making it home: the power of landscape to create good housing' of which I was a co-author, notes:

"The creation and maintenance of good quality housing requires achieving a balance between the economics of the project, the social needs of those who use it and its environmental impact."

- 4.5 The landscape profession does not shy away from or take an in-principal objection to the provision of new housing; it is supportive of development on the basis that it should respond to its context.
- 4.6 I reiterate the point I made previously, GLVIA 3 does not contain the word 'harm', the guidance recognises that the landscape is not unchanging, and development to meet the growing and changing population responding to drivers of change. Paragraph 4.26 notes that:

"...It should also be remembered that well-designed new developments can make a positive contribution to the landscape and need not always be hidden or screened."

The importance of Understanding Context

- 4.7 Firstly, it is helpful to understand what is typically meant by landscape characterisation as a matter of principle. This is a process whereby areas of similar character are classified, mapped, and described. It is non-judgmental process and does not imply or confer value or 'rank' landscapes. It is not a qualitative judgement, and it takes a holistic approach to a geographic area rather than focusing on special features. The output tends to describe a landscape with characteristics that combine to make a place distinctive, even where localised variations may be different. Furthermore, the characterisation process typically focusses on the undeveloped landscapes outside of settlements, in effect they are

drafted with 'blinkers' on in respect of towns and villages which form the boundary of landscape character areas (LCAs).

- 4.8 'Landscape' is everywhere, and all landscape has character. The landscape has evolved and continues to evolve. Landscape character is therefore not an unchanging aspect of our environment. The landscape is also experienced at different scales, and the process of characterisation can be undertaken at any scale.
- 4.9 The European Landscape Convention (ELC), article 2, defines landscape in an inclusive manner and states that:

*"Subject to the provisions contained in Article 15, this Convention applies to the entire territory of the Parties and cover all natural, **rural, urban and peri-urban** land, inland water and marine area."* (My emphasis **emboldened**)

Landscape Character

- 4.10 The existing character of the landscape, drawing on the published character assessments, is summarised in the Fabrik LVIA (**CD 2.17**) in Section 4.0, with photography to illustrate the text description (internal pages 26 to 44, viewpoints S1 to S36).
- 4.11 The analysis undertaken by the landscape team within Fabrik was utilised by the masterplanning team to bring forward a landscape-led³ development proposal. As explained in the DAS (**CD 1.23**, internal pages 104 to 109) Building for a Healthy Life has been used as a design tool in the design of the appeal proposal, which addresses GL (item 11) demonstrating that the proposals improve the performance of the site in this regard.
- 4.12 Development in greenfield locations inevitably result in changes to the character of the landscape, loss of open fields and some landscape features. Such impacts cannot be wholly avoided. However, a landscape-led scheme of development can bring forward new landscapes and townscapes that provide an attractive and positive environment responding to the underlying characteristics of the local area.

Landscape benefits

- 4.13 The appellant accepts and acknowledges that there will be localised and significant adverse effects on the landscape (the extent and nature are explored in more detail below). However, for Mr Brown and the Inspector there is a need to acknowledge and consider the beneficial outcomes as well.
- 4.14 It is recognised within the landscape and wider planning profession that Green Infrastructure (GI) should be integral to the design and layout of new areas of housing. GI is explored in the Landscape Institute's position papers (2009⁴, 2011⁵ and 2013⁶) which I contributed to. The concept of GI is to provide multifunctional landscapes and landscape assets and is illustrated on the Landscape Strategy Plan.

³ See DAS (**CD 1.23**, internal page 4, "*leading with landscape is fundamental to shaping a successful new neighbourhood.*")

⁴ Green Infrastructure: connected and multifunctional landscapes

⁵ Local Green Infrastructure Helping communities make the most of their landscape.

⁶ Green Infrastructure – An integrated approach to land use

- 4.15 The Adopted Local Plan recognises the importance of multifunctional GI⁷ as a component of sustainable development (CD 5.1, page 7) and includes the creation and maintenance of easily accessible green infrastructure, green corridors and spaces around and within the towns and villages to act as wildlife corridors, sustainable transport links and leisure and recreational routes within its Strategic Objectives.
- 4.16 Natural England's Green Infrastructure Framework mapping shows the existing Blue and GI (Figure LP4.1), and current levels of accessibility (Figure LP4.2).

⁷ Local Plan definition: *Green infrastructure – Green infrastructure is a connected network of multi-functional greenspace, both urban and rural, that delivers a wide range of environmental, social, and economic benefits, including promoting ecosystem services and improving quality of life.*



Figure LP4.1: Existing accessible GI



Figure LP4.2: Non Accessible GI

- 4.17 This mapping indicates that there is a limited typology to the GI and much of this is inaccessible to the local communities it serves.
- 4.18 In the context of delivering positive outcomes through development, in respect of GI and in light of the prevailing landscape character and characteristic features, the development is brought forward in a manner which responds to the character and sense of place.
- 4.19 As explored in Appendix LP3 the scheme embraces and utilises the mature landscape framework to achieve:

- 4.19.1 Development cells within a wooded environment to ensure the new housing is physically and visually assimilated with the receiving landscape;
- 4.19.2 A positive environment for new residents from occupation of the dwellings, without over-reliance on new planting and time to create the place;
- 4.19.3 Increases accessibility of GI to the existing and new communities; and
- 4.19.4 Diversification of GI typologies and functionality within the landscape.
- 4.20 The LVIA addresses GI in Subsection 5.1, cross referencing the GI Parameter Plan (CD 2.24⁸). In **Table LP4.1** I examine this in more detail by reference to the functionality explored in the LI publications referenced above.
- 4.21 To assist with conveying the success and positive effects of the maturation of the landscape framework within Volume 2, **Appendix LP5** I include an article published in Natural World produced in respect of Cambourne, Cambridgeshire, I recommend that this is read in full. This is a new settlement, with which I am familiar as a visitor to the area, which has received numerous awards including from the Landscape Institute.
- 4.22 This demonstrates how building new homes for people and communities can benefit from a well-designed place.
- 4.23 Whilst in a different geographic region, it provides a helpful benchmark as to how development of open agricultural farmland, which has Green Infrastructure at its core, can become a valued component of the landscape within which we live, work, and recreate. Notably, in less than 15 years from approval of the masterplan (1995), the Natural World article (2010), celebrates the benefits to a range of stakeholders, noting:

"In fact, 60 per cent of the 417ha site has been left as 'green infrastructure' for people to enjoy, and for wildlife to move into. What was once an agricultural prairie is now rich in wildlife, with new species still pouring in. And that is down to close cooperation between the developers, the landscape architects, and the Wildlife Trust for Beds, Cambs, Northants and Peterborough." (Volume 2, Appendix LP5, paginated page 30)

Table LP4.1: Green Infrastructure provisions

Landscape Institute's GI recognised functionality	My Observations in respect of the Appeal Site
<p>Climate change adaption – Even a modest increase in tree canopy cover can significantly reduce the urban heat island effect via evapotranspiration and shading, as well as improving air</p>	<p>As recorded in the Arboricultural Assessment (CD 1.10) there will be some tree loss this is primarily a result of creating the site accesses, with further limited tree loss within the site to accommodate internal roads.</p> <p>The Appeal Site will maintain a strongly wooded appearance, despite these losses.</p>

⁸ This was the plan prepared at the time of the updated LVIA.

Landscape Institute's GI
recognised functionality

My Observations in respect of the Appeal Site

quality, which often suffers because of higher temperatures

To compensate for this limited loss and provide enhancement of the wooded character, and longevity of the wooded character throughout the remainder of the Appeal Site new tree and hedgerow planting will be distributed through the site to deliver the following:

- a) Reinforcement of the existing and characteristic features and character of housing set within a well-treed landscape framework;
- b) Street trees to break up the appearance of the built form and provide shade within the development;
- c) Filtering views between the existing properties and new dwellings; and
- d) Connecting habitats and ensuring longevity of woodland in this landscape.

Benefits accrue at a local and district level; the contribution diminishes with distance from the Site.

These outcomes deliver outcomes outlined in:

Policy DP37: Trees, Woodland and Hedgerows

Climate change mitigation, well-designed and managed GI can encourage people to travel in a more sustainable way, such as cycling and walking.

The geographic location of the site, in close proximity and adjacent to the existing network of rights of way, means occupants of the new development have the option to walk to local facilities.

The open space will provide new, safe and attractive links within open space and on tree lined streets to make the cycling and walking routes an attractive and safe alternative to the car.

Benefits accrue at a local and district level; the contribution diminishes with distance from the Site.

Water management GI is a good approach for managing flood risk. This can involve placing sustainable drainage systems (SUDs) in developments to attenuate surface water runoff and enhance biodiversity and recreation.

The development incorporates drainage ponds and swales as part of the water management strategy. The approach to the design will be part of a Reserved Matters Application (RMA). However, sensitive, natural forms of ponds and swales are highly valued by engineers, ecologists and landscape architects which ensure a sensitive, attractive, and positive feature in the landscape.

The profile of the ponds can be designed to deliver a variety of new ecological habitats and incorporate different plants to enhance the visual

Landscape Institute's GI
recognised functionality

My Observations in respect of the Appeal Site

Dealing with waste, GI assets can deal with waste in a sustainable way. A good example of this is the use of reed beds which remove pollutants from water.

Food production Creating space for food production through allotments and community gardens and orchards, increases access to healthy food, provides educational opportunities, contributes to food security, and reconnects communities with their local environment. Connecting local communities with these assets via footpaths and cycleways can encourage this reconnection further.

amenity of the feature. Provision of seating within the open space will benefit the local community and make a positive contribution to the sense of well-being.

Benefits accrue at a local and district level; the contribution diminishes with distance from the Site.

Reeds can be incorporated in the detailed design of the pond and swales. There will need to be on-going management of these features to optimise the benefits.

The open space is positioned in close proximity to the community it serves and is accessible to the wider residential population through the existing network of footpaths. Subject to approval by MSDC, the scheme can be designed to incorporate fruiting species (trees and shrubs, fruits, and nuts) to enhance the type of local cropping available to the community.

Whilst acknowledging the loss of large scale agricultural food production through the removal of land from farming and creating new settlement and GI, part of the landscape strategy is the food production delivery. This strategy provides for a wide variety of areas for the community to become involved and benefit from linked and managed resources. This strategy diversifies the type of food and manner in which it is produced and enables people to become more connected with food sources, food production and the ecosystems which underpin our relationship with what we eat.

The opportunities diversification and accessibility include:

- Traditional allotments
- Community orchards,
- Community gardens, and
- Incorporating fruiting and food producing species alongside foraging routes to combine connectivity with nature, food collection and health/recreation.

Benefits accrue at a local, district level, although the loss of agricultural land will be experienced at a local, district and regional level.

Landscape Institute's GI
recognised functionality

My Observations in respect of the Appeal Site

Biodiversity enhancement, corridors, and linkages the role of GI in providing wildlife habitat in both urban and rural areas is well established but taking a landscape-scale approach to the planning, design and management of connected GI assets provides the framework within which species migration can more readily occur in response to environmental pressures such as climate change.

The Ecological Appraisal report sets out the suite of ecological benefits which will be delivered through the development of the site, alongside the summary in the DAS (**CD 1.23**, internal page 75). From a GI perspective the benefits can be summarised as:

- Diversification of grassland sward to establish wildflower grassland forming a rich nectar and pollen source for invertebrates and long grass forming shelter for a range of wildlife species;
- Provision of new areas of connected tree planting, forming new commuting and foraging routes for wildlife;
- Inclusion of fruiting tree species providing additional food sources for wildlife;
- Incorporation of waterbodies, swales and damp grassland features as part of the drainage strategy;
- Provision of additional faunal habitat features such as bird boxes, bat boxes, habitat piles and bee bricks.

The retention of the most valuable habitats and the incorporation of considerable green space planting has ensured that an anticipated loss of just 8.79% of habitat units occurs, despite the scale of development proposed within the site red line. There are gains of 10.70% for hedgerow units and 10.45% for river units.

As demonstrated by the article at **Appendix LP5** the ability to deliver a strong and valued environment where species can flourish is capable of being delivered alongside new development.

Benefits accrue at a local, district and regional level, the contribution diminishes with distance from the Site

These outcomes deliver outcomes outlined in:

Policy DP38: Biodiversity

Recreation and health, accessible GI provides important opportunities for informal and active recreation. Ensuring that these assets are provided in close proximity to people's homes, are maintained properly,

The Appeal Site is located on and in close proximity to the public rights of way network but currently public access onto the land is limited.

The provision of open space immediately accessible to the existing community means residents have a greater quantum of open space in close proximity to their homes. People can use these new links to enjoy

Landscape Institute's GI recognised functionality

My Observations in respect of the Appeal Site

and are designed with the needs of local communities in mind, is critical to their positive role in public health and wellbeing.

Economic values Quality green space can have a major positive impact on land and property markets, creating settings for investment and acting as a catalyst for wider regeneration.

Local distinctiveness Well-designed and managed GI assets, particularly those that engage local communities, and which relate to landscape character and heritage, can enhance local sense of place and foster community spirit.

Education, natural environments which are connected to local communities can provide a range of educational opportunities and assist in

safe, car free areas (Access and Movement Parameter Plan, **CD 2.26** and **16.9**).

The riparian and wooded corridors provide attractive and positive focus to the scheme proposal. The strength of influence of these features has the potential to influence the perceptual qualities of the new housing beyond the limits of features.

Benefits accrue at a local and district level.

These outcomes deliver outcomes outlined in:

Policy DP22: Rights of Way and Recreational Routes

The location of the site and its accessibility to the local network of footpaths, with properties fronting and framing the open space, in close proximity to the river, a well-design scheme is likely to have a positive effect on the profile and value of the development for those who occupy it.

The layout has sought to ensure maximum development green space interfaces so that people can be connected with the green spaces that frame their day-to day living.

High quality and varied spaces will provide not just the strategic framework for the Scheme but be delivered at a scale that provides privacy, community, and accessible areas at the core of the neighbourhoods.

Benefits accrue at a local and district level.

The layout and use of materials reflecting the local vernacular can make a positive contribution to the townscape character and create a distinctive sense of place on the edge of the settlement.

The ability to source food, observe the diverse flora and fauna associated with the existing, enhanced, and new habitats and enjoy informal recreation within and beyond the site will connect the community to the natural environment.

Landscape Institute's GI recognised functionality

My Observations in respect of the Appeal Site

reconnecting society with the natural environment.

Stronger communities GI can help in meeting a wide range of community needs. The spirit of the GI approach means that social, environmental, and economic potential is considered and optimised.

The creation of linear play spaces and linked activities through the Appeal Site encourages greater interaction with the natural environment and connection with the local community.

In addition to the positioning of centres for education in places that are accessed by foot or on cycle the spaces themselves will offer opportunities for people to:

- Connect with and learn about the natural environment
- Gain experience of growing food and creating meals
- Participate in sport and learn new skills
-

Benefits accrue at a local, and district level.

With the assets noted above there are opportunities to build homes which can integrate with the existing community.

The provision of new places to meet and recreate will be a benefit to the new residents and the existing community.

All of the features contained within the proposed development will facilitate the community engaging with its environment. Of course, people need to want to do this and take the opportunities presented to them. The likelihood of such engagement (see Cambourne, **Appendix LP5**) is maximised by:

- The overall quantum of open space
- The variety of spaces in terms of character, land use, size, and functionality
- Positioning the spaces within the neighbourhoods and surrounding the communities
- Ensuring spaces are accessible and not dominated by cars to prevent the communities from being dissuaded from using the spaces and associated resources.

Benefits accrue at a local and district level

4.24 In terms of quantum of GI (**CD 1.5** and **2.24**), totalling 33.5ha⁹ will be provided, this measured area excludes the retained woodland (19.69ha).

⁹ The open space requirements are set out in the DAS (CD 1.23, internal page 47) and show a total site requirement of 9.45ha to accord with policy requirements.

- 4.25 The Green Infrastructure strategy delivers all of the six principle qualities which are sought by the Building and Nature Core Standards:
- 4.25.1 Multifunctional – provides a network of multiple benefits.
 - 4.25.2 Connected – provides and fulfils a gap in the accessible natural landscape to the benefit of nature and people.
 - 4.25.3 Sympathetically placed – using the landform to contain development parcels and create distinctive places.
 - 4.25.4 Resilient – responds positively to the climate emergency.
 - 4.25.5 Responsibly managed – there will be mechanisms in place to manage and support the GI for its functionality and benefits.
 - 4.25.6 Environmentally sensitive – whereby the proposals minimise their impact and improve the quality of the immediate natural environment and the environment for people to live.
- 4.26 The Appeal Site and the measures proposed in respect of landscape mitigation and enhancement – including siting, spatial arrangement, Green Infrastructure retention and creation, and the detailed design of the dwellings, can provide for a scheme of development which can be assimilated into the landscape and become a desirable place to live due to the natural assets which are intrinsic to the scheme.

Section 5: The National Landscape and its setting

- 5.1 As set out in my introduction I have extensive experience with statutory protected landscapes. In addition I have been appointed as an advisor to the South Downs National Park Authority on development in the setting of that protected landscape. I am aware of the distinction between landscape and visual impacts and impacts on protected landscapes and separately their setting.
- 5.2 It is important to note that the LVA process assesses the effects on the landscape character and visual environment (through viewpoint analysis). The National Landscape whilst possessing both character and views, should be assessed against the statutory criterion of 'natural beauty,' the statutory purposes and the impacts on the special qualities of the landscape in question. It is not simply a matter of seeing change from a view in the NL and that equating to harm to the protected landscape itself or its setting.
- 5.3 This section of my evidence explores the concepts of 'Natural Beauty' and 'Special Qualities' and how these are manifest in the High Weald National Landscape. The examination of these matters, as relevant to the appeal, are set out in Section 6.

The HWNL and its setting

- 5.4 The NL was designated in 1983 having been considered to be worthy of designation by reason of the area's natural beauty.
- 5.5 Notably, MSDC sought to have the draft boundary extended to include the Appeal Site (**Appendix LP4**). Despite the representations made by the Council, the Countryside Commission did not agree that the landscape was of sufficient quality to be designated as an Area of Outstanding Natural Beauty in 1987.
- 5.6 Although not embedded in statute at the time of designation, Section 82(1) of the Countryside and Rights of Way Act 2000 ('CROW') defines a National Landscape in England as

"An area that is not in a National Park, but which appears to Natural England to be of such outstanding natural beauty that it is desirable that the protective provisions of Part IV of CROW should apply."

- 5.7 As stated in the CROW act the purpose of the NL is to conserve and enhance the area's natural beauty.
- 5.8 Paragraph 189 of the NPPF has two clauses the first clause states:

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 all these designated areas should be limited...

- 5.9 The second, which is relevant to the Appeal Site

...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 5.10 There is no 'limit' placed on development in respect of the setting or any suggestion that the setting imposes an absolute restriction on development. It does seek the achievement of minimisation and avoidance of adverse impacts.

Other observations

- 5.11 The Appeal Site has not reached the threshold for inclusion in the HWNL in terms of meeting the single statutory criterion of possessing 'natural beauty.'
- 5.12 The National Landscapes Association (NLA) records¹⁰ that the 5 key components of the High Weald that make up the area's natural beauty are its;
1. *Rolling hills, dissected by steep-sided gill streams and studded by sandstone outcrops.*
 2. *Small, irregular-shaped fields and open heaths which are often the remnants of medieval hunting forests.*
 3. *Abundant, interconnected ancient woods and hedges. The dense forest which gave the Weald its name has largely vanished, but fine ancient broadleaved woodland is still abundant, particularly in the deep gills which incise the ridges. The Weald retains one of the highest levels of woodland cover in the country at over 23 per cent. Traces of the ancient Wealden iron industry, including hammer ponds, are found scattered throughout the woodlands.*
 4. *Scattered farmsteads and hamlets, largely developing from temporary dwellings in wooded areas or 'dens' where farmers from the Downs grazed their pigs. Buildings are characterised by distinctive stone, brick, tile and white weatherboard houses and oasthouses are common.*
 5. *Narrow, sunken lanes arising from pannage – the movement of animals from the Downs to the High Weald in the autumn to graze on mast in the area's woodlands or dens.*
- 5.13 These clearly relate to the land within the designated landscape. Due to the continuity and connectivity of landform and soils it is unsurprising that some of these elements are present in the landscape beyond the boundary. However, in these instances they are not of a quality or cohesive pattern that meets the natural beauty criterion.
- 5.14 Trunk roads are not a barrier to inclusion of land that meets the statutory criterion as can be seen to the west of the Appeal Site where the designation washes over the A23. It therefore cannot be argued that the A272 was determinative of the geographic extent of the statutory designation.

¹⁰ <https://national-landscapes.org.uk/national-landscapes/high-weald>

- 5.15 Furthermore, the presence of settlement adjoining the National Landscape is not determinative of the qualities of the landscape within the designation. The NL boundary currently abuts Cuckfield and Crawley, a situation which was extant at the time of designation.

The designated National Landscape

- 5.16 The factor underpinning the designation of the HWNL is its demonstrable 'natural beauty.' This is the statutory requirement for designation. To identify significance effects on the designated landscape the consequences of development must reduce the degree to which the natural beauty is manifest within the boundary of the National Landscape.
- 5.17 The statutory purpose of NL designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). Within Section 85 of the CRoW Act 2000 there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in NLs.
- 5.18 It is essential that the analysis of impacts on the HWNL (and its setting) are tested against the natural beauty criterion.

The natural beauty criterion

- 5.19 Since its designation, the approach to assessing landscapes for designation and the definitions of natural beauty have evolved¹¹. The following factors contribute to the assessment of natural beauty.

Landscape Quality: this is a measure of the physical state of condition of a landscape.

Scenic Quality: The extent to which a landscape appeals to the senses (mainly, but not only the visual senses).

Relative Wildness: The degree to which relatively wild character can be perceived in a landscape and contributes to its sense of place.

Relative tranquility: The degree to which relative tranquility can be perceived in a landscape (i.e., whether an area appears quiet, remote, and relatively free from human influence or development).

Natural Heritage Features: The influence of natural heritage on people's perception of the natural beauty of a landscape. Natural heritage includes features formed by natural processes, wildlife, wild flowers, and geological features.

Cultural Heritage: The influence of cultural heritage (such as buildings, archaeology, and designed landscapes) on people's perception of the natural beauty of a landscape and the degree to which the associations with particular people, artists, writers, or events in history contribute to such perception.

- 5.20 These are the factors to be considered when assessing the effect of development on the designated landscape.

¹¹ Most recently 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England', Natural England, 2011 (CD 17.4). This builds on the advice contained within Landscape Character Assessment, Guidance for England and Scotland (2002), Countryside Agency and Scottish natural Heritage.

Special Qualities within the National Landscape – Core Character Components

- 5.21 Many protected landscapes are proscribed by reference to Special Qualities; however this is not a term used by the High Weald Joint Advisory Committee. Instead reference is made to core character components. Each component is examined in detail and has ascribed objectives in the Management Plan.
- 5.22 To provide context to the following analysis it is worth noting that, unlike the South Downs National Park which is renowned for its open ridges and scarp slope which afford wide sweeping and panoramic views, the HWNL is a wooded, intimate and enclosed landscape. This has a consequence of how the scenic qualities are appreciated and what the protected landscape is valued for.
- 5.23 I make this point in light of the Council's Statement of Case (**CD 15.2**) paragraphs 8.30 to 8.32 where the greatest concern in respect of the impacts on setting appears to be related to visual effects. Albeit the view referenced to support the Council's case (of most concern) is VVM3, which is from the A272 outside of the HWNL boundary.
- 5.24 Within the HWNL Management Plan (**CD 17.12**, internal page 17) the eight core character components¹² (CCCs) of the High Weald's natural beauty are listed as:

¹² Eight core character components which are rooted in the historic characterisation of the High Weald landscape as a whole



5.25 The Management Plan notes that:

Each core component of natural beauty is of equal and stand-alone importance in its own right, (i.e., they cannot be ranked) and any policy or action may be considered harmful to the AONB if it results in the loss of, or material harm to, any of these components of character. All of the AONB is important; any areas perceived as 'degraded' should be seen as opportunities for enhancement of natural beauty contributing positively to the purpose of designation and objectives of the Management Plan.

5.26 The High Weald Joint Advisory Committee has not prepared a position paper addressing the 'setting'. The Management Plan (CD 17.12, internal page 11) states that its contents may also be applied to the area's 'setting'. This relates to '*where development and other activities may affect land within a National Landscape.*' Furthermore (internal page 69) it is stated that:

It is not only development within the boundary of the High Weald AONB that needs to be informed by consideration of the Management Plan; national planning policy and guidance make clear that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty, and here poorly located or designed development can do harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account

- 5.27 I note that this makes clear that being in the setting of the NL does not preclude development, but requires sensitive design, consistent with the requirements of NPPF, paragraph 189. The relevant assessment of the effects specifically in this regard relates to how the natural beauty of the NL is impacted by the proposals.
- 5.28 As I record in Section 3 of this proof, there are no long views from or to the NL that are 'identified as important' associated with the Appeal Site.

Nature of effects on the National Landscape and its setting

- 5.29 In this subsection I explore the effects of the appeal proposals on the core character components (as a measure of natural beauty).
- 5.30 In considering the effects I refer to Appendix 1 to Legislation and Planning Policy in the High Weald National Landscape (AONB) produced by the High Weald National Landscape Unit, January 2025 (CD 17.15). This Appendix comprises a template, whilst not definitive, which is intended to assist in assessing proposals against each of the Objectives of the Management Plan, under each of the core component of natural beauty for development within the NL. In respect of the requirement for technical impacts to be considered the Appellant has submitted a suite of technical reports and analysis which address matters pertaining to hydrological, ecological, arboricultural effects and impacts on the historic environment which should be read in the context of the Landscape Unit's publication and achievement of the HWNL objectives.
- 5.31 Most importantly, there will be no direct impacts on the landscape within the HWNL. The fabric and qualities of the designated landscape are unaltered by the appeal proposals. CCC 1, 2, 3, 4, 5 and 8 are completely unaffected by the appeal proposals.
- 5.32 Any effects, if they occur, will relate to CCC 6 – Dark night skies and CCC 7 – Aesthetic and perceptual qualities.

Landscape Character

- 5.33 The character of the High Weald landscape, as assessed by West Sussex County Council, is set out in the LVIA (CD 2.17 pages 14 and 15). I do not repeat the key characteristics of HW4 here, but they have informed the analysis in **Table LP5.1**.
- 5.34 The assessment records the landscape as being the High Weald Fringe, the acknowledges that this is not the 'core' of the High Weald.

Table LP5.1: Assessment of effects on Natural Beauty and Core Character Components

Natural Beauty factors	Commentary in respect of the setting
Landscape Quality	<p>The landscape beyond the boundary of the NL has a mixed character and land uses.</p> <p>Housing is a landscape element within the setting of the NL, albeit the presence of trees limits and minimises the extent to which this experienced as an intrusive feature of the landscape.</p> <p>The appeal proposals scheme will retain, supplement and manage the wooded features characteristic of the area and reinforce these to ensure longevity of the treed qualities of the landscape within the setting of the HWNL (CCC 4). Housing, by nature of the scale of built elements and ability to accommodate trees and open spaces is not incongruent in this landscape.</p> <p>The historic pattern and grain of the landscape will be manifest in the scheme, development within the field parcels ensures that the housing is broken up and contained within a strong wooded structure.</p> <p>The change in landscape character between the HWNL and the Appeal Site is distinguished by the more densely settled and populated landscapes to the east of the A272. The proposals will not increase or change the nature of this transition.</p>
Scenic Quality	<p>As recognised by the landscape character assessment, the scenic qualities of HW4 strongly relate to the long views over the Low Weald towards the south downs.</p> <p>What I found to be notable from my fieldwork is that from within the Appeal Site views of the SDNP are obscured by landform and vegetation. Only when visiting the churchyard at Cuckfield do you appreciate the presence and form of the downs. This appreciation will not be lost with the development of the Appeal Site.</p> <p>By reference to the ZTV mapping (Appendix LP1, Volume 2) it is clear that from those limited locations in the HWNL from which parts of the proposed development will be visible these are not vantage points from which the south downs is visible. The appeal proposals will not impact on long views over the Low Weald for which this landscape is valued (CCC 7).</p> <p>Generally, the area is characterised by the low-intervisibility resulting from landform and woodland. The development has been carefully sited and designed to avoid skyline impacts. There are no vertical elements which will protrude above the horizon and puncture the skyline, in line with the land management guidelines for HW4.</p>

	<p>The sense of place experienced from within the NL will be unaffected by the development, which is located beyond the A272 and appreciated in the context of other large settlements within the visual composition such as Cuckfield, Burgess Hill and Hurstpierpoint. The patterns of land cover when viewed from the open slopes will remain. The development will not alter the balance or contrast within the visual composition from open vantage points in the HWNL, nor will it distract from any notable landmarks or affect the depth and breadth of the field of view.</p>
Relative Wildness	<p>Whilst some areas within the NL may be described as relatively remote, that part of the NL closest to the Appeal Site has no sense of wildness. There is significant road infrastructure and settlement which increases the sense of urbanisation and activity.</p> <p>Housing and local roads are present in the setting of the HWNL, and the Appeal Site will not introduce land uses which are at odds with this situation.</p> <p>Development within the Appeal Site will reinforce and increase the settled land uses in this area; however, the effects of the new housing and activity will not extend to any part of the HWNL which are not already affected by the existing urban uses.</p>
Relative tranquility	<p>The existing road infrastructure and housing in the setting of the HWNL already detracts from any sense of tranquility associated with the Appeal Site, as a component of the setting.</p> <p>It is accepted that the Appeal Site currently lacks illumination and as a result the sky associate with the site experience a low level of night lights (Figure LP5.1). Contextually, this part of the HWNL experiences a relatively high degree of light intrusion locally. To the east there are extensive areas of relatively darker skies within the core of the designated landscape (Figure LP5.2).</p> <p>By reference to the ZTV mapping (Appendix LP1 and Figure LP5.2), there will be no intervisibility between the relatively darker skies at this western end of the HWNL and the Appeal Site. The 'dark skies' element is not affected.</p> <p>The potential issue on dark skies matters will relate to the light spill from the Appeal Site. At this stage the scheme of lighting has not been prepared. The light spill is unlikely to be different from that found to the east of Cuckfield, with a small increase from 0.5- 1 Nanowatts/cm² to 1-2 Nanowatts/cm² particularly with the adoption of modern technologies and approach design measures which would minimise impacts¹³. Light spill is likely to extend over a localised area to the north west of the A272, mainly affecting the Cuckfield Park sports academy or farmland with no or limited public access.</p>

¹³ Cuckfield/Whitemans Green was development many decades ago utilising design standards and technologies available at that time.

Natural Heritage Features	<p>The valued natural assets are retained, enhanced and managed within the proposed development. Furthermore, natural assets will be diversified or expanded to deliver objectives of the landscape character assessment guidelines such as species rich grassland, hedgerows and replanting parkland trees.</p> <p>The proposals have the potential to enhance the contribution the natural environment makes to the setting of the HWNL through the design and management of the green spaces to accommodate new and diverse habitats.</p> <p>The prevailing and fundamental wooded character in the setting of and within the NL will be maintained.</p>
Cultural Heritage	<p>Ms Stoten has prepared a proof of evidence on behalf of the appellant addressing matters of heritage and appends new VVMs to her proof to address the alleged visual effects on assets in the churchyard of the Holy Trinity Church, Cuckfield.</p> <p>In terms of the visibility of the Appeal Site, as also illustrated by the ZTV mapping at Appendix LP2 (plans 3, 4 and 5 of 9), it is the development of the School Site, village centre and to the east of Ansty Common, that will be glimpsed in views from the churchyard. The masterplan provides generous open spaces which will allow long views of the church spire.</p>

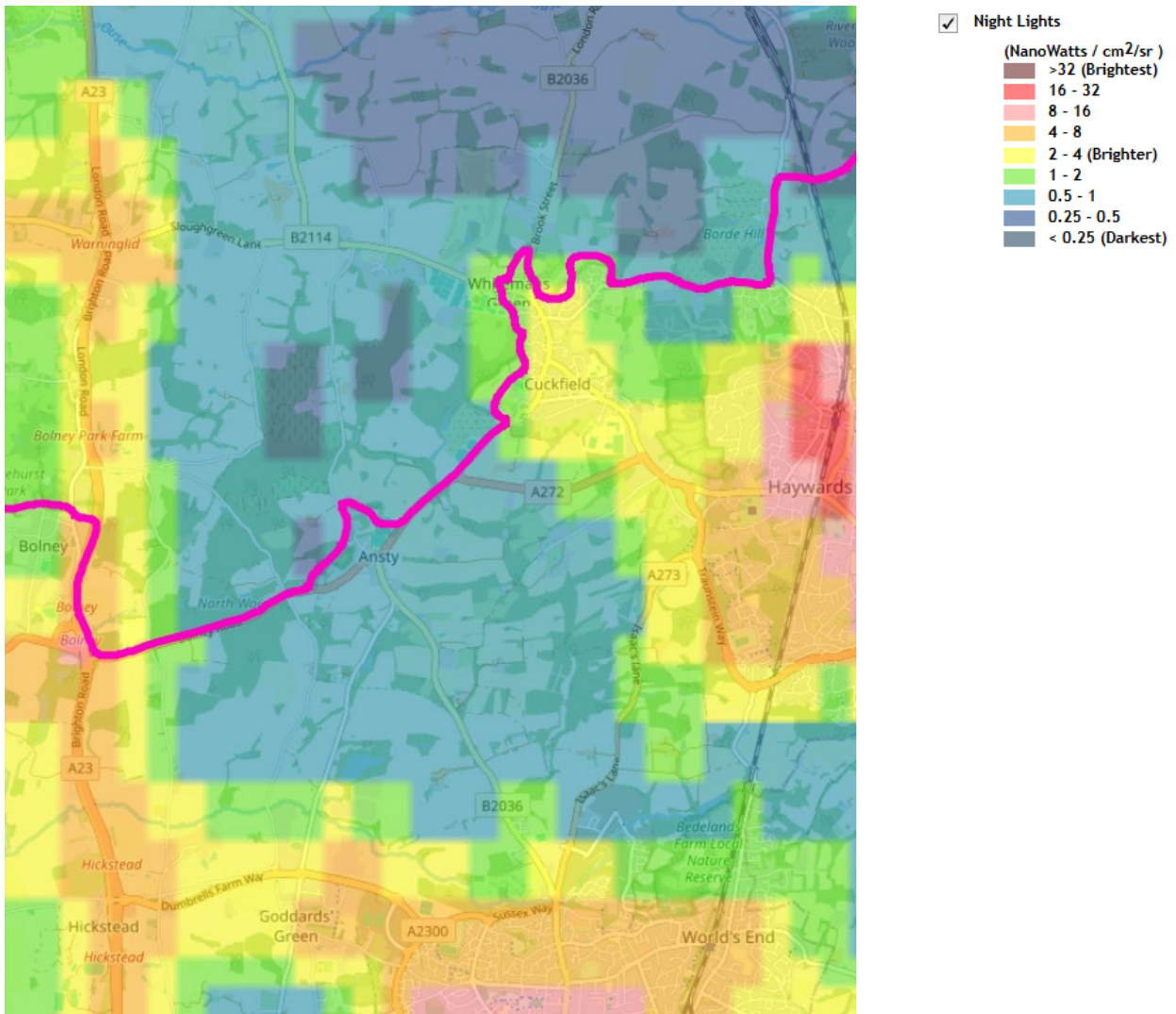


Figure LP5.1: Light Pollution and Dark Skies mapping CPRE¹⁴ in respect of the Appeal Site (pink line indicates HWNL boundary)

¹⁴ <https://www.cpre.org.uk/light-pollution-dark-skies-map/>

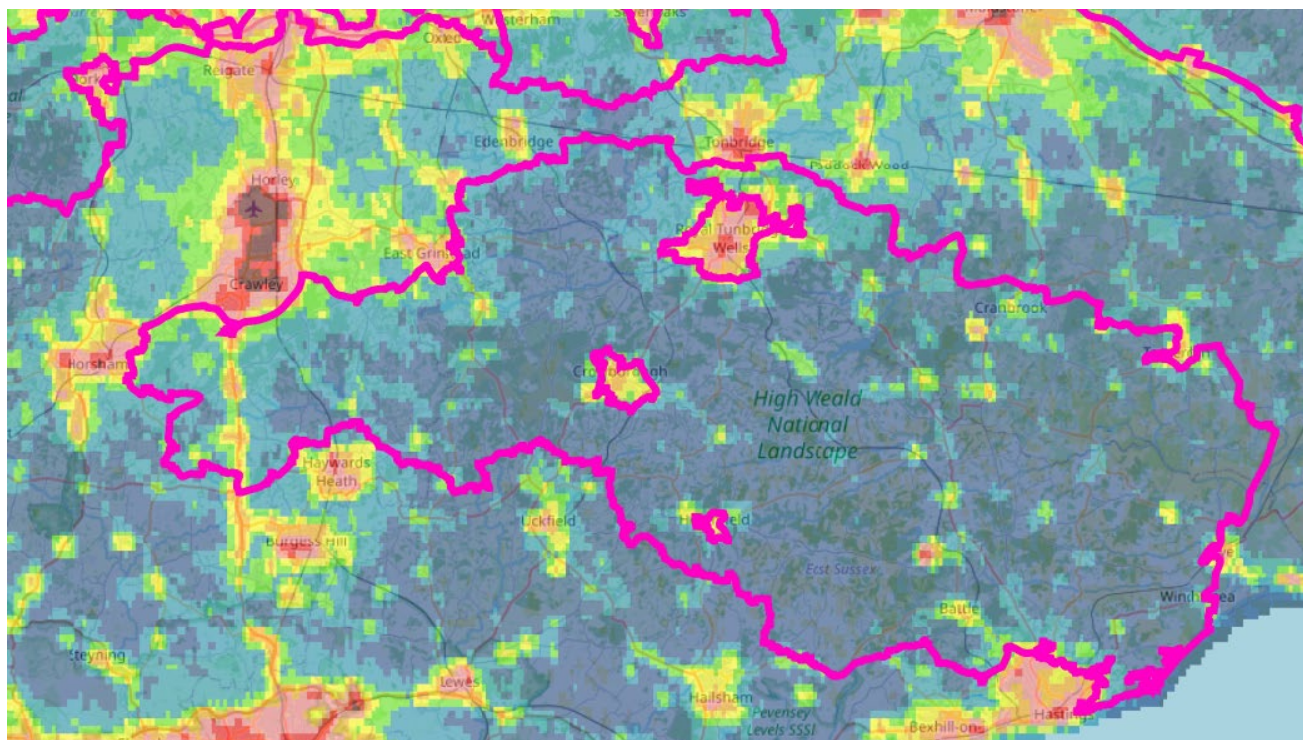


Figure LP5.2: Light Pollution and Dark Skies mapping CPRE in respect of the wider HWNL

Visual Effects

5.35 For the purposes of assessing the effect of changes to views and impacts on the designated landscape it is important to undertake a two-stage processes:

5.35.1 Assess the degree of change and the likely significance of that effect; and

5.35.2 Set that change against the associated special qualities relating to views.

Degree of Change

5.36 Given the statements made by the Council (CD 15.2) I have sought to interrogate the precise source of likely effects on views as relevant to the HWNL through the visual mapping (**Volume 2, Appendix LP2**).

5.37 This analysis demonstrates that the development of the northern and southern development parcels are likely to have little to no effect on the views from the HWNL, and where there may be some visibility it is limited by degree (**Appendix LP2: Plans 1, 2 8, and 9 of 9**).

5.38 The greatest invisibility (geographically and in terms of the higher potential visible with more than 80% of the development within the assessment land parcel (i.e. not a % of the total development) occurs from the provision of the school (**Appendix LP2, Plan 4 of 9, Figure LP5.3**).

5.39 All of the mapping is based on the visibility of the buildings at year 1, future maturation of any new planting has not been figured into the modelling exercise. It is therefore important to note that this mapping represents the worst-case scenario. The extent and degree of visibility will diminish over time.

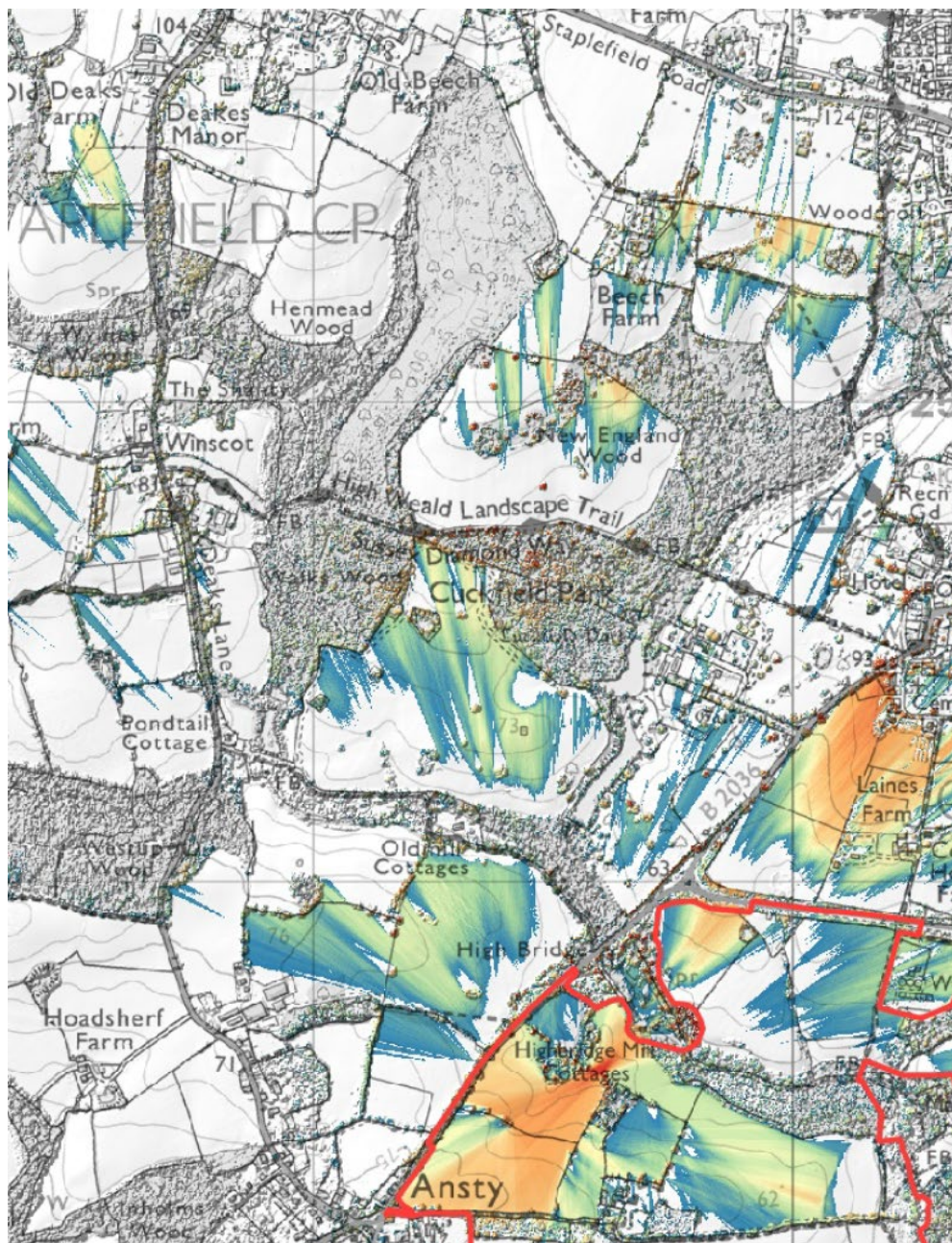


Figure LP5.3: Visibility mapping of the school site in the HWNL

- 5.40 Many of the areas from which the development may be visible are not accessible to the public. From the footpaths (including the High Weald Landscape Trail) visibility is limited to short sections of the route, the ability to see some parts of the school and limited roof tops of housing beyond the school site will not detract from the scenic qualities of the landscape. There are buildings and settlement visible from these routes currently which have not diminished the quality of the experience.
- 5.41 Returning to Appendix LP1, one can see that with the totality of the development the higher visibility of one element is reduced by other development interposed in the view. Although the geographic extent may be slightly larger, the degree of visibility of the development is reduced.

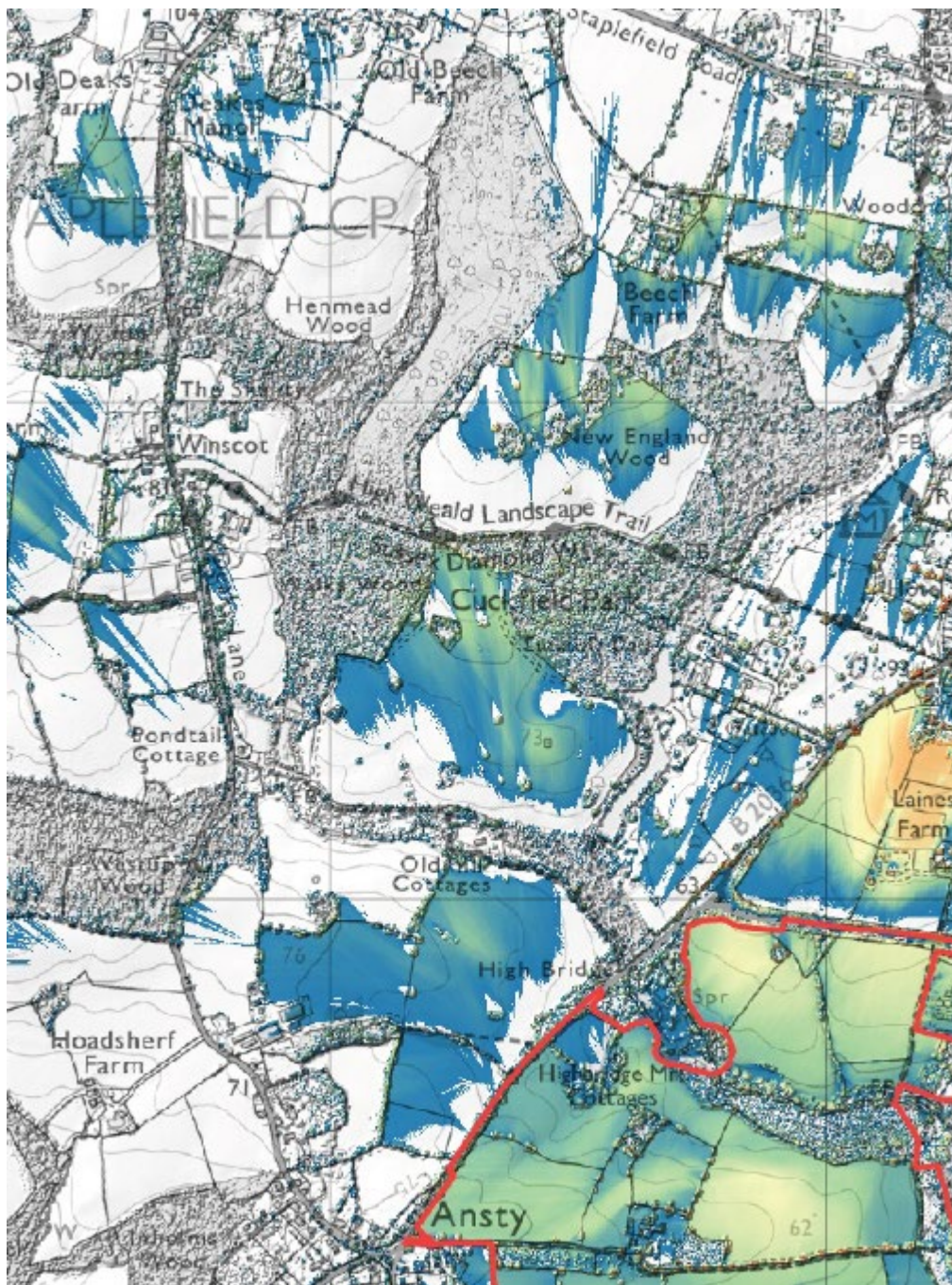


Figure LP5.4: Extract from Appendix LP1 relating to views in the HWNL.

- 5.42 Overall, the extent and degree of visibility is limited and localised within the HWNL, and the locations from which people will be able to see any changes is further reduced due to the lack of accessibility on to the farmland where most visible change potentially occurs.
- 5.43 People may see some change to the visual composition in the distance, but this will not occur over extent, over lengths of the route.
- 5.44 The local lanes are typically enclosed by vegetation and therefore views from these routes will be unaffected by the proposals.

- 5.45 In the majority of instances within the HWNL the visual change will be indistinct or not readily discernible. The visual impacts are addressed in the LVIA (CD 2.17).

Effects on the scenic beauty of the NL

- 5.46 Importantly when considering the impacts of the development on the Core Character Components, consideration must turn to the implications of the visual change in relation to the valued attribute (scenic beauty) of the NL.
- 5.47 In this instance for those in the HWNL the scenic qualities will remain, the enclosed intimacy is unaffected, and the views will continue to be experienced framed by vegetation. Development in the setting will not dominate the visual experience.
- 5.48 The views will continue to be foreshortened by vegetation within the field of view, with opportunities to see articulate land in the foreground as part of an intimate landscape of woodland, and farmland.
- 5.49 From those vantage points on localised high points (Figure LP5.5), there are also glimpsed views of properties in Cuckfield. The relationship of landscape to settlement is not a negative element of the scenic qualities of the NL.



Figure LP5.5: Appeal Site Visibility and relationship with Cuckfield

- 5.50 Overall, in my professional opinion the scenic and aesthetic qualities of the NL will be unchanged.
- 5.51 Finally, in terms of VVM3 (CD 2.17, internal pages 103 – 105) which is of most concern to the Council I note the following:
- 5.51.1 The A272 lies outside of the HWNL;
- 5.51.2 The users of the road are not travelling to enjoy views, they are travelling on a trunk road, at some speed. Their journey is not dependant on the environment through which they pass;
- 5.51.3 The visual change is assessed in the LVIA, however, as it pertains to the NL the visual change must demonstrably relate to the aesthetics and scenic beauty to reach the threshold of harm

to the setting of the NL. In this instance this route does not contribute to the core components; and

- 5.51.4 Those travelling on the A272 past in close proximity to buildings in Ansty and use junctions such as the roundabout with the B2036, the presence of these elements, prominent in the view, do not undermine the experience as it relates to the section that passes along the edge of the HWNL.
- 5.52 I consider that the Council's position as expressed in the **CD 15.2** incorrectly equates '*being visible*' with '*being harmful to the setting of the NL*'.

Section 6: Analysis of the Propositions

6.1 The propositions I address below, and their source, are identified in **Section 2**:

Proposition 1: Settlement is not distinctive of the area; the character of the area is currently rural

- 6.2 The first reason for refusal alleges that the proposals are *out of keeping with the rural character, which fails to protect the distinctiveness of the area by extending the settlement boundary of Ansty*.
- 6.3 At the site-specific level I accept that the predominant land use is agriculture and that the landscape is generally rural as a result of that land use. The proposals will change this situation, and the 'rural' qualities of the Appeal Site will be lost. The effects on the landscape are summarised in Table LV3.2 in the LVIA (**CD 2.17**).
- 6.4 This is the inevitable outcome of development of greenfield locations within the district, upon which Mid Sussex relies both in the adopted Local Plan and proposed in the Reg 18 and Reg 19 draft of the emerging Local Plan. The Council is unable to bring forward housing or strategic housing sites without causing the loss of rural farmland and the expansion of settled areas.
- 6.5 I do take issue with the implied assumption that the district is entirely formed of rural landscapes, to the extent that new areas of housing, settlement growth and new communities are referred as being "out of keeping".
- 6.6 In reality Mid Sussex district is a mix of urban and rural areas, with 28 built up areas, the largest of which are found in the eastern part of the district. The appeal proposals would form a component of this mosaic and appreciated in a settled locale, underpinned by presence Ansty and Cuckfield.
- 6.7 I do not consider housing to be out of keeping with the area, albeit I acknowledge it is a change to the character of the site itself. I do not agree with this proposition.

Proposition 2: Perceived coalescence arising from intervisibility of the appeal proposals and Cuckfield, and the extent to which this is a harmful consequence of the proposals

- 6.8 Coalescence is a spatial concept and in this regard Mr Brown addresses the policy matters. My analysis is provided to inform the planning judgements.
- 6.9 I accept that the Council's Officer concluded (**CD 3.1**) that:

Given the visibility of the development when travelling along the A272 Cuckfield bypass, there will be a perceived reduction in the separation between the two villages. The introduction of built form of this scale would render Ansty visible in views from Cuckfield, where it is currently not readily visible. This will reduce the perception of separation, impacting the identity of the villages and resulting in the perception of coalescence.

- 6.10 I do not agree with this conclusion, and below I explain why I do not consider that perceived coalescence will occur, it is a more complex issue that simply relating to intervisibility and the analysis I set out below was not before the officer when they wrote their report.

6.11 At the outset I note that Policy DP13: Preventing Coalescence records that:

Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements.

Policy Context

6.12 The evidence base to underpin Policy DP13, is the Mid Sussex Landscape Character Assessment; Capacity of Mid Sussex District to Accommodate Development Study (CD 17.11). In respect of 'settlement separation', the Council's evidence base (Table 5, page 81) concludes that the Ansty High Weald Fringe LCA out of 5, scores 3 in respect of this aspect (medium) and is said to:

Contributes to the wider separation between Cuckfield and Haywards Heath.

6.13 In the Cuckfield Neighbourhood Plan (CNP, CD 5.6, Policy CNP 3), it is recorded that:

Protecting the separate identity of Cuckfield is a key objective of the Neighbourhood Plan. The gap between the built up areas of Cuckfield and Haywards Heath is already very narrow in the vicinity of Broad Street, Tylers Green and the eastern part of the A272.

6.14 The Appeal Site is not located in the gap cited in the CNP between Cuckfield and Haywards Heath. This specific gap lies to the east of Cuckfield. There is no evidence provided in the CNP that indicates that the land between Ansty and Cuckfield contributes to any gap. The HDA Landscape Character Assessment ((2012) CD 17.7 to 17.10) identified specific boundaries to the policy area (See LVIA, Figure 4.4, CD 2.17).

6.15 The Ansty Staplefield & Brook Street Neighbourhood Plan (ABNP, CD 5.7, para 4.10) records that:

The third gap that is important to preserve is that between Ansty and Cuckfield. The Sustainability Appraisal demonstrated that development on the edge of Ansty which would serve to narrow this gap would have a significant detrimental impact on views of the ancient woodland and Cuckfield to the east.

6.16 There are no specific boundaries to the 'gap', the policy is indicated by an arrow (Figure LP6.1).

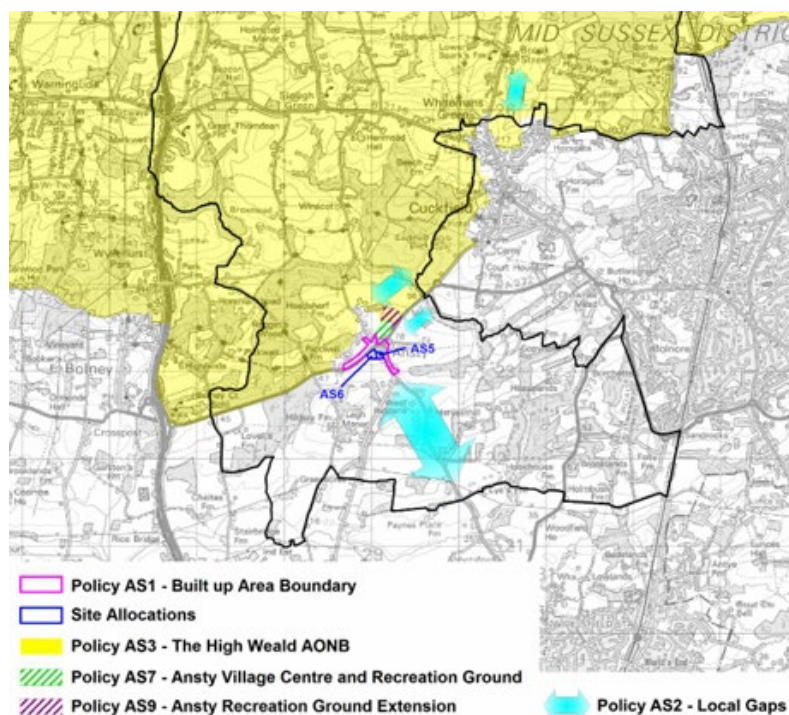


Figure LP6.1: extract from ASNP, page 37

- 6.17 Notably, the cyan arrow representing the Ansty and Cuckfield gap is where the masterplan is predominantly the open space provided to the east of the A272.
- 6.18 As the Appeal Site is not allocated for development in the Adopted Local Plan there is no relevant local gap identified in the Site Allocations DPD (CD 5.2).

Objectives of a gap

- 6.19 Typically, the purpose of having a 'gap' is to ensure that settlements are physically separated, and each retains its own character and identity.
- 6.20 This is achieved through:
- 6.20.1 Conserving the countryside between settlements; and
 - 6.20.2 Recognising the distinctive character of the settlements and their setting.

Nature of coalescence

- 6.21 The Council's Statement of Case seems to broaden the issue of perceptual coalescence to be perceived due to intervisibility, I address this below.

Physical coalescence

- 6.22 For the purposes of my analysis I address a sliding scale of coalescence from physical merger to the perception of coalescence. Mr Brown deals with the policy matters.

- 6.23 It may be that there is a perception of the two settlements being closer because the northern edge of Ansty will be closer to the southern edge of Cuckfield (see below). It is correct that the distance between the settlements is reduced by the proposals.
- 6.24 Coalescence in the landscape context is the physical joining of two or more settlement. The proposals before this inquiry would not result in any physical merging of Ansty and Cuckfield, they do not extend across the entirety of the land between the two settlements, countryside is retained between Ansty and Cuckfield. Therefore it is clear that coalescence would not occur. The settlements will retain defined settlement boundaries with open land between them.
- 6.25 The road network would not be altered to the extent to which the settlements are served by the same road junctions.
- 6.26 The land use parameters plan (CD 1.6 and CD 2.23) illustrates how the road corridor which provides a physical link between the settlements is to be addressed by open space which further increases the physical connection between the shared infrastructure.

Visual coalescence

- 6.27 The ZTV mapping at **Appendix LP1** and **Appendix LP2** is a helpful tool (accepting that it is not the full story in terms of visibility) to understand how visual coalescence may occur.
- 6.28 The starting point for understanding the extent to which intervisibility between Cuckfield and the proposed community at Ansty would occur. Based on the totality of the development (**Appendix LP1**) the location from which intervisibility is experienced from Cuckfield is limited to the cemetery and burial grounds to the south of the Holy Trinity Church. From this location buildings on the northern edge of Ansty are currently visible.
- 6.29 From this location the most notable element in the visual composition is the South Downs on the horizon. This landform dominates much of the visual experience.
- 6.30 When considered in more detail, as illustrated by the VVMs included in the evidence of Ms Stoten, and the mapping in **Appendix LP2**, the elements within the Appeal Site likely to be visible from the cemetery are limited to the school and some buildings in the village centre.
- 6.31 Whilst the new buildings will be visible, the intervening land, the topography, tree cover and hedgerows will ensure that there is a visual break in the visual composition, preventing visual coalescence. The masterplan has been carefully considered and development, which avoids the new Ansty Community being seen as a single entity. It is visual appreciated as smaller built components in the existing landscape framework.
- 6.32 As demonstrated by the material in **Appendix LP2** where buildings in the village centre and school site are visible, only a small proportion of the development is visible, Ansty will not become prominent in the view.
- 6.33 For those travelling between the settlements on the A272 there are no notable views of Cuckfield currently and only glimpsed views of the northern development parcel will occur with the delivery of the appeal proposals. It will not be possible to see both settlements at the same time when travelling along the road.

- 6.34 In my opinion there will be no visual coalescence. There is significant intervening vegetation and landform which will ensure the settlements retain visual separation, despite the fact that from each settlement there will be views of some buildings on the edge of the other settlement.

Perceptual coalescence

- 6.35 Coalescence may be experienced from people moving through the landscape and arriving at the settlements.
- 6.36 The perception of the reduced width of the gap between Ansty and Cuckfield will be experienced primarily by those moving through the landscape on the footpaths and along the road network.
- 6.37 The A272 and the junction with the B2036 is a notable and significant feature that separates the two settlements. This is contained within a well wooded corridor reinforcing the role the road plays in separating the two settlements (**Figure LP6.2**).



Figure LP6.2: A272 road corridor

- 6.38 When travelling on the road network there is and will remain a distinction between leaving Ansty and arriving at Cuckfield. When walking on footpath CUJ 8ACU between Cuckfield and the Appeal Site the nature of the route, its enclosure and the landform means that one has a distinct sense of leaving one settlement, passing through the landscape and arriving at the next settlement.
- 6.39 A further reinforcement of perceptual separation is the difference in character of the two places (See DAS, **CD 1.23**, page 13) particularly at the points of arrival and departure with the proposed development (**Figure LP6.3**).



Figure LP6.3: Distinctive settlement character comparison

Settlement form

- 6.40 Cuckfield is an urban environment where buildings dominate the spaces with woodland and vegetation on the fringes of the settlement. It originally followed the same ribbon development pattern as Ansty, focused on the main roads of the High Street, Broad Street and the B2184, development has gradually filled in between these streets and expanded outwards along new residential roads and cul-de-sacs.
- 6.41 Whereas, the development concept is designed around a strong landscape structure, taking as its starting point the existing land form, vegetation and surrounding built features, which act as form-givers for the development.

Density

- 6.42 Cuckfield has no particular pattern of densities, as in a typical settlement where it is most dense at its core, and least dense at its extremities. Due to the piecemeal development at its core and recent development at its edges, densities vary throughout.
- 6.43 Whereas within the development, densities have been devised by assessing the existing densities within Ansty and the surrounding settlements, whilst being sensitive to the surrounding landscape and

heritage features. Conversely, density has been maximised in certain locations of the development where the parcels are well-enclosed by existing woodland.

Relationship with landscape elements

- 6.44 While Cuckfield has developed from a 'ribbon' settlement with later infill, the masterplan instead proposes to create green links connecting habitats and opening access across the site to the countryside beyond, provide a high quality public open space network for new residents to enjoy, including a space for natural equipped play, informal children's play and sports facilities.
- 6.45 By the nature of inclusion of landscape within the developed areas and its celebration through development frontage, carefully placed streets and spaces; and the strategy of providing access to open space within a few minutes' walk of home, the masterplan proposes that the development will both look and feel different to Cuckfield, resulting in a visually discernible character difference between the development and the historic settlement of Cuckfield.
- 6.46 The extended settlement of Ansty will be distinctive, with housing placed within a wooded framework and set within a series of open green space, wherein the natural environment dominates the character of the settlement.
- 6.47 These measures mean that the settlements will have distinctive and different identities. They will not share qualities that result in any sense of perceived merger. Cuckfield will remain as a town set with landscape around it and the new community at Ansty will be a development within the landscape
- 6.48 In my judgement, Ansty and Cuckfield will remain physically separate, and will not experience visual or perceptual coalescence. Both settlements will retain their own and distinctive identities.
- 6.49 I do not agree with this proposition.

Proposition 3: The development would harm the setting of the High Weald National Landscape

- 6.50 Firstly, it should be noted that the HWNL and the appreciation of its valued qualities is not reliant on it having a rural setting or a buffer. The HWNL boundary abuts Horsham, Crawley, East Grinstead, Royal Tunbridge Wells, Crowborough and Cuckfield. The designation was made despite the presence of these settlements. This is due to the strength of character and manifestation of the qualities within the boundary that are not diminished by adjoining land uses.
- 6.51 I contend that the HWNL to the west of the Appeal Site is demonstrably of a character and possesses the natural beauty attributes that would not be diluted or harmed because of new housing outside of its boundaries, set behind open space and increased tree cover.
- 6.52 The Council's officer considered this matter in detail with the Committee Report (**CD 3.1**, paragraphs 12.85 to 12.105) and the Update Sheet (**CD 3.2**). In these documents it was clear that the Council's Landscape advisor did not consider that the LVIA did not offer a full assessment of effects on the HWNL, I have accepted this, hence the analysis in Section 5 above. Therefore the officer drew on the advice from its landscape consultant and the comments received from the HWNL Unit.
- 6.53 Even with the 'negative' case presented to the officer they were able to conclude:

Overall, a development of the size proposed will result in some harm to the adjacent protected landscape and as such there would be a conflict with policy DP16 of MSDP. However, steps have been taken to the minimise the impact on the setting of the AONB, and there is scope for this to be further reduced at the detailed application stage. In the circumstances, your Planning officer considers there is no conflict with para 189 of the NPPF.(CD 3.1, paragraph 12.105)

- 6.54 In the Update Sheet (CD 3.2, page 3), clarification in respect of paragraph 12.2 of CD 3.1 was provided (with wording added):

While the site is located within the setting of the High Weald Area of Outstanding Natural Beauty (also known as National Landscape) it is not located within it. Given this and having consideration of the assessment of the impact the proposed development would have on the setting of the HWAONB (set out in para 12.85 – 12.105 of the report and clarified as moderate by your Planning Officer). It is not considered that there is a strong reason for refusal...

...Your officers are satisfied that the development complies with the final part of the para 189 of the NPPF, as set out in the assessment section of the report and in light of this it would not provide a strong reason for refusal...

- 6.55 The Appeal Site and the adjoining HWNL are well contained due primarily to the areas topography and the effect of vegetation, particularly woodland.
- 6.56 As explored in Section 5 of my proof of evidence, there will be no direct impacts on the physical fabric of the HWNL. The majority of the core characteristic components (CCCs) are unaffected. The aspects in debate are therefore:
- 6.56.1 CCC 6 **Dark night skies** – intrinsically dark at night with our own galaxy (the Milky Way) visible; and
- 6.56.2 CCC 7 **Aesthetic and perceptual qualities** – arising from the interaction of people with the landscape, including the notion of a quintessential English pastoral landscape, intimacy of scale, a sense of history and timelessness; rurality and tranquillity; glimpsed long views; freedom to explore and make connections with the natural world, and a rich legacy of features and ideas left by writers, poets and gardeners inspired by the landscape.

Dark Skies

- 6.57 The HWNL is not an internationally or nationally recognised or designated dark sky reserve/park.
- 6.58 The level of dark skies is not uniform across the landscape, with the western end of the HWNL experiencing relative higher levels of light intrusion (**Figure LP5.2**). This particularly arises from development beyond the boundary of the NL, including large settlements such as Horley, Crawley, Horsham, Haywards Heath and Burgess Hill and the A23 road corridor. Light spill from these components currently elevates the level of illumination over a wide area, extending to land within the NL.
- 6.59 In terms of the dark skies aspect of natural beauty I accept that the introduction of light sources within the Appeal Site will change the level of illumination experienced in the local area through light spill.

However, the geographic extent of such effects is highly localised and no different from that which occurs now, and at the time the NL was designated.

- 6.60 The proposals will not result in a reduction in the relative dark skies in the HWNL to the east.
- 6.61 The lack of intervisibility between the Appeal Site and the areas of darker skies means there will not be visible 'light sources' for those visiting the locations. The increase in light spill and light spill will not be discernible given the level of baseline illumination arising from spill and glow.

Aesthetic and perceptual qualities

- 6.62 Clearly this CCC is worded to address the qualities of the HWNL (within its boundaries). Therefore, the only aspect which is relevant is the 'glimpsed long views'.
- 6.63 As I have explored in Section 5, I have not identified any locations within the HWNL associated with the Appeal Site which afford 'long views'. The existing visual experience is intimate and enclosed and not devoid of settlement being present in the view.
- 6.64 The nature of the visual environment and the elements in the composition resulting from the proposed development would not impact on the aesthetic qualities which are considered to be of value to the designated landscape.
- 6.65 I do not agree with this proposition.

Proposition 4: That the proposals for the development would result in an urbanising incursion into the rural landscape

- 6.66 The term 'urbanisation' is typically used as a pejorative term in the planning process as a means of expressing contempt or disapproval. It is frequently combined with the word 'harmful.'
- 6.67 That is not to say development is without adverse consequences, but this is primarily an issue when new built form is inconsistent with the receiving context and designed without due regard to the prevailing character and appearance of the locale.
- 6.68 For the early years of the new development (years 1 to 15) as the community evolves and the landscape matures the LVIA process has concluded that significant adverse effects (effects which are moderate and above (CD 2.17, Table V3.2.1¹⁵)) are likely to occur, diminishing over the 15 years, within the Appeal Site and its immediate setting in respect of:
- 6.68.1 LCA 77 Ansty High Weald Fringe;
- 6.68.2 LCA 22 Copyhold Slopes;
- 6.68.3 Contextual townscape elements;
- 6.68.4 Land use, built form, enclosure, land ownership and time depth;

¹⁵ The tables set out the scale of the effects, geographic extent, duration and reversibility. The effects listed here are localised to the Appeal Site and its immediate setting.

- 6.68.5 Memories, preferences, sensory, forms, pattern, texture, colour, sense of enclosure, remoteness, natural beauty;
- 6.68.6 Character of the Appeal Site
- 6.68.7 Night-time character
- 6.69 Furthermore, the LVIA identifies significant adverse site specific residual effects (year 15 onwards) in respect of (**CD 2.17**, Table V3.2.1):
- 6.69.1 Contextual townscape elements;
- 6.69.2 Land use, built form, enclosure, land ownership and time depth;
- 6.69.3 Night-time character;
- 6.70 The LVIA does not identify any significant adverse effects on the character of the landscape beyond the Appeal Site. The proposals will not diminish the rurality of the wider countryside, the rural character of which is evident despite the presence of settlements and infrastructure. On the basis that the existing rural landscape is distinctive of the area alongside larger settlements provides the context to understanding the degree to which the appeal proposals will influence the wider landscape.
- 6.71 I accept that the proposals are suburban as a matter of factual description, however as described in the DAS (**CD 1.23**) they are landscape-led, respond positively to the local context and incorporate beneficial areas of open space, contributing to and enhancing the level of provision of multifunctional Green Infrastructure close to the communities it will serve.
- 6.72 The housing reflects the heights, pattern, and grain of the existing properties. The open spaces and linear green routes would be attractive for the enjoyment of the existing community as well as the new residents.
- 6.73 The appeal proposals will change the Appeal Site from agricultural land to settlement. This transition, as the illustrative masterplan and parameter plans demonstrate, can bring positive elements to the townscape.' With the appropriate design approach, the proposals can deliver a high quality and attractive scheme which will be desirable to future occupants.
- 6.74 The effects of the development will be contained by the landform and vegetation, so although this does extent the settlement into an existing rural landscape it is well-contained and the influence of the development will not result in wider effects (see Appendices LP1 and LP2). The development is well places and designed to avoid the entirety of the scheme being visible across the landscape. Glimpsed views of different elements will be visible from different locations so that the scale of the development is perceived as being less than one would envisage from looking at the proposals in plan form.
- 6.75 I agree with the the proposition that the development would urbanise part of the landscape between Ansty and Cuckfield and it will be urban in form and character. However, the wider rural landscape will be unaffected, and the 'incursion' is controlled and contained by the landform and vegetation.

Section 7: Summary and Conclusions

7.1 Importantly, the Council's officer recommended that the appeal proposals be granted consent following a detailed consideration of the issues, a position reaffirmed in the updated committee report.

7.2 In reaching this judgement the officer did not rely on the conclusions of the LVIA, the planning balance was made assuming greater landscape effects than reported by Fabrik (**CD 3.2**):

Officers consider that there will be significant adverse residual effects on landscape. As discussed earlier in this report, Officers consider that there are errors and omissions in the approach to the LVIA assessment, which means that the effect on the landscape and its function are underestimated. The magnitude of effects are likely to be greater than concluded by the ES in this regard. (Para 12.371)

Officers agree with the overall conclusions of the ES, apart from with regard to landscape and visual effects which Officers believe are underestimated within the ES. (Para 12.375)

7.3 Mr Brown gives evidence on the planning balance, from my perspective the Council's officer did assume greater adverse effects, some impact to the HWNL and perceived coalescence and still did not find that the harms (including landscape) would significantly and demonstrably outweigh the benefits of the proposals.

7.4 Furthermore, the Council has previously considered the Appeal Site as a suitable location for housing, taking account of the constraints such as the HWNL.

7.5 In respect of the natural environment, as a point of fact, the Appeal Site is not subject to specific polices listed in the NPPF, §11, footnote 7, including:

- SSSI;
- Habitat Sites;
- Area of Outstanding Natural Beauty;
- National Park;
- Heritage Coast;
- Irreplaceable habitats;
- Areas at risk of flooding or coastal change; and
- Designated heritage assets.

7.6 In respect of NPPF §187b) the landscape character of the area has been recognised in the development of the proposals. The Appeal Site is not a valued landscape (NPPF 187 a), this paragraph was not referenced in the Committee Report (**CD 3.1** and **3.2**), and the officer made no claim that the landscape qualifies as being a 'Valued Landscape'.

7.7 The locational benefits of the Appeal Site can be summarised as:

- Located adjacent to the settlement edge, utilising the existing infrastructure;
- Out with any national statutorily designated landscape;

- Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens;
- Not within a Conservation Area, no objection is made by the Council in this regard;
- Not within an NPPF 'valued landscape;'

7.8 I consider that the Appeal Site is:

- Physically, visually, and perceptually associated with the settlement character in this part of the district.
- Capable of being designed in a manner which reflects the townscape and landscape context.
- Capable of accommodating housing within an area of extensive and varied multifunctional green space.

7.9 The landscape has been subject to independent professional scrutiny over a number of years for the Council. With that scrutiny being undertaken in a 'neutral' planning environment. This analysis has been adopted and relied upon by HBC and its advisors in formulating the emerging Local Plan and making planning decisions.

7.10 In light of this analysis MSDC has:

- Previously conferred a draft allocation on the site for strategic development; and
- Through its officers, recommended that the appeal proposals be granted planning permission

7.11 Regardless of the appellant's analysis, including my evidence, the Council's evidence base and scrutiny of the appeal proposals is clear and persuasive in its own right.

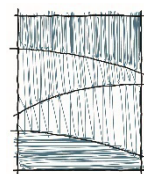
Landscape character and appearance.

7.12 The appeal proposals will result in some, localised and long-term significant adverse effects. These are contained to the Appeal Site and its immediate setting.

7.13 Alongside the adverse effects the proposals increase GI Functionality in respect of:

- Climate change adaptation
- Water management
- Food Production
- Biodiversity enhancement
- Recreation and health
- Building stronger communities

7.14 The weighting of harm should be properly calibrated, as placing the harm at the highest part of the spectrum of effects (i.e. substantial) means that a larger scale of change, across a greater area, impacting on a more sensitive site cannot give rise to any greater effect. Contextually this cannot be the correct outcome of the assessment process.



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