



Mid Sussex District Plan 2021 -2040  
Examination

**Matter 1: The Housing Requirement  
Hearing Statement**

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## MATTER 1: THE HOUSING REQUIREMENT

### Whether the plan's housing requirement makes sufficient provision for new homes.

#### **A) Local housing need**

A.1.1 It is noted that the Council have updated the Local Housing Need (LHN) figure to reflect a base date of 1<sup>st</sup> April 2025, which results in a LHN figure of 999dpa. The outcome of the new calculation results in a minimum LHN figure 40dpa fewer than the previous calculation (base date of 1<sup>st</sup> April 2024), resulting in 760 fewer homes over the plan period. Furthermore, the decrease in LHN from the submission figure (base date of 1<sup>st</sup> April 2023) means that over 1,700 fewer homes will be delivered. The PPG notes that LHN can be relied upon for two years, and therefore within the wider context of *'the country facing the most acute housing crisis in living memory'*<sup>1</sup>, updating the LHN figure to the most recent base date, which will ultimately result in fewer homes being planned for and delivered, is not considered to represent positive plan preparation.

#### **B) Unmet need from neighbouring authorities and its effect on the plan's housing requirement**

B.1.1 The Housing Topic Paper (MS-TP2) sets out that the proposed housing requirement for Mid Sussex over the plan period 2021-2040 is 20,674 dwellings (1,088dpa), of which 18,981 (999dpa) are planned to address Mid Sussex District Council's (MSDC) LHN. The residual proposed requirement comprises of a figure of 1,693 dwellings and it is proposed that these contribute towards unmet need arising in the Northern West Sussex HMA, predominantly Crawley.

B.1.2 The proposed housing requirement is based on the applicable pre-December 2024 Standard Method figure, which has been reduced to 999dpa to reflect the most recent

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<sup>1</sup> Building the homes we need. Written Ministerial Statement made on 30<sup>th</sup> July 2024. Statement UIN HCWS48

affordability ratio (base date of 1<sup>st</sup> April 2025). The proposed housing requirement for MSDC equates to only 73% of the December 2024 Standard Method. It is only by conflating the proposed housing requirement by including an arbitrary proportion of unmet need from the Northern West Sussex HMA within the Mid Sussex administrative area need that MSDC will marginally meet the 80% threshold required (80.1%) by 234(a) of the Framework.

- B.1.3** Paragraph 234(a) is clear that it is 80% of 'Local Housing Need' as calculated using the standard method in national Planning Practice Guidance (PPG), published on 12<sup>th</sup> December 2024. As above, MSDC is only seeking to deliver 73% of its requirement and this policy test is therefore failed. In planning to not deliver its full requirement, the Council also fails to deliver for groups such as older accommodation, those needing specialist accommodation and affordable properties.
- B.1.4** The transitional arrangements for plan making in December 2024 were not included to envisage that an authority would deliberately strive to plan for a requirement of virtually 80% of the December 2024 LHN figure. Moreover, for this reason and for those explained below, Gladman contend that the wider HMA's unmet needs cannot be included in order for the District Plan Review to satisfy the transitional arrangements and be examined under previous versions of the Framework.
- B.1.5** Paragraph 11(b) of the Framework (December 2023) states that, *'strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas'*.
- B.1.6** The minimum requirement is for MSDC to plan to meet their objectively assessed housing need as well as any needs that cannot be met within neighbouring areas.
- B.1.7** Paragraph 61 of the Framework (December 2023) states, in addition to the LHN figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. Within this context, any unmet need incorporated or planned for as part of the District Plan Review should be in addition to the identified housing need for MSDC.

- B.1.8 The issue is fundamentally a straightforward one of interpretation of policy. The Framework – like all planning policy – must be interpreted objectively, in accordance with the language used, read as always in accordance in its proper context. This proper context includes the practical purpose the policy has in mind.
- B.1.9 Paragraph 234(a) applies if:
- ‘the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need’*
- B.1.10 There are three relevant elements to this for this examination.
- B.1.11 The first is the plan’s draft housing requirement. This plan’s draft requirement – as is permitted by the Framework – includes the identified housing need for MSDC and an additional element for meeting unmet need arising in the HMA.
- B.1.12 The second is ‘LHN. This is both defined in Annex 2 and footnote 83 as being the December 2024 Standard Method. That calculation does not include any allowance for unmet need from neighbouring authorities.
- B.1.13 The third element is that the draft requirement must ‘meet’ at least 80% of the Standard Method’s LHN.
- B.1.14 This third element is the critical one for understanding why this Plan does not fall under 234(a). It is right that numerically the total draft requirement is marginally more than 80% of LHN. But this is because we are comparing ‘apples and pears’ as one figure includes contributions towards the HMA and the other does not.
- B.1.15 But critically the total draft requirement cannot be said to be **meeting** 80% of the LHN. This is because only 18,981 of the draft requirement is actually going to meet MSDC’s LHN. The rest is meeting a separate need. This is undeniable given table 14 in the Housing Topic Paper (MS-TP2) which explicitly sets out that housing requirement of 20,674 consists of ‘LHN (18,981) + Unmet Need Contribution (1,693)’.
- B.1.16 For the purpose of 234(a) the only relevant elements of the draft requirement are those that ‘meet’ MSDC’s local housing need. That figure is only 73% of the Local Housing Need and so clearly 234(a) does not apply.

- B.1.17 This approach and interpretation is also entirely in keeping with the practical purpose of the policy. Which is – as set out above – to provide a stringent threshold to avoid new local plans underdelivering on their Local Housing Need due to being able to rely on outdated national policy while pragmatically allowing a small number of advanced plans to continue towards adoption. The threshold is that the Government have decided that delivering 80% of the new Local Housing Need is striking an acceptable balance given such a figure. MSDC’s approach would entirely undermine that by relying on a neighbouring authority’s need to significantly underdeliver on their own need. This cannot – and is not – the practical purpose of policy.
- B.1.18 Overall, the effect of the Council’s interpretation is to re-write paragraph 234a to read:
- The plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement ~~meets~~ **is** at least 80% of Local Housing Need.*
- B.1.19 Such a re-drafting of national policy is not permitted and starkly illustrates why the Council interpretation and approach is unlawful.
- B.1.20 Accordingly, Gladman contend that the chosen approach to calculating the housing requirement is based primarily on the avoidance of having to plan for the delivery of the December 2024 Local Housing Need figure as a minimum. Indeed, paragraph 1.10 of the Housing Topic Paper (MS-TP2) states:
- ‘The LHN calculated using the December 2024 NPPF is **1,358 dwellings per annum**, 80% of this figure is 1,087dpa as illustrated in Table 2. Further consideration regarding how to achieve a housing requirement of 1,087dpa to ensure the District Plan has longevity is set out in our response to bullet b) on the plan’s housing requirement’*
- B.1.21 The statement clearly demonstrates the avoidance tactic being used by the Council. However, the avoidance tactic fails on a straightforward interpretation of 234(a). For the reasons provided above therefore the District Plan Review is not consistent with the provisions of paragraph 234(a) of the December 2024 Framework and therefore does not qualify to be considered under the transitional arrangements. Consequently, the plan should not be examined under the previous December 2023 version of the Framework.

- C) Whether a stepped requirement is appropriate**
- C.1.1** No. The proposal to set a stepped housing requirement is not justified or indeed positively prepared, and nor will it be effective in meeting housing needs or thus comply with national policy.
- C.1.2** The proposed stepped trajectory would require provision of fewer homes than have been delivered in three out of the four years since the start of the plan period (2021/22), rather than genuinely boosting supply.
- C.1.3** The Housing Topic Paper (MS-TP2) seeks to justify the stepped trajectory by stating that the Crawley Housing Land Supply shows a steady supply from years 1-5, peaking in years 6-11 and then falling significantly towards the end of the plan period. This justification goes to the heart of the issue of relying on a neighbouring authority's unmet housing need to contribute towards meeting 80% of the December 2024 NPPF LHN figure. The Council's approach of progressing the stepped trajectory results in a housing requirement which is only 73% of the December 2024 NPPF LHN figure for the first 10 years of the plan period and means that the five-year housing land supply does not meet the minimum number of homes needed to satisfy the transitional arrangements.
- C.1.4** In the spirit of positive planning, adverse outcomes must be avoided through the setting of a fixed target, which as a minimum, would ensure that the from the date of adoption, 80% of the December 2024 NPPF LHN figure was being provided for, instead of relying on delivery later in the plan period. The Council should identify new sources of deliverable supply if its preferred strategy of reliance on strategic allocations is unable to provide a sufficient supply to meet the minimum LHN required under the transitional arrangements in the first 10 years of the District Plan Review.