

12 May 2021

Charlotte Glancy  
Programme Officer  
c/o Banks Solutions

Dear Ms Glancy,

**Mid Sussex District Council Site Allocations DPD Examination – Further Written Representation**

Further to the publication of the Inspector's Matters, Issues and Questions (MIQs) Discussion Note, we wish to make further representations to the Inspector, building on our comments submitted 22<sup>nd</sup> September 2020.

Having regard to the Mid Sussex District Council (MSDC) evidence base and other representations from stakeholders and local residents, we would like to raise additional concerns especially and specifically with regard to the deliverability of site SA31: Land to the rear of Firlands, Church Road Scaynes Hill.

We understand that, in line with the NPPF Para 35, the Site Allocations DPD needs to be justified, effective and positively prepared and consistent with national policy.

We do not believe that the Site Allocations DPD is justified as it does not in our view *'provide an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence<sup>1</sup>*

In the Site Allocations DPD, MSDC has identified site SA31 as being suitable for up to 20 residential dwellings and the indicative layout under SA31.3 identifies the possible layout.

In September 2020, in response to the publication of the draft Site Allocations DPD, we submitted a representation<sup>2</sup> which highlighted the existence of a restrictive covenant on part of the site. This was further supported by representations from several neighbouring properties<sup>3</sup>, confirming that there are in fact two covenants in place and, collectively, they cover a significant area of the site (approximately one

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>2</sup> ID1632 (page33) of the following [sa31\\_redacted.pdf \(midsussex.gov.uk\)](#)

<sup>3</sup> ID739 (p2), ID826 (p9), ID847 (p13), ID1018 (p17), ID1998 (p54), ID2086 (p70), ID2305 (p78), ID2337 (p81) and ID2367 (p85) of [sa31\\_redacted.pdf \(midsussex.gov.uk\)](#)

third). Attached is a copy of the Land Registry Title Number WSX6532 which refers to the restrictive covenant, jointly held by us.

We note from the MSDC Response to the Inspector's Initial Questions (ID-01) that this information is acknowledged by both the developer and MSDC and that the landowner is 'confident that a solution can be found through layout' and that 'an agreed solution will be sought prior to the submission of a planning application'.

However as required by the NPPF, we do not believe the site is achievable, deliverable or suitable and we therefore continue to question how the site can remain in the Site Allocations DPD as being suitable for up to 20 dwellings, given the existing covenants take up a significant part of the allocated land. Whilst we appreciate that some covenants are separate legal matters, outside of planning, this site is not "available" and therefore this seems to go to the heart of allocation.

In addition, the site lies within the Adopted Mid Sussex District Plan Proposal Map as within area covered by policy [DP12: Protection and Enhancement of Countryside](#). We have specific concerns also that the LVIA (SA31.6) indicates that to achieve this number of dwellings, higher density housing is required of 2-5 storey dwellings which is totally inconsistent with the surrounding area<sup>4</sup>, particularly to the north.

We therefore challenge how 20 dwellings on the remaining, available land would be either appropriate, deliverable or consistent with the National Planning Policy as required by Para 35 of the NPPF? We also believe that the Preliminary Ecological Appraisal submitted for the site (ref SA31.5) confirms in para 8.2.2<sup>5</sup> that additional landscape buffers will be required, further reducing the developable area of the site.

In addition, the supporting 'Transport and Access Statement' claims to demonstrate that the site is accessible and can be accessed with sustainable transport, however from living here since 2005, we can confirm that there are no public footpaths on the highway, no designated cycle lanes and limited public transport (bus) connectivity.

Policy DP6 of the Adopted 2018 Mid Sussex District Plan indicates that Scaynes Hill has already provided all the housing needed to cover the whole Plan period to 2031 and no additional housing is therefore required to 'meet the housing need'.

The same policy suggests the developments of up to 10 dwellings could be permitted but adds the proviso that a developer is not allowed to submit multiple applications for smaller developments in order to infill a large area.

If permitted, this application will represent the fourth occurrence of a small-scale development within a much larger plot; the former being:

- Construction of 2 no semi-detached and 4 no detached dwellings ([14/04321/FUL](#)) Approved 2014 and Completed in 2016.

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<sup>4</sup> <https://www.midsussex.gov.uk/media/5123/sa316-lvia-app-e.pdf>

<sup>5</sup> <https://www.midsussex.gov.uk/media/5120/sa315-preliminary-ecological-appraisal.pdf>

- Demolition of existing structures and erection of a detached dwelling with access and parking ([DM/16/4612](#)) Approved Oct 2016
- Outline application for approval of access for 2 detached dwellings and garages ([DM/16/4840](#)) Approved Mar 2017, extended Mar 2020

In conclusion, we consider that the deliverability of this particular site within the Site Allocations DPD as proposed, or at this scale, is not appropriate and the site should be re-assessed and either removed or reduced (to a number in keeping with plans already approved). We believe that the MSDC Site Allocations DPD is therefore not compliant with para 35 of the NPPF and should be amended.

Yours sincerely

[Redacted signature]

[Redacted signature]

Andrew & Lynn Hainge ([Redacted])

[Redacted signature]

Peter & Dianne Bain ([Redacted])

Simon Crabb & Nicola Serdiuk ([Redacted])

[Redacted signature]

Jon & Joanna Walters ([Redacted])

[Redacted signature]

**Encl. Appendix A – HM Land Registry Title Number WSX6532**