



DM/23/2866: Land East Of Ansty Way, Cuckfield Bypass, Cuckfield

Outline planning application (all matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces and landscaping

1 Our Submission

This proposal does not, and cannot, constitute sustainable development. To grant consent would be contrary to the policies of the adopted development plan and the purpose of the planning system as set out in the National Planning Policy Framework¹. Both Ansty & Staplefield and Cuckfield Parish Councils **OBJECT** to this planning application and are united with local residents in urging that it be refused.

There is insufficient time within the consultation deadline to respond in detail to the individual elements of the proposal. This representation therefore focuses on the key strategic issues, and we reserve the right to make further representations when we have had more time to consider specific elements and in the light of other consultation responses.

2 Relationship of this Application to the National Policy Position

It would be contrary to the principles of the planning system as set out in the NPPF for new development on this scale to be permitted except where it has first been subject to the necessary scrutiny and appraisal associated with a local plan allocation. This is essential to allow the individual and 'in combination' effects of strategic allocations to be assessed.

The National Planning Policy Framework ('NPPF') defines the principle of a 'plan led' planning system. In its first paragraph it explains that it:

¹ Latest version published 19 December 2023 and now applicable to decision making.

Lindfield Parish Council
18 Luxford Road
Lindfield
Haywards Heath
West Sussex
RH16 2LZ

01444 483018
clerk@anstystaplefield-pc.gov.uk

Cuckfield Parish Council
The Queen's Hall
High Street
Cuckfield
West Sussex
RH17 5EL

01444 454276
clerk@cuckfield.gov.uk



....provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner.

It goes on to make clear that:

The purpose of the planning system is to contribute to the achievement of sustainable development.

And to explain that development plans should provide:

A positive vision for the future of each area: a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

This site is not allocated by Mid Sussex District Council ('the Local Planning Authority' (LPA)) in the adopted District Plan 2011 – 2031 ('the District Plan')². Nor are there any policies in the Ansty, Staplefield and Brook Street Neighbourhood Development Plan ('ASBSNP') made in February 2017 or the Cuckfield Neighbourhood Plan ('CNP') made in October 2014, that would give support to the proposal.

The site was promoted for allocation in the emerging Mid Sussex District Plan 2021 – 2039 ('the emerging plan'). After careful consideration it was excluded from the Regulation 18 consultation in 2022. Further representations that it should be included were rejected and the Regulation 19 consultation will commence imminently. The emerging plan meets the district's housing need in full based on a justifiable strategy of large scale and local growth. If the applicant believes that they have a case for the inclusion of the site in the emerging plan then the correct route is for them to make their case at the examination of that document in due course.

Decisions about individual planning applications must, by law, be taken in accordance with the policies of the adopted development plan unless material considerations indicate otherwise. The guidance given by the NPPF regarding the aims and objectives of the planning system is a significant material consideration. Where no allocation exists a speculative proposal of this type will always generate multiple conflicts with the policies of the development plan, any and all of which will constitute reasons to refuse the application.

3 Housing Supply Position

There is no requirement for the LPA to grant permission for any additional housing development in the area over and above allocations made in the District Plan. It can demonstrate a 5 year housing land supply as required by the NPPF and may consider that in accordance with the latest amendments to the NPPF it is now only required to demonstrate a 4 year housing land supply. Either way, the 'tilted balance' is clearly not engaged for decision making purposes as the applicant acknowledges.

² The District Plan consists of two documents – the Core Strategy and Site Allocations DPD 2022



The relevant policies of the District Plan still carry full weight in light of the LPA's good record of housing delivery. This has been confirmed by the recent appeal decision regarding development proposed at Henfield Road, Albourne³. In her decision letter the inspector said:

Overall, I find that the council has taken and continues to take a proactive approach to housing delivery at both plan making and decision making. From the evidence to this Inquiry and in particular the summary contained within the housing land supply position including 5-year Housing Land Supply Statement (CDD. 5), the Council is effectively using a variety of tools and mechanisms to ensure housing can be delivered in a timely manner. Plan making progress as acknowledged by the appellant is commendable and is positive and continuing to progress.

This carefully considered and up to date appeal decision (dealing with a residential development proposal of 120 units) comprehensively analysed and rejected the appellant's arguments that consent should be granted contrary to the development plan. The inspector found no evidence that the LPA was underdelivering on housing or that additional housing outside of District Plan allocations was required. The decision gives a very clear guide to the approach which should be taken to this application.

Granting outline permission for a development of this scale would, in any case, make no practical difference to housing supply for at least three years and probably much longer. The applicant is not a volume housebuilder and would be entirely dependent on market appetite to bring forward delivery. Multiple commercial transactions and reserved matters applications would be necessary as would the completion of at least one Section 106 agreement. In the meantime, the new District Plan will be in place with sites identified to meet the objectively assessed housing need as determined by its evidence base. Even if there were a housing shortfall it is illogical for the applicant to argue that this could be improved upon by their proposal.

Whilst recognising that the housing numbers provided for in the District Plan are not a 'cap', there is no merit in any of the applicant's arguments and they gain no support from the current state of housing supply in the district or the policies of the NPPF.

³ APP/D3830/W/23/3319542 Land south of Henfield Road, Albourne decision date 5th October 2023



4 Detailed Considerations

4.1 Concept and Location

Achieving sustainable residential development on a large scale requires the selection of carefully considered and appropriate locations. The NPPF makes clear that this is the role of the development plan process.

In the context of the legal requirement to address climate change and contribute to the achievement of net zero, locating strategic scale development where a high percentage of employment, education, leisure and personal services are accessible without the requirement for private car journeys is essential. Dwellings will be constructed to similar environmental standards wherever they are built, but if they are poorly located then they cannot be described as sustainable. It is a requirement of the NPPF that a high priority be given to creating 'proper' communities which have a purpose and a self-sustaining nature which goes beyond simply providing dormitory accommodation. The application completely fails to meet this objective.

In its Design and Access Statement ('DAS')⁴ the proposed settlement is described as one which:

..will be an extension of the existing village of Ansty.

But also that:

The small settlement of Ansty will grow and become part of something much larger.

These contradictory statements betray the ad hoc thinking behind the application. There is no meaningful sense in which the village of Ansty plays a part in the planning of the community – it is entirely disingenuous for that claim to be made. Like most small rural communities Ansty has a limited range of facilities (although the picture painted by the applicant is deliberately negative) consistent with the scale and nature of the population. To imply that Ansty needs to be 'rescued' from decline by the construction of a large housing development on its outskirts is nonsense. Nor is Ansty a strategic location, or one which has any infrastructure – such as a railway station or major employment area –that would 'seed' long term growth. In truth, the proposal site is defined only by the extent of the applicant's land holdings and their commercial aspirations. There is no place-making relationship to the existing settlement or of course to any plan led development strategy.

The proposal is described as a 'garden community' and clearly intends that support should be obtained from the concept promoted by the government in its 2018 prospectus for garden communities⁵. The essential components of a garden community/village are described by the Town and Country Planning Association ('TCPA') in its publication 'Understanding Garden Villages: An Introductory Guide'⁶ in the following way:

New garden villages may be developed as 'distinct settlements' only where there are sufficient employment and community facilities provided within the development to

⁴ Design and Access Statement prepared by fabrik November 2023

⁵ 'Garden Communities' Ministry of Communities Housing and Local Government August 2018

⁶ Town and Country Planning Association January 2018



support the population and where there is an affordable and easily accessible public transport system linking the new garden village with its 'parent' town or city. In addition, identification of new garden villages should be undertaken through a planned approach that considers development at a range of scales.

The government prospectus for garden communities said:

..this is not about creating dormitory towns, or places which just use 'garden' as a convenient label.

and

All proposals should demonstrate how the new garden community fits with wider strategies to support economic growth and increase productivity.

and

All proposals should have the backing of the local authorities in which they are situated..

and

..designed and executed with the engagement and involvement of the existing local community, and future residents and businesses. This should include consideration of how the natural and historic environment of the local area is reflected and respected.

The concept of a garden village has no formal status within the planning system as described in the NPPF. However, since the applicant seeks to gain support from the concept it is relevant to point out that the proposal is consistent with none of the principles set out by the government and the TCPA.

The applicant does indeed use 'garden village' as convenient label for what is in fact dormitory development in the countryside. It fits with no wider strategy, supports no other growth, is not backed by any local authority and the local community has not been involved in its design or evolution. The LPA should not be misled by misappropriated urban design terminology into thinking that this development would achieve any of the outcomes promised by the applicant. It cannot do so because its relationship to its setting, neighbouring communities, transport networks and infrastructure is fundamentally flawed.

4.2 Transport and Accessibility

The sustainability of a large-scale residential proposal as a place to live depends on its relationship to the employment, education, leisure and personal service needs of its residents.

This location is car dependent 'by design' and as such conflicts with the NPPF which says that:



Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.⁷

Consultants appointed by Ansty and Staplefield Parish Council have reviewed the applicant's claims regarding the connectivity of the site, particularly by means other than the private car.⁸ Their conclusion is that the claims are inaccurate, providing a technical underpinning to the "common sense" observations of parish councils and local residents.

The nearest higher level settlement is Cuckfield, but this also has a very limited range of services and only minimal retail provision. Although the nearest secondary school, the Warden Park Academy in Cuckfield, is within reasonable walking distance of some parts of the proposed development, access to the school will still generate a significant number of direct or linked-trip car journeys.

A small element of necessary infrastructure would be available to residents within the new development (if these are actually delivered), but most requirements for access to retail, health, and leisure services would require trips to Haywards Heath, Burgess Hill and possibly further afield. Given the absence of employment provision, new residents would be required to commute into neighbouring towns either to work or for onward travel.

Proposals for active travel options identified by the applicant are impractical or non-existent. They are based on misleading statements regarding travel times and distances, for instance in relation to the use of the existing public rights of way network. Proposals for increasing local bus services are vague and evasive. The Cuckstye Action Group has been in contact with local bus operators which have confirmed the potential difficulties in securing a resilient long-term service and the requirement for public subsidy (which is highly unlikely in the current economic climate). Whilst developer funding would no doubt be obtained for an initial period, there can be no confidence that the development would be served by a reliable, frequent bus service.

The high level of car dependency was identified when the site was evaluated, and rejected, for inclusion in the emerging District Plan, a process which determined that it would have a severe impact on a number of junctions on the surrounding network. The applicant's transport assessment now claims to have found a way to reduce this impact. The principal 'technique' adopted to achieve this outcome is for the applicant to assert, with no supporting evidence, that it can now be assumed that the development will generate fewer trips than was factored into the previous modelling exercise.

This is simply a poorly executed conjuring trick and must be seen for what it is. The applicant does not even try to explain why these new assumptions should be accepted or why this development is different to other strategic sites which are assessed using the Mid Sussex Strategic Highway Model which already makes a generous allowance for changes in post pandemic working patterns and reductions in car-based commuting.

⁷ NPPF Paragraph 109

⁸ Velocity report to Ansty and Staplefield Parish Council December 2023



Feeding in lower traffic volumes will always result in a reduction of the impact modelled on the network. But a proper justification is required for those assumptions, and none has been provided. In effect, the applicant has simply worked backwards from the answer it wants and modified the inputs accordingly. That is not a legitimate way to proceed and cannot be accepted.

This location is and will remain unsustainable because, apart from a road network that it would overload, it has not been selected with any consideration of how its residents could use other means to access the majority of the facilities and services they will need. It is too distant from Haywards Heath or Burgess Hill for cycling or walking to be a viable option for functional trips to reach employment, education or health services. There are no pre-existing transport hubs or networks which can be grown or exploited to the benefit of either new or existing residents. There is no sense in which the proposal evolves from or gains any impetus from the existing Ansty village which is small, rural and provides no 'platform' for such growth.

4.3 Landscape Setting

The proposal is for development in an area of landscape sensitivity on the edge of the High Weald National Landscape.⁹

The applicant's Landscape and Visual Impact Assessment ('LVIA')¹⁰ suggests that there will be:

insignificant effects on the visual receptors within the High Weald AONB

As their consultants acknowledge, this contrasts sharply with the Mid Sussex Landscape Capacity Study¹¹ which found that this part of the district has low/medium capacity and that the:

*adverse effect on most of the character area...and it will not be suitable for strategic scale development*¹²

It also contrasts with the conclusions of the LVIA undertaken by Louise Hooper Landscape Architect in 2022¹³ and now updated in the light of the current application. This assessment finds that there will be a major adverse effect on the landscape setting as viewed from the High Weald National Landscape (and the Cuckfield Conservation Area). It should be instructive that these findings are compatible with all the previous landscape assessment work undertaken for the area whereas those of the applicant are not. That includes the Cuckfield Landscape Character Assessment carried out in support of the Cuckfield Neighbourhood Plan which assessed the area as one of 'substantial sensitivity'.¹⁴

⁹ Areas of Outstanding National Beauty (AONBs) are now called 'National Landscapes' but references to AONBs remains in legislation and policy and therefore both terms will occur in relation to this application

¹⁰ Landscape and Visual Impact Assessment: fabrik October 2023

¹¹ 2007 updated in 2014

¹² Conclusion for LCA77 Ansty High Weald Fringe in which the majority of the site is located – emphasis added.

¹³ Landscape and Visual Impact Assessment and Landscape Character Assessment November 2022 commissioned by Cuckfield Parish Council in conjunction with Cuckstye Action Group

¹⁴ Hankinson Duckett Associates, April 2012



The assessment of landscape impact must take account of the policy protection provided in the NPPF and the District Plan to national landscapes. Referring to all designated areas¹⁵ the NPPF says that

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

Since the proposed development is unnecessary (being neither a development plan allocation nor required to meet housing requirements) and does have an adverse impact, the way in which to avoid that impact is to refuse the application. That conclusion is now reinforced by Section 245 of the Levelling Up and Regeneration Act which commenced on 26th December 2023. This places a duty on public bodies to ensure that decisions which would affect an area of outstanding beauty should themselves further the purpose of 'conserving and enhancing the natural beauty of the area of outstanding national beauty.'

4.4 Impact on Infrastructure

Infrastructure necessary to support new development should be planned and provided as part of the local plan process to help create joined up and integrated communities. This is particularly important given the financial burden falling on service providers which requires long term planning. Speculative applications, especially those of this scale, will tend to distort infrastructure planning and impose an unexpected burden on existing services which they are unlikely to fully mitigate.

It is proposed that the development would be served by both a new primary school and SEND school; it should be confirmed that this is supported by the local education authority as part of its school places planning strategy.

No evidence has been provided that the proposed GP surgery is likely to be deliverable and it seems improbable that the Integrated Care Board ('ICB') would provide the necessary revenue funding for primary care services in the current economic climate. Without written confirmation that the proposed surgery forms part of the ICB's future plans and that it will provide the funding required, this 'offer' has no substance and should be accorded no weight.

Whilst the provision of additional facilities to meet the demand for outdoor sport would be required, it is not clear that the proposals submitted with the application represent a robust approach to achieving this. Joint use of facilities on the primary school site may not prove a practical proposition given the differing requirements of education and community uses. The proposed 'sports hub' addresses district wide shortfalls in sports facility provision rather than any previously identified local need. Whilst they would be of some benefit to residents of the new development, if they are to serve a wider catchment population they would be better located nearer to strategic growth and transport infrastructure. The proposed operating model does not seem likely to attract long term, sustainable, commercial interest given the relatively small size and likely turnover of the facilities. Without evidence that there is active interest we would seriously question whether this is a viable approach.

¹⁵ National Parks, the Broads and Areas of Outstanding National Beauty



A number of the infrastructure proposals associated with the proposal have little credibility or substance. They are included as a way of making it a more attractive proposition, but they are unlikely to be delivered. In the absence of provision being made within the site, residents will be completely dependent upon reaching Haywards Heath and Burgess Hill for these services and they will have no option for gaining access to them other than by making private car journeys.

4.5 Biodiversity

So far as we can tell, the applicant has not provided a formal biodiversity net gain assessment for the application site. Instead, they have relied upon the assessment provided for the entirely separate proposal for the parkland reserve at Beechy Bottom.

Without a supporting explanation they maintain that this should, by some unspecified planning mechanism, be considered as demonstrating the policy compliance of this application. We believe this is a wholly wrong way to proceed. The biodiversity status of the Beechy Bottom reserve application has no relevance to the determination of a residential application with a separate red line boundary.

Both NPPF and District Plan policies require that the residential site must be assessed in its own right to determine the impact on biodiversity before any mitigation or off-site compensation can be considered. The NPPF¹⁶ requires that significant harm to biodiversity should be avoided which clearly cannot be achieved demonstrated unless the impact is assessed.

The applicant must be required to provide a biodiversity assessment of the application site using the Natural England metric which should then be considered against the policy requirements of the NPPF and District Plan.

4.6 Specific Policies relevant to the Determination of the Application

For the reasons we have set out above, the site is fundamentally unsustainable as a location for significant scale development. It can be rejected 'in principle' because of its conflict with the strategic policies of the District Plan. However, to ensure that there is no doubt regarding the development plan policies with which it conflicts, including those of the two neighbourhood development plan areas within which the application site lies, we have summarised these below:

4.6.1 Cuckfield Neighbourhood Plan

CNP1: Design of New Development and Conservation

The proposal does not reflect the heritage or the distinctive character of the area, or the local context of Cuckfield. The established relationship between Ansty and Cuckfield would be adversely affected by an unplanned urban extension into the countryside between the two settlements.

CNP4: Protect and Enhance Biodiversity

¹⁶ NPPF Paragraph 186 (a)



Development on this scale will inevitably have an adverse impact on long established and well-functioning ecological networks. In the absence of any justification for the development on the grounds of housing need, the disturbance of these networks, even if a localised net gain in some aspects of biodiversity can be shown, would be unacceptable.

CNP5: Protect and Enhance the Countryside

The proposal is contrary to every part of this policy. The site is not allocated for development and would have a detrimental impact on the landscape setting, distinctive views (as identified in the Cuckfield Landscape Character Assessment) and on the High Weald National Landscape.

CNP16: Transport Impact of Development

As set out above, the development would not have secure sustainable transport links and would create a severe impact on the operation of the highway network for which no adequate mitigation is proposed.

CNP21: Securing Infrastructure

The proposal does not demonstrate or provide reassurance that the infrastructure necessary to support the development can or will be provided in a timely manner, if at all.

4.6.2 [Ansty, Staplefield and Brook Street Neighbourhood Development Plan](#)

Policy AS1: New Housing Development

The policy requires that new residential development should be within the existing settlement boundary or otherwise compliant with the District Plan, neither of which would be the case with the proposal.

Policy AS2: Preventing Coalescence

The proposal will result in the perception of openness between Ansty and Cuckfield being eroded to an unacceptable degree. It would also contribute to an increase in the coalescence of Ansty, Cuckfield, Burgess Hill and Haywards Heath by 'in-filling' countryside between these settlements.

4.6.3 [District Plan](#)

DP3: Village and Neighbourhood Centre Development

DP3 supports only a modest level of development within village centres which would be appropriate to meet local needs and is consistent with the scale and character of the area. The application gains no support from this policy and conflicts with its intention of ensuring that rural communities retain their identity and distinctiveness.

DP5: Planning to Meet Future Housing Need

The proposal is 'unplanned for' housing provision which is not required to meet the housing need identified in the District Plan and is not justified on any basis provided



for in the NPPF. The review of the evidence base for the emerging Local Plan provides no support for any additional housing of this scale to be provided and granting permission would clearly prejudice the outcome of the plan making process.

DP6: Settlement Hierarchy

The proposal does not support identified local housing need. It is unplanned and unsustainable development in the countryside which gains no support from any of the exception criteria set out in DP6.

DP12: Protection and Enhancement of Countryside

The proposal would have a serious adverse effect on the intrinsic character and beauty of the countryside. The policy does not require any specific landscape value to be demonstrated for the policy to be engaged but the location is in the setting of the High Weald National Landscape and would clearly not further the purposes of that designation. There is no policy reference that would support the proposal.

DP13: Preventing Coalescence

The proposal would destroy the character and identity of Ansty contrary to the requirements of DP13 that this be respected. It would create a large scale settlement in the countryside that would tend to reduce the separation of Haywards Heath, Cuckfield and Burgess Hill, especially with regard to the extension of Burgess Hill by way of the Northern Arc development area.

DP15: New Homes in the Countryside

The proposal is in conflict with DP12, and for that reason there is no requirement or justification for housing development in the countryside. The proposal therefore conflicts with DP15. Only an allocation in the District Plan could provide the policy justification for such development.

DP16: High Weald Area of Outstanding Natural Beauty

By virtue of its impact on its setting the proposal would be harmful to the essential characteristics of the area of outstanding natural beauty and have a detrimental impact on its setting.

DP21: Transport

The proposal would not support the delivery of the objectives of the West Sussex Transport Plan 2011 – 2026 as required by DP21, in that it is not sustainably located to minimise the need for travelling given that the development is not required in this location. The scheme would not avoid causing severe traffic congestion and the evidence provided in support of the application is flawed and misleading.

DP26: Character and Design

Even having regard to any positive aspects of the internal layout or design, by virtue of the location the proposal would not reflect the distinctive character of the surrounding villages, and would not be sensitive to the countryside.



DP29: Noise, Air and Light Pollution

The proposal would have a harmful effect on the dark skies and the associated ecology of the area and in particular of the AONB.

DP38: Biodiversity

No assessment of the impact of the proposal on the biodiversity of the site has been provided and it cannot therefore be demonstrated that there will be no net loss of the diversity as required by the policy. It therefore follows that none of the requirements to avoid the loss of habitat or to provide mitigation can be met.

DP39: Sustainable Design and Construction

No information has been provided to demonstrate that the requirements of DP39 will be satisfied.

5 The Applicant's Planning Strategy and Relationship to Beechy Bottom Parkland Application

The timing of this application has been made with the clear intention of blurring the distinction between the assessment of a planning application and promotion of the site as an allocation within the Local Plan review. It has been motivated by the decision of the LPA not to include the site in its Regulation 18 Draft Local Plan and the proposed submission draft Local Plan that will be published for Regulation 19 consultation in January 2024. The forthcoming examination of the Local Plan provides a legitimate and proper opportunity to argue their case and persuade an inspector that the Council's strategy is incorrect.

In colloquial terms, this application is simply an act of petulance on the part of a site owner who cannot accept that the planning system has followed the proper process and concluded that their site is inappropriate for development. The effect of the application is however to lay bare the full extent and detail to which development would be unsustainable and therefore unacceptable.



6 Conclusion

This application proposes major development in the countryside which is neither 'plan led' nor justified by any requirement for housing delivery or economic growth. It conflicts with every relevant policy in the development plan and offers no benefit from 'in combination' effects with other growth which is provided for in the District Plan. It solves no transport problems, reuses no brownfield land and provides no strategic improvements in infrastructure. Its design and layout proposals are generic, have no origin in the landscape or history of settlements in the area and are isolated from services and employment. It would have a harmful effect on the setting of the High Weald National Landscape.

For the reasons given the application is contrary to the development plan taken as a whole and should be refused.

Andy Burton
Chairman
Cuckfield Parish Council

Brad Williams
Chairman
Ansty & Staplefield Parish Council