



National Planning Policy Framework 2026 – Appellant’s Response

Colwell Farm, Haywards Heath

**Town and Country Planning Act 1990 Planning and
Compulsory Purchase Act 2004 Section 78 Appeal by**
Appellant: Miller Homes

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1.0 Introduction

1.1 This Note sets out the Appellant's submissions on the implications of the new National Planning Policy Framework (NPPF) published by the Government on 17th August 2026.

1.2 As paragraph 1 makes clear, the new NPPF replaces the previous NPPF published in December 2024 (hereafter referred to as NPPF24). NPPF Paragraph 1 of Annex A: Implementation, goes onto state:

The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication [17th August 2026].

1.3 The new NPPF and specifically the National Development Management Policies (NDMPs) therefore now attract full weight as the primary material consideration in decision-making for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

1.4 This document will focus on those NDMPs and other text in the new NPPF text of greatest relevance to this appeal given the main matters identified by the Inspector.

1.5 Section 2 will consider the application of principal NDMPs relating to the principle of the appeal scheme, especially S5(1)(j) and HO7, which collectively replace the previous NPPF 11d presumption and provide even clearer direction as to weight.

1.6 Section 3 will consider in the light of Annex 2, paragraph 2, the conflict between the NPPF and existing and emerging Mid Sussex Local Plan housing policies, and the resultant weight to be given to those policies, given the new requirement in paragraph 2 to accord 'very limited' weight to inconsistent development plan policies.

1.7 Section 4 will consider the rest of the NPPF and its relationship to the main matters of the appeal, including Main Matter 1 (Transport), Main Matter 2 (Countryside), Main Matter 3 (Heritage), Main Matter 4 (Ancient Woodland) and Main Matter 5 (Ecology / Biodiversity).

1.8 Section 5 will summarise any changes to the planning balance resulting from the new NPPF, providing a summary of the changes and their effect on the appeal scheme.

1.9 This note has been prepared by the Appellant's Planning Witness, Mr Nicholas Billington, but with input from other experts in respect to policies relevant to their discipline.

1.10 Main Matter 1 is further addressed via Appendix A, prepared by the Appellant's Transport Witness, Mr Neil Marshall, focusing specifically on how the proposal and the existing evidence base demonstrate full compliance with the transport-related NDMPs – specifically TR3, TR4, TR6 and TR8.

1.11 Main Matter 3 is further addressed via Appendix B prepared by the Appellant's Heritage Witness, Mr Jonathan Smith. Again, this explains why the existing evidence demonstrates compliance with Section 20 of the NPPF in respect of the effect of the development on designated and non-designated heritage assets.

1.12 This note should be considered alongside the evidence already presented in writing, including the closing statements, and provided orally at the inquiry.



2.0 NPPF Housing Policies and the Principle of Development

- 2.1 The NPPF provides the strongest ever support for housing development in the modern planning policy era, including at sites which adjoin the settlement boundary.
- 2.2 This section focuses on the NDMPs that relate principally to housing development and so are of particular relevance to this appeal and the principle of development.
- 2.3 Section 3 will consider the separate (but closely connected) matter of the interrelationship of the NDMP's to the adopted and emerging LDP.
- 2.4 It is first worth recognising the context within which the new NPPF has been published. As set out in evidence already presented, the draft of the NPPF published in December 2025 was explicitly published in the context of the significant housing crisis (CD5.2).
- 2.5 The new NPPF retains the approach to housing contained in the December 2025 draft.
- 2.6 The Government have been clear that a key purpose of the revisions to the NPPF is to boost housing supply and unlock economic growth. The link between these objectives was explicitly put by the Chancellor of the Exchequer in his remarks to accompany the publication of the new NPPF in which he stated:

*"We want to drive growth in every postcode and help more working people into home ownership. A secure home is the heart of all our lives, helping people put down roots, plan for the future and build a good life for themselves and their families. This is about creating opportunity, prosperity and stronger communities across the country."*¹

- 2.7 This is also reflected in the three overarching objectives set out within the introduction to the NPPF at paragraph 17, which includes the objective of

'...ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

- 2.8 Whilst multiple parts of the NPPF are relevant to housing, those of most relevance are contained in section 4: Achieving Sustainable Development, and Section 6: Delivering a sufficient supply of homes.

Section 4: Achieving Sustainable Development

- 2.9 Section 4 provides the overarching NDMPs which provide a framework for the decision maker in considering the principle of development for all types of development proposals. Broadly, it replaces the NPPF (2024) paragraph 11d with a set of more specific NDMPs which confirm the circumstances where certain types of development should be approved, including in circumstances where a Council is unable to demonstrate a 5YHLS, as is the case in MSDC.
- 2.10 **NDMP S3** is a highly relevant NDMP which maintains the presumption in favour of sustainable development, linking to NDMPs S4 and S5.
- 2.11 **NDMP S4** confirms the principle of development, where proposals are located within settlement boundaries. It confirms that development within settlement boundaries should be approved unless the benefits would be substantially outweighed by any adverse impacts.

¹Press release: Full steam ahead to fast-track more homes near stations (17/08/2026)
<https://www.gov.uk/government/news/full-steam-ahead-to-fast-track-more-homes-near-stations> [accessed 26-08-2026]



- 2.12 It is accepted that, excluding the site access, the development is outside of a settlement boundary and therefore S4 largely does not apply to the Appeal Scheme at this time.

Application of NDMP S5(1)(j)(i) to the Appeal Scheme

- 2.13 **NDMP S5** confirms the circumstances when the principle of development outside settlements will be acceptable. It provides circumstances (a – j) where development outside of a settlement boundary will be accepted. Where one of these circumstances is met, development should be approved

*'...unless the benefits of doing so would be **substantially** outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework [my emphasis]*

- 2.14 NDMP S5(1)-(5), including sub-paragraphs, are largely the same as the December 2025 draft NPPF. Policy S5 and its relevance to the appeal were discussed at 3.6 of the Planning PoE and paragraphs 4.2 to 4.9 of the Planning Rebuttal. The Rebuttal confirmed that each criterion applies individually. It confirmed that if one criterion does not apply (such as S5(1)(h) as was put by Mr Greaves), this is irrelevant. Compliance with one criterion is sufficient.
- 2.15 As set out, S5(1)'s criterion (j) is the relevant criterion to the appeal scheme. It confirms:
- j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test²⁷), and where the development would:*
- i. Be physically well-related to an existing settlement²⁸ (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*
- ii. Comprise major development for freight and logistics purposes which accords with policy E3.*
- 2.16 MSDC do not currently have a 5YHLS and this is agreed by all parties. The development would therefore address an evidenced unmet need.
- 2.17 In respect of criterion j(i), the scheme directly adjoins the settlement boundary of the Category 1 settlement of Haywards Heath and is clearly physically well-related to it. The Rule 6 Party (via Mr Greaves) have confirmed that '...it is contiguous with a built up area' (CD11.3 Greaves PoE, paragraph 71).
- 2.18 As set out in the Appellant's Planning PoE and in Evidence, Haywards Heath benefits from a comprehensive range of facilities and services and is the largest town in the district. Haywards Heath is demonstrably of a scale that can accommodate the proposed 80 dwellings.
- 2.19 There is infrastructure to accommodate the development. Again, this is agreed by all the main parties of this appeal. Contributions to a range of relevant off-site infrastructure are secured via the signed legal agreement.
- 2.20 Criteria j(i) is hence clearly adhered to.
- 2.21 Criteria j(ii) is not relevant.
- 2.22 Consequently, the appeal scheme adheres to policy S5 (j), which confirms that permission should be granted unless the benefits are substantially outweighed by the harms.



NDMP S5(1) and (2): The New Tilted Balance

- 2.23 S5 maintains the 'tilted balance' previously found at NPPF24 11d(ii), but with **substantial** rather than significant weight placed in favour of development – a materially stronger weighting in favour of development than the previous NPPF24 11d(ii) tilted balance.
- 2.24 Importantly, where NDMP S5(j) applies, as it does to the appeal scheme, the development should be granted except where the harms '**substantially**' outweigh the benefits. The NPPF24 11d(ii) confirmed that any benefits must 'significantly and demonstrably' outweigh the benefits. The new NPPF increases the weighting of harms necessary to outweigh the benefits, such that the harms must be **substantial** to justify refusal of an application.
- 2.25 The Appellant has already set out in the Planning evidence how the benefits of the proposals were not 'significantly or demonstrably' outweighed by the harms (CD9.1 Planning PoE paragraph 9.13). Consequently, it naturally follows that the level of harm I have identified will not 'substantially' outweigh the benefits.
- 2.26 An assessment of the proposals against the new NPPF does not result in any greater level of material harm arising than we had identified in evidence – to the contrary, as section 3 will demonstrate, the weight, and hence harm, to be applied to conflicts with the development plan are further reduced as a result of the new NPPF.
- 2.27 Notwithstanding this, in the event that a greater weight of harm is identified as arising from the development than those I have identified, these would collectively need to result in a higher, 'substantial', amount of harm at the top end of the scale to warrant a reason for refusal. Based on the evidence presented, there is clearly no such level of harm, collectively or individually, that has been identified.
- 2.28 Paragraph 2 of NDMP S5 confirms the circumstances when the benefits are likely to be substantially outweighed by adverse effects with reference specifically to NDMPs, which state that development should be refused in specific circumstances. This differs to NPP24 paragraph 11d(i) in that paragraph 2 of the new NPPF is to be applied as part of the overall planning balance, rather than, in the case of paragraph 11d(i), being a reason to entirely disapply the tilted balance.
- 2.29 Put simply, the S5(1) tilted balance applies irrespective of the applicability of S5(2).
- 2.30 The NPPF only states development should be refused in twelve instances. Of these, only four can be considered relevant to the appeal scheme and the main matters in dispute:
- NDMP DP3: Well-designed places, specifically sub-paragraph DP(3)
 - NDMP TR6: Transport impacts – specifically TR6(4)
 - NDMP N2: Improving the natural environment – specifically N2(2)
 - NDMP N6: Areas of particular importance for biodiversity and geodiversity – specifically N6(2)
- 2.31 The subject matter of the R6 party's objections relate to what is now covered by NDMP N2, N6, and (where it relates to ecology matters) DP3(c). I do not consider that the appeal scheme conflicts with any of these NDMPs, based on all the evidence presented, especially the Appellant's detailed expert and technical evidence. I will explain, with reference to the wording of the above NDMPs, why they do not apply in more detail in section 4.
- 2.32 In the event that a conflict with one of the above NDMPs is found (a finding I would dispute based on the evidence), the new NPPF still requires that the tilted balance be applied.
- 2.33 This differs from NPPF24 11d(i), which disengaged the tilted balance where the NPPF24 provided a 'strong reason for refusing' development as confirmed by footnote 7.



Section 6: Delivering a sufficient supply of homes

- 2.34 Section 6 starts by confirming a key government objective is to deliver 'a substantial increase in the supply of homes'. The preceding NDMPs, and (in effect) the wider NPPF as a whole, are targeted at meeting this objective.
- 2.35 I will begin by setting out the relevant NDMPs and then set out how the Appeal Proposal complies with them, based on the existing evidence and various agreed positions with the Council and the Rule 6 Party.

NDMP HO7 and Substantial Weight

- 2.36 NDMP Policy HO7 is now the lead decision-making policy for housing applications and appeals and states:

"substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1" (emphasis added).

- 2.37 As set out above, the housing needs of "different groups assessed under policy HO1" includes those in need of affordable housing.
- 2.38 Whilst Policy HO1 is a plan-making policy only, it notes that Development Plans should take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups, which includes those who require affordable housing as defined in the glossary at Annex B.
- 2.39 HO5 is another plan-making policy and notes that 'Meeting the needs of different groups' requires Development Plans to set out policies to:

"address the housing needs of different groups"

and with regards to affordable housing notes this should include:

"setting requirements for the type and mix of affordable housing (applying the definition in the glossary at Annex B) required to meet identified local needs" (emphasis added).

NDMP HO8 and Affordable Housing

- 2.40 NDMP HO8 deals with the provision of affordable homes and establishes that

*"development proposals should **meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing** tenures relevant to the location, including the minimum proportion of Social Rent" (emphasis added).*

NDMP HO13 and Delivery

- 2.41 NDMP HO13 emphasises the importance of delivery on sites with planning permission. As set out in the Planning PoE, paragraphs 8.13 and 8.14, Miller Homes is an experienced national developer with a track record of fast build-out and strong rates of delivery.
- 2.42 For the purposes of this new paragraph, if the Inspector considers it appropriate, the Appellant would be able to comply with a condition requiring all reserved matters to be submitted within 2 years of the grant of outline consent, with commencement to commence within 1 year of the granting of Reserved Matters permission, as invited by HO13 (2).

Annex D and Housing Land Supply Calculations

- 2.43 NPPF Annex D: Housing calculations and supply, confirms how housing need and supply calculations should be undertaken. Paragraph 8 of Annex D maintains the requirement to



identify and update a supply of specific deliverable sites annually to, as a minimum, provide a supply of five years' worth of housing. All parties to this appeal agree that MSDC cannot demonstrate a 5-year supply.

- 2.44 For the avoidance of doubt, the new NPPF does not change the 5YHLS calculation for this appeal. The new NPPF confirms that the 5YHLS in this case should be calculated against the local housing need using the standard method set out within Annex D, which is the same as that set out in paragraph 2a-004 of the PPG. A 5% buffer should continue to apply as the latest (i.e. 2025) Housing Delivery Test results (also published on 17th August 2026) confirm that the result was over 85% (it was 104%). Other than adding reference to pitches and plots, the definition of “deliverable” has not changed from that set out in NPPF24.

Compliance with NPPF 2026 Relevant Housing Policies

NDMP HO7: Contribution to Housing Land Supply and Substantial Weight

- 2.45 The 2026 NPPF maintains the Government's objective of seeking to substantially increase the supply of housing and makes it clear that this should include planning for an appropriate mix of accommodation for the local community, including those who require affordable housing (Policy HO1).
- 2.46 With regards to the weight to be afforded to housing as a scheme benefit, NPPF Policy HO7 introduces, for the first time, the requirement that “substantial weight” be given to the benefits of providing homes where these will contribute towards meeting evidenced accommodation needs of the community. These accommodation needs are those identified through needs assessments and other relevant evidence. This demonstrates the elevated importance being placed on the benefits of the provision of housing as part of development proposals.
- 2.47 It is common ground between all parties that MSDC is not currently meeting the housing needs of its residents. There remains an acute need for additional homes, an insufficient housing land supply and this is demonstrated in the Housing Land Supply Evidence (CD9.6), and the HLS SoCG with the Council (CD8.3). Accordingly substantial positive weight should be applied in this case to this element of the scheme, as a benefit in its own right – where substantial weight is the highest grading possible.

HO7 and HO8: Affordable Housing and Substantial Weight

- 2.48 In respect of affordable housing specifically, NPPF Policy HO8 is explicit that development proposals should “*meet or exceed*” local affordable housing requirements. In this instance, the appeal proposals include 30% (up to 24 dwellings) on-site affordable housing. This level of provision meets the requirements of Policy DP3 (30%) of the adopted Mid Sussex District Plan 2014-2031 (2018) (CD5.3); therefore, complying with NPPF Policy HO8.
- 2.49 Section 10 of the Affordable Housing Proof of Evidence (CD9.7 - PDF pages 75-78) deals with the overall benefits of the provision of affordable housing as part of the appeal proposals. Paragraph 10.13 (PDF pages 77-78) provides a specific list of the key affordable housing benefits to be generated by the scheme.
- 2.50 In terms of the evidenced affordable housing accommodation needs of the community, these are presented in Section 5 of the Affordable Housing Proof of Evidence. Figure 5.1 (PDF page 42) provides a summary of the annual average housing needs based on the Council's published Housing Needs Assessments from 2015 – 2024. The most recent identified affordable housing need is for 694 affordable homes per annum (for the period 2021 – 2040) set out in the Mid Sussex SHMA Update (2024) (CD7.7; ID27, table at paragraph 12.14).
- 2.51 Figure 6.5 of the Affordable Housing Proof (PDF page 48) illustrates that over the first five years of the 2024 SHMA Update period, affordable housing completions have averaged just 342 affordable dwellings per annum, against a need of 694 affordable dwellings. This has



resulted in a shortfall of -1,760 affordable dwellings over the five-year period, equivalent to an average annual shortfall of -352 affordable dwellings (ID27[12.14]).

- 2.52 Therefore, the delivery of up to 24 affordable dwellings as part of these appeal proposals will contribute to meeting Mid Sussex's local communities evidenced affordable accommodation needs through assisting in addressing the identified shortfall in affordable housing delivery noted above.
- 2.53 In terms of "other relevant evidence" as per Policy HO7, Section 7 of the Affordable Housing Proof (PDF pages 51-62) presents a plethora of relevant evidence, in the form of a range of affordability indicators, illustrating the significant affordability challenges being faced by the local Mid Sussex community. A summary of these affordability indicators was also presented in Section 12b of the Appellants Closing (PDF pages 63-65).
- 2.54 In addition, Section 8 of the Affordable Housing Proof (PDF pages 63-69) presents relevant evidence on the future supply of affordable housing across Mid Sussex. Figure 8.4 and paragraph 8.22 (PDF page 68) illustrate that when factoring in the existing backlog in affordable housing delivery (Sedgefield approach) and projecting forward the affordable housing delivery over the next five years, this results in a shortfall of -3,950 affordable homes at the end of 2030/31 (since 2021/22)(ID27, table at paragraph 12.14). This equates to an average annual shortfall of -395 affordable homes per annum.
- 2.55 The challenging affordability indicators and inadequate future supply of affordable housing demonstrate the other relevant evidence that supports the contribution the appeal scheme can make to meeting the accommodation needs of the community in Mid Sussex.

Substantial Weight as the Highest Grading

- 2.56 Overall, the delivery of up to 56 market dwellings and 24 affordable dwellings as part of these appeal proposals will contribute to meeting the evidenced accommodation needs (five year housing land supply shortfall, shortfall against the 2024 SHMA Update identified need; challenging affordability indicators and inadequate future affordable housing supply) of the Mid Sussex local community, therefore, according with NPPF Policy HO7.
- 2.57 Given the combination of the poor record of affordable housing delivery (shortfall), the insufficient future market and affordable housing supply and the other relevant evidence presented in the form of the affordability indicators/challenges, it is entirely appropriate to place the highest of weights at the top end of the scale to the provision of both market and affordable housing delivery, consistent with NDMPHO7 position, i.e. maintaining the conclusions presented in the 5YHLS, Affordable Housing, and Planning Proofs of Evidence that this should be at the highest level possible.

Summary

- 2.58 The changes to the NPPF relating to housing are plainly directed at delivering the government's unashamed objective of significantly boosting housing supply. This is implicit in the more permissive approach to housing delivery introduced via MDMP S5, which permits development outside of settlement boundaries where housing needs are not met, as is the case in MSDC.
- 2.59 The appeal scheme is clearly precisely the type of proposal the new NPPF was designed to support where an authority is failing to meet its housing needs.



3.0 The NPPF and the Mid Sussex District Plan Housing Policies

- 3.1 This section considers the adopted local plan policies against the provisions of the new NPPF and confirms any changes to the weight to be afforded to relevant policies resulting from the new NPPF. It will also identify where I find conflict between the NPPF and the emerging Local Development Plan.
- 3.2 Annex A: Implementation sets out at paragraph 2 how conflicts between the NPPF and the Development Plan Policies should be resolved. Paragraph 2 states:

*Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given **very limited weight**. The **only exception to this is where they have been examined and adopted⁶⁶ or made against this Framework**. Other development plan policies⁶⁷ should not be given reduced weight simply because they were adopted prior to the publication of this Framework. [my emphasis]*

- 3.3 The NPPF is hence clear that where there is conflict between development plans examined against earlier versions of the NPPF, and the current NPPF, those policies (or parts of policies) should be given **very limited** weight.

MSDP Housing Policies

Policy DP6

- 3.4 As set out in the Appellant's closings, based on the NPPF24, only limited weight was given to policy DP6 which seeks to limit development outside of settlement boundaries.
- 3.5 As discussed in section 2, NDMP S5 sets out the circumstances where development outside of settlement boundaries is acceptable. Policy DP6 is clearly considerably more restrictive in its approach to development outside of settlement boundaries than NDMP S5, where DP6 only permits development in limited circumstances, as set out in bullet points 1 and 3 of the policy. Criteria 1 and 3 in particular do not align with the more permissive approach adopted by S5.
- 3.6 As a consequence, the parts of DP6 which restrict development in the countryside beyond S5's more permissive approach are inconsistent with the NPPF and, in accordance with Annex A, I reduce the weight I attach to policy DP6 from limited to **very limited**.

Policy DP12

- 3.7 Policy DP12 adopts a similarly restrictive approach to development in the Countryside, as explained at 7.23-7.27 of the Planning PoE (CD9.1). I found conflict with the NPPF24, and I find that inconsistency is greater in light of the new NPPF, and in particular the approach adopted in NDMP S5. Consequently, I also reduce the weight to be afforded to this part of the DP12 from limited to **very limited**.

Policy DP15

- 3.8 As set out in the Appellant's closings (ID27 [12.2]), I maintain that Policy DP15 is not relevant and adds little to consideration of the appeal scheme.
- 3.9 Notwithstanding this position, DP15, like DP6 and DP12, also adopts an approach that is more restrictive towards development in the countryside than NPPF NDMP S5. As a consequence, I also attach **very limited** weight to DP15, notwithstanding my position that it is of little relevance to the appeal scheme.



The Emerging Plan

- 3.10 As set out in the Appellants' closing and my own evidence, the emerging plan is considered to have limited weight overall. The new NPPF DM4 (1) essentially replicates the NPPF24 (49). At this present time, the emerging plan is essentially in the same position. I continue to attach limited weight to the emerging plan overall, as set out in detail in the planning rebuttal (CD9.10 paragraphs 3.1-3.7)
- 3.11 In respect of prematurity, the new NPPF DM4 (2-3) is similar to paragraphs 50 and 51 of the NPPF24. Our position remains the same that the application is clearly not premature and this is a view confirmed by the Council in Closings (ID25 paragraph 26).
- 3.12 The emerging plan is being considered against the 2023 version of the NPPF. As a consequence, paragraph 2 of Annex A of the NPPF will apply to policies within the emerging plan, meaning any newly adopted policies (or parts of policies) that are materially inconsistent with the new NPPF should attract very limited weight. This raises the prospect that emerging policies could be out of date immediately on adoption if they are not consistent with the NPPF.
- 3.13 This is particularly relevant in respect of DCP1, DPC3 and DPH2 with which Mr Greaves alleged conflict but which, as worded, are not consistent with the NPPF where they, like with DP6, DP12 and DP15, adopt a more restrictive approach than the NPPF, and specifically S5, to development in the countryside. I therefore attach **no weight** to those emerging policies where they conflict with the NPPF NDMP S5.

The draft site allocation and the new NPPF

- 3.14 The new NPPF does not alter my findings in respect of the weight to be afforded to the draft allocation of the site.
- 3.15 The emerging plan remains to be assessed against the 2023 version of the NPPF in respect of plan-making. All the same, the new NPPF continues to advocate meeting the development needs of their area and any needs that cannot be met within neighbouring areas (S1). NPPF HO2 further confirms at paragraph HO2 that housing requirements should be meeting needs in accordance with S1, and be higher than the overall housing need figure, to give flexibility and meet the needs of neighbouring authorities.
- 3.16 There is no reason to believe the new NPPF will alter the Local Planning Inspector's requirement for MSDC to allocate further sites for development to meet local housing needs (including unmet needs of neighbouring authorities). To the contrary, the need to boost housing delivery is enhanced by the new NPPF as already set out in section 2.
- 3.17 In that context, for all the reasons expressed previously, and summarised in closings, the draft allocation of the site is a material consideration which I continue to consider should be given substantial positive weight.



4.0 The NPPF and the Main Issues

- 4.1 This section will consider each of the main matters and how changes in the new NPPF have been considered against those matters.

Main Issue 1: Whether the proposal would comply with the development strategy for housing with regard to access to services and facilities.

- 4.2 Appendix B of this note provides a detailed assessment by the Appellant's Transport Witness, Mr Marshall, of the appeal scheme against relevant Transport NDMPs of the new NPPF. This confirms that the appeal scheme adheres to the latest NPPF requirements relating to Transport, and specifically NDMPs TR3, TR4, TR6 and TR8. The appeal scheme is hence accessible to a range of facilities and services and provides a genuine choice for future residents as to how they travel to meet their day-to-day needs.
- 4.3 The new NPPF advocates sustainable patterns of growth. The NPPF also continues and strengthens the requirement for Local Authorities to meet their housing needs.
- 4.4 As the Appellant has advocated, and the Council make clear in their closings, Mid Sussex is a rural district which inevitably is not going to have the same access to sustainable modes of travel as, for example cities such as London or Birmingham. It nonetheless has an acute, and locally derived, housing need that is not currently being met, as demonstrated by MSDC's lack of 5YHLS, and the need to allocate additional sites.
- 4.5 As the Council confirm in their closings (ID25[5]), the appeal scheme is on the edge of one of three category 1 settlements – settlements with the highest range of facilities, employment and public transport opportunities in the district.
- 4.6 The sustainability of the site is underlined by the Council's decision to allocate the appeal site, and also three other sites in close proximity to the appeal site, including one which directly adjoins the appeal site.
- 4.7 As the Council rightly put in their closings (ID25 – [5-6]), 26 of the 35 sites proposed for allocation do not adjoin a category 1 settlement and are likely to be *less* sustainably located than the appeal site.
- 4.8 NPPF NDMP S5(1)(j) provides a strong positive and permissive approach to residential development in the countryside adjoining settlements, where there is not a 5YHLS. It underlines the government's understanding that in order to deliver against their objective of significantly boosting housing supply, where needs are not been met, growth at the edge of settlements should be permitted unless the new tilted balance is not satisfied: in short, permission should be granted in such locations unless a substantial level of harms would result. That plainly is not the case with the appeal scheme.
- 4.9 S5(1)(j) does not include any express requirements itself in respect to accessibility, beyond its need to be physically well-related to the settlement. Neither does S5(2), whereby no NDMPs relating to accessibility state proposals should be refused.
- 4.10 Policy S5 has a separate criterion S5(1)(h) which, separately, supports development within a reasonable walking distance of well-connected rail stations. As set out in my Planning Rebuttal (CD9.10 - Paragraphs 4.2-4.9) in relation to the draft version of this NDMP, this criterion has no bearing on the applicability of S5(1)(j) – they are entirely separate criteria.
- 4.11 It would be incorrect to apply a rigid approach to accessibility – to do so would significantly hinder the ability to meet the acute housing needs which are a core pillar of the Government's objectives. Appeal 3355546 (CD12.20) remains highly relevant in this regard.



- 4.12 The Council, with whom I agree on this matter, have clearly explained the consequence of adopting the rigid approach to sustainability advocated by the R6 party (ID25 [6]):

“If the Appeal Site is regarded as unsustainable, it is highly unlikely the Council will be able to meet Inspector Bore’s request.”

- 4.13 In short, the Council would not be providing nearly enough houses if the R6 Party’s approach to accessibility was adopted. Their approach is inconsistent with the new NPPF, just as it was inconsistent with the NPPF (2023) and (2024).
- 4.14 Finally, in respect of TR6, no case is brought that the proposals would result in a severe impact on the Transport Network and there is no objection from the Highways Authority. Based on these facts and the evidence of Mr Marshall, the proposals adhere to NPPF NDMP TR6.
- 4.15 Consequently, on the basis of Appendix A to this Note and my own findings in respect of the new NPPF, I consider the proposal continues to adhere to the NPPF.

Main Issue 2: The Effect of the Proposal on the Countryside /General Character of the Area

- 4.16 The NPPF’s approach to consideration of the effect of developments on the countryside and character of the area is considered across several parts of the new NPPF.
- 4.17 In respect of landscape matters, NDMP N2(1), states that proposals should

‘(a) Consider...landscape character and the natural beauty of the country...’

- 4.18 It further states at N2(1)(d) and (e) in respect of Landscape related matters that proposals should:

d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;

e. Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;

- 4.19 In respect of general ‘character’ matters, NDMP DP3 requires that development proposals respond to their context, which includes the area’s history, character and features.
- 4.20 Overall, the new NPPF does not fundamentally change the approach to the consideration of landscape or character matters compared to the NPPF24.
- 4.21 In respect of the consistency between LDP policies relating to landscape matters (wholly or in part), and having regards to Annex A, paragraph 2 of the NPPF, I set out my findings:
- 4.22 **MSDP Policy DP12** – Notwithstanding my findings in respect of the more restrictive approach adopted by DP12 to the *principle* of development in the countryside (see paragraph 3.7 regards NDMP S5, I find in landscape terms the policy is in general but not complete adherence, with NDMP N2(1)(a).
- 4.23 DP12 reflects the wording of the past NPPF in requiring recognition of the *‘intrinsic character and beauty of the countryside’*. I consider the wording of N2(1)(a) places a lower weighting on the protection of the countryside for its own sake, with greater emphasis on site-specific assessment of a site’s contribution to ‘landscape character’ and ‘natural beauty’. Furthermore, NDMP N2(1)(a) requires only ‘consideration’ of these matters, rather than



directing that automatic 'recognition' of the 'intrinsic character and beauty of the countryside' be applied. Consequently, I find moderate conflict in landscape terms between DP12 and the NPPF NDMP N2(1)(a), the latter of which should be preferred.

- 4.24 Furthermore, Mr Cook clearly demonstrated via his PoE and his oral evidence at the inquiry that the proposals had 'recognised' the character and beauty of the countryside. It hence follows that in giving recognition, the proposals have also considered those same qualities through a site-specific landscape assessment.
- 4.25 **HHNP Policy E5** – In landscape terms, I find a degree of conflict between Policy E5 and specifically planning-making policy S2(1)(c). Plan making policy S2(1)(c) confirms when it may be appropriate to define gaps between settlements. As per my PoE [4.63-4.64] I do not consider E5 a true gap policy, but all the same, in defining all land outside of the BUAB as gap, it adopts a blanket approach to 'gap designation' which does not meet the requirements of S2(1)(c). Consequently, a lesser level of weight can be afforded to Policy E5.
- 4.26 All the same, I have shown, aided by Mr Cook's Landscape Evidence, that the proposals comply with Policy E5, a positively worded policy. Neither the R6 party nor the Council alleges conflict with Policy E5 in their closings.
- 4.27 HHNP Policy E9 – In landscape terms, I find general conformity between Policy E9 and the NPPF, specifically NDMP N2 and DP3, where they relate to Landscape Matters.
- 4.28 I have shown, aided by Mr Cook's evidence, that the proposals, adhere to Policy E9.
- 4.29 All the same, neither the R6 party or the Council have presented any expert evidence at the inquiry on landscape or character matters. The Rule 6 Party has expressly confirmed several times that it does not present a landscape case. No conflict is alleged with policies on landscape grounds, specifically:
- MSDP Policy DP12
 - HHNP Policy E5
 - HHNP Policy E9
- 4.30 As set out in Mr Cook's Evidence, and in closings, whilst the proposals will cause a level of localised landscape harm at the site level, as is inevitable with any green field development, the proposals have carefully considered the landscape and character of the area.
- 4.31 Consequently, I find the appeal scheme continues to comply with the provisions of the new NPPF relating to landscape and the general character of the area.

Main Issue 3: Ancient Woodland

- 4.32 In respect of Ancient Woodland, the Annex B definition of Ancient Woodland has been extended to include ancient wood pasture and parkland (AWPP) and infilled ancient wood pasture and parkland (IAWPP), but these additions are not relevant to the appeal. The Sites does not have any AWPP or IAWPP and the Rule 6 Party have never alleged this. Otherwise, the definition remains as per the NPPF24 version.
- 4.33 For the reasons expressed in Mr Forbes-Laird's evidence, there remains no reason, based on the new NPPF, that Ancient Woodland should be considered as being present on site.
- 4.34 Notwithstanding this, NPPF24 Paragraph 193(c) is largely replicated by NDMP N6(2). This retains a requirement that the loss of Ancient Woodland requires 'wholly exceptional reasons'.
- 4.35 However, as per paragraphs 2.21 and 2.22 of this proof, unlike the NPPF24, a finding that the appeal scheme results in the loss of Ancient Woodland (a finding which the Appellant has disputed and which the Council also agrees) does not disapply the NDMP 'tilted balance' requiring a substantial weight of harms to outweigh the benefits.



- 4.36 All the same, and to be clear, it is the Appellant's position, supported by the Council, that the evidence shows there would not be any loss of or harm to Ancient Woodland resulting from the proposals(ID25[13], ID27[6.46]).
- 4.37 It is clear that the hedgerows dissecting the site are, as evident from the cartographic and aerial photography evidence, hedgerows. The new NPPF's N6(2) is therefore not engaged.
- 4.38 It is also clear that, on the balance of probability, the area at the north-eastern boundary of the Appeal Site is not an Ancient Woodland based on the same extensive cartographic and photographic evidence. That again confirms that N6(2) is not engaged. The new NPPF, again, does nothing to change that assessment.
- 4.39 Moreover, in any case, if the area to the north-eastern boundary were considered Ancient Woodland, the appeal scheme can avoid harm to that woodland for the same reasons set out by the Council and the Appellant in closing, given the outline nature of the scheme; in short, if required, an appropriate buffer to this alleged Ancient Woodland could be incorporated at the Reserved Matters Application stage. N6(2) is also not engaged, for this additional reason. Again, the new NPPF does nothing to change that assessment.
- 4.40 The requirements of N6(2) would therefore not be breached by the Appeal scheme as no loss or deterioration of irreplaceable habitats would arise from the Appeal Scheme. Therefore, the N6(2) 'exceptional reasons' test is not applied. There will be minor loss of hedgerow arising from the development to facilitate access within the site, which is entirely appropriate and consistent with the new NPPF, just as it was under the previous NPPF.

Trees

- 4.41 As set out in closing submissions, the Rule 6 Party's submissions on tree loss were very limited at the inquiry. Accordingly, these submissions can again be focused.
- 4.42 In respect of Trees NDMP N2 and N3 do not, like the NPPF24, place a bar on the loss of trees. The proposals have sought to retain and enhance trees '*where possible*' and continue to retain the majority of trees on site, including all high quality trees. There will be a net gain in trees on site resulting from the proposals.
- 4.43 The Appeal Proposal therefore conforms with national policy in respect of trees generally.

Main Issues 4 and 5: Heritage

- 4.44 The new NPPF makes a number of changes in respect of heritage matters within section 20: Conserving and Enhancing the Historic Environment. These are summarised in the heritage note provided by Mr Jonathan Smith accompanying this note, with which I agree.

Annex A, Paragraph 2: Compliance with NPPF

- 4.45 **Policy DP34:** There is a degree of inconsistency that arises between policy DP34 and the NPPF due to the changes in the way harms are categorised, as well as the greater recognition now given to positive changes that may arise to the significance of heritage assets arising from a proposal. The NPPF approach should be preferred as the latest expression of policy on heritage matters with which local plans should adhere. Consequently, DP34 should attract **very limited weight** as this is the effect of Annex A, paragraph 2. In practice, heritage assets are still protected via NPPF.
- 4.46 **Policy DP35:** I had identified a conflict between DP35 and the NPPF24. There remains a conflict between Policy DP35 and the new NPPF. Given the direction of paragraph 2 of Annex A, I attach **very limited weight** to DP35, preferring the approach adopted by the NPPF to assessing the effect of development on the significance of heritage assets.



The New Approach to Harm

- 4.47 The new NPPF retains the requirement for harm to be balanced against the positive benefits arising out of the proposals. In respect of designated assets, the proposals result in a low level of 'harm' to the significance of the Lewes Road Conservation area. This level of harm is equivalent to the previous 'less than substantial' harm, and the harm resulting from the appeal scheme is at the lower end of the scale. NDMP HE6 (3) confirms that, like NPPF24 215, where 'harm' is caused to a designated asset, that harm:

'...should be weighed against any public benefits resulting from the proposal.'

- 4.48 I have conducted the balance at paragraph 8.50 of the Planning Proof of Evidence and confirm that the harm is outweighed by the benefits.
- 4.49 The Appellant considers that 'no harm' would arise to the Colwell House Grade II Listed Building from the development, for the reasons set out by Mr Smith.
- 4.50 The Appellant has, however, consistently set out and explored the alternative position if harm were to be found. Such harm could only be at the very lowest level, given
- a) the distance between the development and the listed building;
 - b) the very substantial intervening vegetation;
 - c) the specific nature of the significance of the asset.
- 4.51 If harm were to be found, I likewise find that the benefits outweigh the harm. The Council, whilst finding 'harm' (at the NPPF24 *less than substantial scale*, equivalent to 'harm' in the new NPPF) to Colwell Harm House, reached the same conclusion (ID25 [14]).
- 4.52 Finally, in respect of 'harm' to the non-designated Colwell Farm, NDMP HE7 (2) confirms that, like NPPF24 paragraph 216, a flat balance should be applied between the identified harm and public benefits. I confirm at 8.51 of my Planning Evidence that this harm is outweighed by the benefits when the flat balance is applied.
- 4.53 Overall therefore, I consider the proposals continue to adhere to relevant heritage NDMPs in the NPPF.

Main Issue 6: Ecology and BNG

- 4.54 The new NPPF largely retains many of the requirements of the NPPF24 regarding the protection of biodiversity and priority species.

NDMP N2

- 4.55 NDMP N2 sets out a range of requirements that the proposed development adheres to, including the conservation and enhancement of natural features *where possible* and provides for Green Infrastructure, whilst minimising adverse impacts on biodiversity. NDMP N2(1) does not place a bar on development, provided it can be demonstrated, as the appellant has, that each criterion has been considered.
- 4.56 In respect of priority species, NDMP N2(2) confirms:
- 'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.'*
- 4.57 Mrs Lyndsey Barratt's evidence confirms that the mitigation hierarchy has been adhered to. No statutory consultees have raised any objection to the proposals, and this should be given significant weight.



- 4.58 In assessing **MSDP policy DP38**, which relates to Biodiversity, against the NPPF, and specifically NDMP N2, in respect of ecology-related matters, I find broad consistency between the NPPF and DP38. Both seek to protect biodiversity and deliver Green Infrastructure. The NPPF goes further at, NDMP N2(2), than DP38 in recognising the mitigation hierarchy for ecology.
- 4.59 The R6 Party's case in respect of potential harms to ecology has only referred to reptiles and bats. No evidence was provided in relation to any other species.
- 4.60 The evidence from Mrs Barratt has shown that the proposals deliver appropriate mitigation for all protected species, including reptiles and bats, in accordance with both MSDP policy DP38 and NPPF NDMP N2, including specifically paragraph N2(1)(f). The approach adopted to ecology fully adheres to the hierarchy at N2(2).
- 4.61 The new NPPF, via N2 does marginally elevate the prominence of Green Infrastructure compared to the NPPF24. However, the scheme remains fully compliant with national policy in this respect. It has been demonstrated through Mr Cook's Landscape and Mrs Barratt's Ecology Evidence that the appeal scheme delivers significant levels of Green Infrastructure through retention of existing planting wherever feasible and their enhancement through new planting. Overall, the scheme provides 1.31ha of Natural Green Space, very significantly in excess of the target provision of 0.019ha (CD9.4b, POS typology table). This has not been disputed by any of the main parties to the appeal.
- 4.62 In respect of NDMP N6, no case (beyond Ancient Woodland) has ever been put that the proposals would adversely affect designated ecological sites of international, national or local importance. On the basis of Mrs Barratt's ecology evidence, the proposals hence adhere to NDMP N6 (noting our earlier findings also in relation to Ancient Woodland and N6(2)).
- 4.63 In respect of well-designed places, NDMP DP3 includes a 'nature' principle at paragraph 2(c). It broadly replicates and aligns with matters covered by NDMP N2. Where I find the appeal scheme complies with N2, I also consider it complies with the related DP3(2c) criterion.
- 4.64 In respect of the **Neighbourhood Plan Policy E5** and its first limb: "unduly erode...its ecology". The Appeal Proposal will comply with E5 in full, noting the requirement for a balance i.e. "unduly erode". However, E5 plainly does not have the same detail and structure of N2 and hence is materially inconsistent with the NDMPs. Accordingly very limited weight should be attached to this part of the policy (noting that all other landscape elements are already agreed as set out above).
- 4.65 In respect of **MSDP policy DP37**, it has already been established that it does not place a bar on the loss of trees or hedgerows, which aligns with NPPF NDMP N2 and N3. DP37 states the loss of trees that have 'wildlife importance' will 'not normally be permitted'.
- 4.66 NDMP N2(1d), in my view, takes a more permissive approach, stating natural features of nature conservation value, such as trees and hedgerows, should only be conserved 'where possible'. The vast majority of trees and hedgerows are retained on site, with only those removed for access being proposed for removal. The access points through hedgerows have also been targeted at existing breaks in the hedge as defined on the parameter plan CD1.9. Where features are lost, they are suitably compensated, and this can be controlled by conditions, as confirmed by the Council (ID25 [19]). There therefore remains, in ecology (and arboricultural) terms, no conflict with DP37 or NDMP N2 and N3.

BNG

- 4.67 In respect of BNG, the NPPF echoes the approach in legislation, whilst reinforcing that Local Authorities should not require net gains beyond the statutory objective (currently 10% net



gain). All parties agree that the BNG statutory target can be met by the appeal scheme (ID17). The new NPPF does nothing to change this position.

Summary – Ecology and BNG

- 4.68 Overall, the appeal scheme adheres to ecology policies of the NPPF, and no changes within the NPPF lead to a different conclusion in respect of Ecology matters.

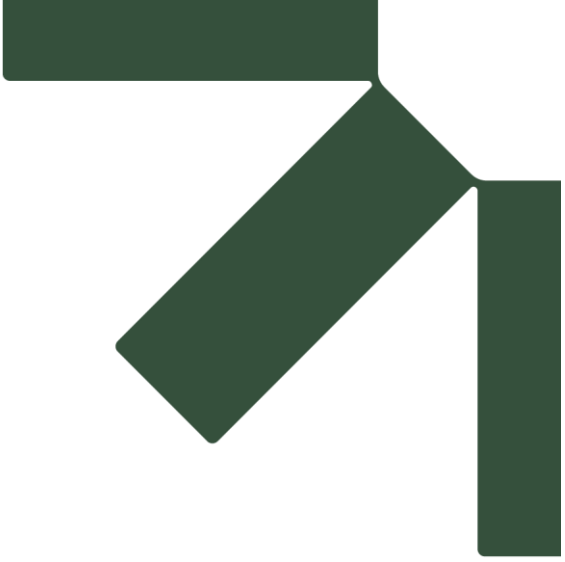


5.0 NPPF and the Planning Balance

- 5.1 Having considered the new NPPF, I maintain the weight I afford the benefits of the scheme as summarised at paragraph 8.47 of my planning evidence.² This includes maintaining the highest positive weight at the top of the scale to the delivery of both affordable and market housing.
- 5.2 The New NPPF has resulted in a single change to the weighting I give to the harms identified arising from the development. I have reduced the weight given to the identified conflict with the development plan from limited negative weight to **very limited negative weight**.
- 5.3 I have explained the reasoning for these results to the increased conflict between DP6, DP12 (and if found relevant, DP15) to the NPPF, and specifically NDMP S5, which adopts a far more permissive approach to development in the countryside where a 5YHLS cannot be demonstrated, as is the case in Mid Sussex District.
- 5.4 Overall, I have found no conflict between the Appeal scheme and the new NPPF. To the contrary, I consider the appeal scheme is precisely the type of scheme the government seeks to support through the changes they have made to the NPPF, and specifically through NDMP S5, with which the appeal scheme fully complies.
- 5.5 I continue to therefore consider that the appeal scheme should be allowed and permission granted.

² Noting the error identified at paragraph 1.5 and 1.6 of my Planning Rebuttal (CD9.10).





Appendix A i-transport NPPF 2026 Review

North Colwell Farm, Haywards Heath: National Planning Policy Framework 2026 Review

Ref: NM/BC/ITL19597-015a TN

Date: 1 September 2026

1 Introduction

- 1.1.1 The new National Planning Policy Framework (NPPF) was adopted on 17 August 2026. This supersedes the previous version published in December 2024 which was in place at the time of the drafting of application and appeal documents, including the Transport Assessment (CD1.19) and the Transport and Highways Proof of Evidence (by Neil Marshall) (CD9.2), and which was considered at the inquiry.
- 1.1.2 This note provides a review of the new NPPF in relation to relevant transport and highways policy and provides a commentary on how the appeal documents respond.
- 1.1.3 The NPPF sets out the government's policies for plan making and for making decisions on development proposals in England.
- 1.1.4 Section 15 of the NPPF is related to 'Promoting sustainable transport' with relevant national decision-making policies including:
- TR3: Locating development in sustainable locations.
 - TR4: Street design, access and parking.
 - TR6: Assessing transport impacts.
 - TR8: Public rights of way.
- 1.1.5 Each of the above policies are considered below, with an analysis of the changes and the relevance of those to the appeal. Policies TR1: Vision-led approach to planning for transport and TR2: Local parking standards relate to the plan-making process. Policies TR5: Roadside facilities, TR7: Marine ports, airports and other aviation facilities are not relevant to the appeal scheme.
- 1.1.6 Overall, the text of TR3, TR4, TR6 and TR8 is similar to that under the previous NPPF 110 and 115(a) and (b) which were discussed at the inquiry, and which have informed the allocation of the Site by the Council (as discussed in ID14)

1.2 New NPPF Wording

1.2.1 In this section, I briefly introduce the wording of the new relevant policies, before reviewing each policy in detail in later sections.

1.2.2 Policy TR3 paragraph 1 again states that significant movement generating 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. The text is very similar to the original NPPF 110 and 115(a) and (b), whilst fusing elements of both together:

“1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

- a) ***Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical.”***

1.2.3 The Framework therefore directs development to locations that are sustainable (or can be made so). The need to travel should be reduced, and there should be a choice of travel modes available to people. The Framework also acknowledges that the test needs to be seen in the context of the area in which it is located “in the context of the area which they would be situated”.

1.2.4 The text does not include any of the various interpretations or additional wording provided by the Rule 6 Party during the inquiry, and should be applied in its own right.

1.2.5 The NPPF states in Policy TR3 that the site’s connectivity should be assessed using a range of tools, with a reference to the Connectivity Tool. However, the Connectivity Tool is described in a very specific way (reflecting amendments from the consultation version):

“2. The Connectivity Tool... should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.”

1.2.6 Policy TR3 and TR4 set out the main transport tests for development proposals. For the Appeal scheme, the relevant tests are:

- Will a genuine choice of transport modes be offered, such that the need to travel, particularly by private car, be limited? (NPPF Policy TR3 paragraph 1(a))
- Will conflicts between pedestrians, cyclists, and vehicles be minimised such that highway safety impacts are not unacceptable (NPPF Policy TR4 paragraph 1(ci))
- Will the cumulative traffic impacts be acceptable? (NPPF Policy TR6 paragraph 3)

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- 1.2.7 The opportunity to travel via sustainable modes should be prioritised, whilst accounting for the site's vision and its location. A judgement is therefore required to ensure that the site's location is accounted for when assessing whether sustainable transport modes are prioritised, with safe and suitable access for all modes and for all users to be provided to ensure the sustainable travel opportunities can be realised.
- 1.2.8 The NPPF also establishes a need to ensure places are well designed, connecting to nearby settlements via sustainable modes, with Policy DP3 paragraph 2(d) stating that well-designed places:
- “provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport.”*
- 1.2.9 The Framework continues to set a deliberately high bar for preventing development from coming forward for transport highways reasons, with Policy TR6 paragraph 4 confirming that **“Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion”**.
- 1.2.10 Such transport reasons for preventing development from coming forward should only be used when the impact, cumulative with other developments, following mitigation, and accounting for all reasonable future scenarios is severe or has an unacceptable impact on highway safety. This is to follow the test in Policy TR6 paragraph 3, relating to access to sustainable modes of transport, safe and suitable access, and using a vision led approach to mitigate impacts.
- 1.2.11 The remainder of this note reviews how the evidence submitted in support of the Appeal aligns with the new NPPF requirements.
- 1.3 **TR3: Locating development in sustainable locations**
- 1.3.1 Policy TR3 contains elements of text that are similar to sections within the 2024 NPPF at paragraphs 109b, 109d, 109f, 110, 115a and 115d. The only notable addition is the reference to the Connectivity Tool, with the specific requirement that it be used alongside other quantitative and qualitative evidence.
- 1.3.2 As set out in Neil Marshall's Proof of Evidence (CD 9.2) the appeal scheme was assessed against these previous policies in NPPF 110 and 115 and there has no significant change in the wording that affects the conclusions reached.

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- 1.3.3 The updated NPPF requires development proposals that could generate a significant amount of movement to be located in sustainable locations, or locations that can be made sustainable through planned improvements, including those delivered as part of the development itself. The policy emphasises the need to limit the need to travel, particularly by private car, and to offer a genuine choice of transport modes for residents and users. The NPPF also now provides a definition of connectivity as “the degree to which a location provides access to jobs, services, and facilities by sustainable transport modes”.
- 1.3.4 There remains no definition of “genuine”, nor any recommendations on distances to services and facilities within the updated NPPF. In fact, the new NPPF establishes that the definition of a reasonable walking distance is only applied to two purposes: (1) to railway stations (of 800m) and (2) to hot food takeaways (of 400m). The NPPF is expressly not saying that 800m is a cap on walking distances for other purposes. The Proof of Evidence (CD9.2) recorded the same position in respect of the NPPF 2024, and therefore this definition does not change any conclusions relating to suitable walking distances provided, other than noting that there is no specific distance threshold.
- 1.3.5 In addition, the policy adds a new test; the requirement to assess the connectivity of a site. The policy confirms that the DfT’s Connectivity Tool should be used alongside other quantitative and qualitative evidence. Whilst it was not a policy test requirement at the time of the site’s submission and during the Inquiry, the evidence submitted, including in the Proof of Evidence (CD9.2) section 5.5 and Rebuttal (CD9.12) section 9 provided an analysis of the connectivity of the site, including use of the Connectivity Tool.
- 1.3.6 As set out in paragraph 5.5.6 of the TA (CD1.19), the Connectivity Tool assumes people are willing to walk up to one hour to services and facilities. There is no cap on distances, other than a reduced propensity to walk as distances increase. This utilises the data from the National Travel Survey (NTS), again as used as the starting point for reasonable walking distances of up to 1.6km in the Proof of Evidence (CD9.2). This further supports the position that there is no appropriate or reasonable upper limit to suitable walking distances to services and facilities, and why no such cap is given in the NPPF. The policy test is clear, it is for the assessor to determine what is appropriate to provide a genuine opportunity, utilising a range of quantitative and qualitative measures alongside the Connectivity Tool. The tool should not be used in isolation, and it is just a single technique to be used alongside a wide evidence base to determine whether a site is well connected in its context. This is exactly the approach taken in the Proof (CD9.2), to determine that the site is well connected to range of services and facilities via a genuine choice of sustainable travel modes.
- 1.3.7 There is no requirement to use the tool as a comparator against other locations/sites (using either the Local Authority banding or the Matrix), but to use it as part of the range of means to determine if a site can provide access to services via non-car modes.

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- 1.3.8 The full evidence base submitted clearly confirms that the site is well connected. Using an analysis consisting of use of the Connectivity Tool, a detailed walking audit, site observations, and a calculation of trip demands from the site, it is concluded that the site provides (following improvements to pedestrian infrastructure either directly delivered or funded by the site) access within a reasonable walking distance to a wide range of everyday services and facilities. These include a primary school, local convenience store, pharmacy, and medical centre. It is also within a reasonable walking distance to the district's main hospital; a significant source of local jobs. Cycling also provides a genuine opportunity for some to travel towards the railway station and Haywards Heath town centre. Bus connections are available, to a range of higher order settlements from bus stops within a reasonable walking distance from the site, with some stops providing a high frequency of 10 services per hour to the centre of Haywards Heath.
- 1.3.9 The Transport Assessment (CD1.19) and Travel Plan (CD2.20) submitted with the application set out opportunities to promote sustainable transport modes, including off-site highway improvements. The Transport and Highways Proof of Evidence (CD9.2) also explains how sustainable travel opportunities can be prioritised. Section 8 of the Proof fully details the sustainable characteristics of the site, confirming it to be within a reasonable walking distance of a range of everyday facilities including a primary school, convenience retail, pharmacy, and medical centre. This limits the need to travel by private car, and offers a genuine travel option for future residents.
- 1.3.10 In addition, the Transport and Highways Statement of Common Ground (CD8.5) with West Sussex County Council records agreement on the sustainability credentials of the site's location and agreed distances and routes to the local facilities. This includes routes following existing footways and footpaths, all of which are existing, but will be enhanced through financial contributions from the Appeal site (public footpath 29CU to be resurfaced, at the request of the highway authority, to enable all weather usage, and a series of dropped kerb and footway improvements towards the existing services along the A272 Lewes Road and residential roads to the north are to be delivered).
- 1.3.11 This use of the existing transport infrastructure ensures delivery of the Appeal site can support more walking, wheeling, and public transport use in accordance with the Policy TR3 paragraph 1(b) requirement.
- 1.3.12 The updated policy also refers to the use of existing or proposed transport infrastructure to support walking, wheeling, cycling and public transport use. As set out in the TA (CD1.19) this site is located on the edge of the built-up area of Haywards Heath, with existing footway and footpath connections to both the local district centre of Walnut Park (and its primary school, convenience store, pharmacy, and medical centre) and Princes Royal Hospital and onwards to the town centre. The detailed site audit accompanying the application identified where there were any gaps in the existing infrastructure, and identified how the appeal site will improve the infrastructure in order to ensure there are consistent, safe, and attractive connections along the desire line routes. The appeal material therefore explains the opportunities available to improve connectivity and support non-car modes.
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1.3.13 The NPPF also requires significant adverse impacts on the transport network or highway safety to be mitigated to an acceptable degree using a vision-led approach. This is addressed in the Transport Assessment (CD1.19) through the Stage 1 Road Safety Audit and designer's response (Section 5), junction capacity assessment (Section 7) and conclusion that no highway capacity mitigation is necessary. The Proof of Evidence similarly concludes that the traffic increases arising from the development are acceptable, while the Statement of Common Ground (CD8.5) records matters of agreement with West Sussex County Council relating to highway safety and capacity.

1.4 TR4: Street design, access and parking

1.4.1 Policy TR4 paragraph 1(a) is almost identical to the previous NPPF paragraph 117a. It requires transport considerations to be integral to the design of development giving priority first to walking, wheeling and cycling movements, both within the scheme and with neighbouring areas, and then to facilitating access to high quality public transport where possible.

1.4.2 The Indicative Masterplan (CD1.6) shows the likely outline layout, including pedestrian footways, links and shared space streets. The Transport Assessment (CD1.19) Section 4 describes the existing highway conditions, whilst Section 6 sets out the proposed off-site highway improvements to support walking to local facilities, as well as the existing public transport opportunities. The Proof of Evidence (CD9.2) Section 5 provides a summary of why people travel, what acceptable travel distances are, and the walking and cycling opportunities and nearby public transport options that exist to ensure that priority is given where possible to sustainable travel links to the identified local facilities. The Statement of Common Ground (CD 8.5) also confirms proposed surface improvements to Public Footpath 29CU between Lewes Road and Cobbetts Mead to provide all-weather access via a section 106 contribution.

1.4.3 Policy TR4 paragraph 1(b) also requires development to incorporate appropriate features such as permeable street networks, continuous footways, segregated cycle facilities, secure cycle parking, public seating and good quality waiting facilities for public transport where appropriate. At this outline stage, the Indicative Masterplan (CD1.6) demonstrates the likely arrangement of the scheme, with further design detail to be addressed through the reserved matters process.

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- 1.4.4 The updated policy also requires (in policy TR4 paragraph 1(c)) streets and routes to be safe, inclusive and attractive for all users, including those with limited mobility, while minimising conflict between pedestrians, cyclists and vehicles and avoiding unnecessary street clutter. This part of the NPPF also references back to Policy DP3 paragraph 2 (d) to ensure that site provides good connections through prioritising walking, wheeling, cycling, and public transport to the wider nearby settlement. This is addressed in the Transport Assessment (CD1.19) through the Stage 1 Road Safety Audit and designer's response (Section 5) that confirms that the site access designs, as well as all of the off-site improvements (that ensure pedestrian priority measures are provided where possible) ensure safe movement is available for all. In addition, these design matters are appropriately capable of being addressed through detailed design at the reserved matters stage, informed by the outline layout and the relevant national design guidance.
- 1.4.5 Vehicle access and servicing matters are addressed by the Proposed Site Access (CD1.21) drawing and swept path analysis for refuse (CD1.23) and fire appliances (CD1.24), which demonstrate that the access arrangements can accommodate the required vehicle movements to ensure compliance with Policy TR4 paragraph 1(d). The Indicative Masterplan (CD1.6) also shows a likely layout with appropriately placed vehicle turning heads, with further internal layout and swept path details to be provided at reserved matters stage. Parking provision requirements set out in Policy TR4 paragraph 1 (e) are addressed in the Indicative Masterplan (CD1.6) and Transport Assessment (CD1.19), including intended compliance with West Sussex County Council guidance and provision for electric vehicle charging infrastructure.
- 1.5 **TR6: Assessing transport impacts**
- 1.5.1 Policy TR6 paragraphs 1 and 2 are considered to be a re-write of the previous NPPF paragraph 118.
- 1.5.2 The first parts of the Policy TR6 paragraphs 1(a) and 1(b) require a Transport Assessment and Travel Plan to be produced so that the likely impacts of the development can be assessed and monitored. The original submission addresses this requirement through the Transport Assessment (CD1.19) and Travel Plan (CD1.20).
- 1.5.3 Policy TR6 paragraph 2 of the NPPF also expects transport assessments and travel plans to reflect the transport vision for the development and the transport strategy for the area. The Transport Assessment (1.19) and Travel Plan (CD 1.20) provide the relevant basis for this assessment, including consideration of the development's transport impacts, multimodal trip generation and opportunities to promote sustainable travel, with the Travel Plan's (CD1.20) targets being a transport vision for the site.

1.5.4 The Transport Assessment (CD1.19) considers, in Section 7 the future year scenarios using committed developments (section 7.3), background traffic growth (section 7.4) and development traffic generation (section 7.5). It also identifies (in Table 5.2) multimodal trip generation and sustainable transport opportunities (Section 6). The assessment concludes that the proposed development would provide safe and suitable access from the A272 Lewes Road for all users and would generate approximately 40 vehicle movements in a weekday peak hour, which would not have a significant impact on the operation of the local highway network in terms of safety or capacity, and therefore will not have a severe adverse impact on the transport network (in terms of capacity, congestion or highway safety) as required by Policy TR6 paragraph 4.

1.6 **TR8: Public rights of way**

1.6.1 This policy is a new addition to the NPPF. It requires development proposals to protect and enhance the public rights of way network and to take opportunities to extend, link or improve existing routes where this would improve access to green spaces, provide new direct or circular routes, connect to services and facilities, or improve links to public transport stops and interchanges.

1.6.2 The Statement of Common Ground (CD9.2) confirms that surface improvements to Public Footpath 29CU between Lewes Road and Cobbetts Mead would be secured via a section 106 contribution to provide all-weather access. The Proof of Evidence also records the proposed improvements to this route, including West Sussex County Council's preference for a rolled stone surface, with the works to be secured through the Section 106 Agreement. This improvement to an existing route will enhance commuting to services and facilities and bus stops.

1.7 **NPPF Glossary**

1.7.1 The Glossary includes new and additional definitions that are relevant to general transport and highways matters, but do not alter the overall policy compliance identified above.

1.7.2 A new definition is provided for a "reasonable walking distance". This definition is expressly to be used for only two purposes – where that wording is applied in relation to railway stations (in relation to well-connected station policies S5, L3, and GB7) and for distance to hot food takeaways (in relation to policy HC5). The distance are different for both (800m for stations and 400m for hot food takeaways). There are no specified walking distances relating to services, facilities, and bus stops, and therefore these must be considered on a case-by-case basis. The NPPF is expressly not saying that 800m is a cap on walking distances. The Proof of Evidence (CD9.2) recorded the same position in respect of the NPPF 2024, and therefore this definition does not change any conclusions relating to suitable walking distances provided, other than noting that there is no specific distance threshold.

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- 1.7.3 The definition of sustainable transport modes has been updated to be ***“Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking, wheeling, cycling and public transport.”*** Part of the Proof of Evidence (CD9.2) states that the use of ultra-low and zero emission between the Appeal site and Haywards Heath would enable a full car/train journey to be considered to be sustainable. Whilst that position is no longer supported by the policy, the presence of the high frequency rail service available from Haywards Heath station (even if driven to via a traditional internal combustion engine car) ensures that the location should limit the need to travel, particularly by private car (in accordance with Policy TR3 paragraph 1(a)). Similarly, the Department for Transport’s support for park and ride for first and last mile connections in Better Connected, A Strategy for Integrated Transport (April 2026) (CD19.14) so that “travellers can drive to a station, park and continue their journey by train” remains a relevant sustainable transport mode easily accessible for future residents of the Appeal site.

2 Summary

- 2.1.1 This report has reviewed the Appeal site against the relevant transport and highways tests set out in the updated August 2026 version of the National Planning Policy Framework. In particular, it has considered the site against the requirements relating to sustainable location, genuine choice of transport modes, safe and suitable access, street design, parking, public rights of way and the assessment of transport impacts.
- 2.1.2 The submitted evidence demonstrates that the site is located where sustainable travel opportunities are available and can be enhanced through the proposed mitigation and contributions. It also demonstrates that safe and suitable access can be achieved for all users, that the residual cumulative transport impacts would not be severe, and that there would be no unacceptable impact on highway safety.
- 2.1.3 On this basis, the review finds that the Appeal scheme satisfies each of the relevant NPPF transport and highways tests. The update to the NPPF does not alter the overall conclusions of the original submission or appeal evidence, and the scheme remains compliant with national planning policy in transport and highways terms.



Appendix B Blake Turnbull New NPPF: Built Heritage Note

Our ref: NPPF Colwell Fm - iii

3rd September 2026

Colwell Farm, Haywards Heath: New NPPF - Built Heritage Note

1) Introduction

- 1.1. This Built Heritage Note has been prepared by Jonathan Smith of Blake Turnbull Heritage Consultancy on behalf of Miller Homes. The Note set out a response to the updated NPPF August 2026 in relation to built heritage considerations. It does not submit further technical evidence but merely assesses the proposal against the new national policy wording.
- 1.2. Section 2 lists the changes. Section 3 then applies the new policy wording.

2) The NPPF Changes

- 2.1 Section 20: *Conserving and Enhancing the Historic Environment* (HE1 - 10) relates to the conservation of heritage assets in the production of local plans and decision taking on planning applications. It emphasises that heritage assets are '*an irreplaceable resource and should be conserved in a manner appropriate to their significance*'. The Glossary in Annex B maintains the definition that the setting of a heritage asset is '*the surroundings in which a heritage asset is experienced*'.
- 2.2 For proposals that have the potential to affect the significance of a heritage asset, including any contribution made by their setting, HE5(1) requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to an asset's significance.
- 2.3 HE5(2) notes that assessments of the potential effects of development proposals should identify whether the proposal has a positive effect; has no effect; results in harm to an asset's significance; or causes total loss of significance. Where harm occurs, that degree of harm should be identified. HE5(2c) states that substantial harm occurs where a proposal would '*seriously affect a key element of the asset's significance*'.
- 2.4 HE6(1) emphasises that '*substantial weight*' should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to a positive effect, harm (previously '*less than substantial harm*'), substantial harm or total loss of an asset's significance.
- 2.5 HE6(2) and HE7(1) state that development proposals which would have a positive effect on the significance of a designated or non-designated heritage asset should be supported.
- 2.6 HE6(4-6) sets out that harm to the significance of a designated heritage asset should be weighed against any public benefits resulting from a proposal. Where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, consent should be refused, unless this harm is necessary to achieve substantial public benefits, or all of a number of criteria are met. HE4(2) adds that any harm to, or the total loss of, the

significance of a designated heritage asset should have a clear and convincing justification set out by the applicant.

- 2.7 HE7 refers to non-designated heritage assets. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against a proposal's public benefits and a balanced judgement made, having regard to the scale of harm and the significance of the heritage asset.
- 2.8 Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.
- 2.9 HE9 includes specific policy for conservation areas. HE9(1) states that development affecting the significance of a conservation area should (a) retain elements that contribute to that significance, where possible, and (b) consider an area's significance in the design of a development.
- 2.10 HE9(2) notes that not all elements of a conservation area will necessarily contribute to its significance. Where a development would result in the loss of an element of an area, the assessment of impact should take into account the significance of that element and its level of contribution to the area's significance. Harms from development to a conservation area should be considered by a decision maker in accordance with policies HE5 and HE6.

Summary of the NPPF Changes

- 2.11 The reorganisation of the heritage chapter (now section 20) sees the removal of the explicit term '*less than substantial harm*'. Impacts on heritage assets' significance are now categorised as:
- Positive effect;
 - No effect;
 - Harm;
 - Substantial harm; and
 - Total loss of significance
- 2.12 In relation to the assessment of an asset's significance and a development's level of impact on that significance, applicants must provide a detailed assessment of:
- The significance of affected heritage assets;
 - The contribution of setting to significance; and
 - The likely effect of a proposal on that significance.
- 2.13 Non-designated heritage assets still require a balanced judgement when weighing harm to the significance of non-designated heritage assets with a development's public benefits remains [HE7(2)]. Where substantial harm or total loss would occur, the policy applies a correspondingly stronger test.
- 2.14 The standalone policy on conservation areas [HE9] delivers no new policy requirements, assessment concepts or approaches to decision making.
- 2.15 Heritage assessments of significance and of harm, including in proofs of evidence, still should:
- identify a potentially affected asset's significance;

- identify the level of contribution made by setting (and/or elements of a setting) to an asset's significance;
- assess the level of impact of a proposed development on the identified assets' significance, but now use the HE5 terminology;
- identify the appropriate balance where harm occurs, but now use the HE6 or HE7 terminology; and
- use the specific HE8, HE9 and HE10 policies where world heritage sites; conservation area; and archaeological assets or total loss of an asset's significance are involved.

2.16 The removal of '*less than substantial harm*', replaced with '*harm*', does not represent a profound change. In practice the underlying task remains: understand what makes an asset important; understand how the development might change that importance; and make the correct policy judgement from that evidence. The new NPPF, with some new terminology, largely makes that chain of reasoning more explicit.

3) Heritage Assessment of the Appeal Scheme Against New NPPF

3.1. The Built Heritage Statement and the Built Heritage Proof of Evidence provided by the appellant already meets the required level of built heritage evidence and reasoning required by the August 2026 NPPF.

3.2. As such, these core documents fully accord with the August 2026 NPPF in relation to built heritage.

The Lewes Road Conservation Area

3.3. The assessment process carried out in the Appellant's Built heritage Statement and Built Heritage Proof of Evidence, in relation to Lewis Road Conservation Area, is consistent with the requirements of the August 2026 NPPF in relation to built heritage.

3.4. The Appeal Scheme will retain the trackway along the northern edge of the Appeal Site's western field in line with HE9(1a) and the Scheme would not hinder Lewis Road Conservation Area's significance to be considered in the design process [HE9(1b)] under reserved matters.

3.5. The Appellant's assessment of the Conservation Area's significance is also consistent with HE9(2).

3.6. The Appellant's assessment concludes a '*low level of harm, within the spectrum of less than substantial harm*' [PoE: 5.13] to the significance of Lewis Road Conservation Area. This equates to '*harm*' in the new terminology [HE5(2c)], which should be further described in submissions as: '*specifically at a low level within that spectrum*'. As such, HE6(4) is engaged for the decision maker in this case when weighing the identified level of harm with the Appeal Scheme's public benefits.

3.7. Furthermore, the decision maker is required to afford this identified level of harm '*substantial weight*' [HE6(1)] (which equates to the previous '*great weight*') when carrying out the weighing of the identified level of harm with the Appeal Scheme's public benefits. As before, the Appellant is required to provide '*a clear and convincing justification*' [HE4(2)] for the identified level of harm.

North Colwell Barn

- 3.8. The assessment process carried out in the Appellant's Built heritage Statement and Built Heritage Proof of Evidence, in relation to the non-designated North Colwell Barn, is consistent with the requirements of the August 2026 NPPF in relation to built heritage.
- 3.9. The appellant's assessment concludes a '*low degree of harm*' to the low significance of North Colwell Barn [PoE 6.8]. This equates to '*harm*' in the new terminology [HE5(2c)], which should be further described in submissions as: '*specifically at a low level within that spectrum*'. As such, HE7(2) is engaged for the decision maker in this case when weighing the identified level of harm with the Appeal Scheme's public benefits.

Colwell House

- 3.10. The assessment process carried out in the Appellant's Built Heritage Statement and Built Heritage Proof of Evidence, in relation to the Grade II designated Colwell House, is consistent with the requirements of the August 2026 NPPF in relation to built heritage.
- 3.11. The new NPPF defines '*setting*' in the same way as the previous document:

'Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
- 3.12. The Appellant's view is that the Appeal Site forms no part of the asset's setting and that the Appeal Scheme will, therefore, cause no harm to the asset's significance. The August NPPF describes this as '*no effect on the significance of the heritage asset*' [HE5(2b)].
- 3.13. As set out in the Appellant's Built Heritage Proof of Evidence, while there is some limited perception of the presence of a white stuccoed building from parts of the Appeal Site's central field in winter, there is no experience of the significance of Colwell House as a heritage asset (that is, there is no perception from the Appeal Site of any contributory elements to its significance) and that, as such, the Appeal Site forms no part of the heritage asset's setting. In practical terms, (1) the building is at too great a distance from the Site and at a much higher elevation than the Appeal Site; (2) there is extensive intervening vegetation and (3) the asset's main elevation and almost all of its features are not visible.
- 3.14. This assessment is based on the Historic England *Good Practice Advice Note 3* which states the importance of setting '*lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance*' [para.9, p.4, GPA3; CD18.4]; the assessment concludes that there is no appreciation of (or contribution to) the significance of Colwell House from any part of the Appeal Site.
- 3.15. The Council's position [para.17, Closing Statement MSDC] is contrary to the Appellant's own conclusion. The Appellant does not agree that such a very limited visual experience of Colwell House would automatically bring the Appeal Site within the setting, when this experience includes nothing of what makes Colwell House a (designated) heritage asset. The Appeal Site is therefore not part of the asset's setting.
- 3.16. Notwithstanding the above, whilst the Council identified a degree of harm in their assessment, all of the same factors identified above mean that the harm must be at very lowest level: (1) the distance and different elevations; (2) the intervening vegetation and (3) the very limited nature of what can be seen. All of these would serve to reduce any potential harm to the very lowest level.

- 3.17. The Council's position was that the public benefits would outweigh the harm under the previous version of the NPPF. The position must remain the same under the new NPPF. If HE6(4) is engaged for the decision maker in this case in respect of the Colwell House, even when weighing the Council's identified level of harm with the Appeal Scheme's public benefits, the Scheme's public benefits must continue to outweigh the higher levels of harm they identified.

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