

DRAFT Statement of Common Ground [V4]

Colwell Farm, Haywards Heath

Miller Homes Limited

Appeal Reference: 6005786

LPA Planning Reference: DM/25/0445 / AP/26/0023

Appeal By Miller Homes Ltd

5 May 2026

Revision: 04

Signed:



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Technical Director – SLR Consulting on behalf of Miller Homes Ltd
Date: 05-05-2026

Signed:



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Date: 06/05/2026

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Acronyms and Abbreviations

5YHLS	5-Year Housing Land Supply
BNG	Biodiversity Net Gain
MSDC	Mid Sussex District Council
NPPF	National Planning Policy Framework
SuDS	Sustainable Drainage Systems
WSCC	West Sussex County Council
HHNP	Haywards Heath Neighbourhood Plan
MSDP	Mid Sussex District Plan 2014 – 2031 (adopted March 2018)
SADPD	Site Allocation Development Plan Document

1.0 Introduction and Background

- 1.1 This Statement refers to the Section 78 Planning appeal against the Council's decision to refuse outline planning permission (Council reference: DM/25/0445) at a site known as Land at 'Colwell Farm, Lewes Road, Haywards Heath'. The agreed description of development is:

Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses

- 1.2 This Statement of Common Ground has been prepared jointly by Miller Homes Limited (hereafter referred to as 'the Appellant') and Mid Sussex District Council (hereafter referred to as 'the Council').
- 1.3 The Council's District Planning Committee resolved to refuse the application on the 21st August 2025, against officer advice, for five reasons (1-5) as set out in the formal Decision notice formally refusing the application dated 10th September 2025. The Decision notice is included as **Appendix A**.
- 1.4 The Planning Committee's decision was informed by a report entitled 'District Planning Committee' (hereafter referred to as 'the officer report') prepared by the Planning Application Case Officer (the 'case officer') (CD3.3). The officer report recommended approval of the application. However, members decided that permission should be refused for 5 reasons as set out in the decision notice in Appendix A.
- 1.5 This Statement sets out agreed matters of fact and the agreed positions between the Council and the Appellant in respect of this appeal, as well as identifying the extent of disagreement on the main issues for the inquiry, as follows:
- Chapter 2 – Site Location and Description: includes a description of the site and surroundings
 - Chapter 3 – Planning History and Application Background: confirms the site and surrounding land's planning history, together with the agreed Description of Development and application context
 - Chapter 4 – A list of relevant planning policies and documents
 - Chapter 5 – Areas of Common Ground: sets out the main areas of common ground between the Council and the appellant
 - Chapter 6 – Matters relating to the Council's 5YHLS and Affordable Housing Need
 - Chapter 7 – Matters for the Inquiry – Areas of Disagreement: confirms the extent of disagreement between the parties on the main matters
 - Chapter 8 – Core Document List
 - Chapter 9 – S106 Draft Heads of Terms

2.0 Site Location and Description

The appeal site

- 2.1 The Site lies to the southeast of Haywards Heath, adjoining existing residential development to the north and west. The proposed access lies within the built-up area of Haywards Heath, with the wider appeal site for the dwellings within the countryside as defined in the development plan.
- 2.2 The Appeal Site is shown on the submitted Location Plan set out in Appendix B. It extends to approximately 6.2 hectares and comprises three irregular open greenfield parcels separated by belts of mixed hedgerows and trees.
- 2.3 The northern boundary is formed by Lewes Road (A272), from which vehicular access is proposed via part of the garden of North Colwell Farmhouse. To the south and east, the Site is bordered by Ancient Woodland, while extensive boundary vegetation limits visibility from the wider area.
- 2.4 The site's most recent known use is agricultural, although it has not been actively farmed for some years and currently comprises of vacant grassland enclosed by tree and hedgerow boundaries.
- 2.5 A narrow strip of land along the northern edge, including the proposed access, falls within the Lewes Road Conservation Area, while Colwell House (Grade II) lies to the north of the site, separated by a field, its garden and hedgerow boundaries. A non-designated heritage asset, North Colwell Barn, is located to the north-west of the site.

Site Context

- 2.6 The Site lies immediately adjacent to the settlement edge of Haywards Heath, a Category 1 settlement in the District's hierarchy with a broad range of services, facilities and employment opportunities.
- 2.7 A network of pedestrian routes is available, outside of the site, including footways along Lewes Road and Public Right of Way public footpath 29CU connecting to residential areas, recreation spaces and services.
- 2.8 The Site lies wholly within Flood Zone 1, and there are no statutory ecological designations within the Site. The Ancient Woodland to the south and east is outside the red line boundary; with the 15 metres Ancient Woodland Buffer extending into the site.
- 2.9 The surrounding built form comprises predominantly detached residential properties set within generous plots along Lewes Road, with woodland and open land beyond. The established vegetation pattern contributes to the Site's enclosed character and containment within the wider landscape.

3.0 Planning History and Application Background

Site Planning History

- 3.1 Within the last five years, there have been no planning applications submitted in relation to the Appeal Site itself.

Site Promotion

- 3.2 The Site has been promoted for residential development by the appellant, Miller Homes, throughout the Mid Sussex District Plan Review process. Representations were submitted at each relevant consultation stage, and the Site (identified with site reference ID 844) was assessed by the Council within the Strategic Housing and Economic Land Availability Assessment and subsequently the Site Selection process.
- 3.3 The site was screened out at ‘stage 3’ – the final stage of the site selection process.
- 3.4 **Table 3-2** below summarises the stages at which the Site was promoted, noting the promoting party was the Appellant at each below described stage.

Table 3-1 - Site Promotion History.

Consultation Stage/ Evidence Document	Date	Comment
Call for Sites / SHELAA Submission (SHELAA ID 844)	2021	Site included in the updated SHELAA and assessed as “ <i>relatively unconstrained</i> ”.
Draft District Plan (Reg. 18) Consultation	2022	Site considered through the Site Selection Methodology; sustainability noted due to proximity to schools, health and retail.
Fact-Check Stage for Site Assessments	2022	Promoter participated in the fact-checking exercise for site assessments.
Updated Site Selection Assessment (2023)	2023	Site re-assessed as part of the updated SHELAA and Site Selection rerun to include additional submissions.
Draft District Plan (Reg. 19) Representations	2023/24	Site resubmitted/confirmed for promotion as a potential allocation in the emerging plan.

- 3.5 Assessments of the site, as part of the preparation of the MSDC Local Plan Review, are contained in the following Council Documents:
- Strategic Housing and Economic Land Availability Assessment (SHELAA) July 2024 and its appendices:
 - Appendix 1 – Housing Sites
 - MSDC Site Selections Conclusions Report (2024) and its appendices:
 - Appendix 2 – Response to Fact-Checking Exercise
 - Appendix 3 - Site Assessment Proformas
 - Appendix 5 – Response to Omission Sites
 - MSDC (Regulation 19) Sustainability Appraisal November 2023

The Outline Planning Application

- 3.6 The outline planning application, with all matters reserved except for access, was submitted to Mid Sussex District Council by the appellant on 19th February 2025 and was subsequently validated by the Council. The application was registered under reference DM/25/0445. The description of development, as submitted and agreed by the Council during the determination process, is as follows:

Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses

- 3.7 The original submission documents are detailed within the Core Documents list appended to this SoCG.
- 3.8 An amended Ownership Certificate B was submitted on the 19th February 2025, confirming that notice had also been served on West Sussex County Council, given the redline boundaries' inclusion of highway land.
- 3.9 During the outline application, various amendments were made to the application, and additional information was submitted to address Officer and consultee concerns. comments relating to site accessibility, highways, ecology, design, and landscape. **Table 3-3** sets out a timeline of amendments made and a brief summary of the submission:
- 3.10 Table 3-2 - Summary of the timeline of amendments made.

Date of amendment submission	Summary of information submitted
26-03-2025	Highways Technical Note responding to WSCC, covering TRO measures, proposed speed-limit change and updated access/layby arrangements (ITL19597-GA-018).
09-04-2025	Ecology response addressing Place Services' comments, plus updated BNG & HMMP with revised baseline, metric, and habitat management, including reptile receptor identification.
17-04-2025	Revised LVIA (Rev C) with expanded landscape analysis, winter photos, two new viewpoints, corrections and updated Local Gap (E5) assessment.
29-05-2025	Further landscape response clarifying LCA treatment, LVIA methodology and justification of ratings, confirming the updated LVIA submitted separately.
02-06-2025	Updated BNG & HMMP with revised mapping, updated metric (−0.72% habitat / +441.54% hedgerow), identifying 4.56 off-site units and expanded 30-year management prescriptions.
02-06-2025	Highways Second Response with Snowdrop Lane/A272 pedestrian measures, support for 30-mph TRO via S106/S278, revised visibility splays, and updated Birch Close crossing compliance.
03-06-2025	Arboricultural response confirming retention of all A-category and most B-category trees; only three mature oaks removed for access; concludes impacts are minor and mitigated.

Date of amendment submission	Summary of information submitted
08-07-2025	Updated EcIA incorporating GCN survey results, confirming negative eDNA for Ponds 1 and 3 and low likelihood of GCN presence, with any residual risk managed via PWMS or DLL.
25-07-2025	Dormouse Ecology Note confirming confirmed presence and breeding; sets out EPSL requirement, clearance methodologies, Dormouse boxes and habitat-protection measures.
04-08-2025	Hedgerow Addendum confirming hedgerows meet HPI criteria (≥8 native species), outlines limited access-related gaps, and sets mitigation including hop-overs, native planting and long-term management.

- 3.32 No changes to the originally submitted location plan (ref 02.38(01)00), or parameter plan (ref 02.38(01)01) where requested or required during the course of the applications consideration. The application was determined on the basis of the following plans, with those in **Bold** being the plans for which permission was formally sought:
- 3.33 At the point of decision, the status of consultation response was as follows:

Table 3-3 - Summary of latest consultee comments on planning application.

Consultee	Response
WSCC Highway Authority (18 th August 2025)	No objection subject to conditions and S106 (Travel Plan, TRO obligation; visibility splays and off-site works incl. Snowdrop Lane, Birch Close crossing, lay-by alterations).
WSCC Local Lead Flood Authority (LLFA) (5 th March 2025)	No objection subject to conditions (detailed SuDS design, construction phase surface-water plan, maintenance/verification).
WSCC Planning (Infrastructure) (24 th March 2025)	No objection ; seek S106 contributions (education, libraries, Total Access Demand), plus monitoring fees.
WSCC Fire & Rescue Service (28 th April 2025)	Condition requested to secure fire hydrants/location. (no objection formally recorded).
WSCC Minerals & Waste (19 th March 2025)	No objection subject to LPA being satisfied prior extraction is impracticable/unfeasible.
Sussex Police – Crime Prevention (13 th May 2025)	Design/layout recommendations (no objection formally recorded).
Sussex Police – Infrastructure (28 th February 2025)	Financial contribution required (no objection formally recorded subject to obligation).
NHS Sussex (ICB) (14 th April 2025)	Financial contribution required towards GP services / Primary Healthcare (no objection formally recorded subject to obligation).
Southern Water (27 th March 2025)	No objection ; network reinforcement may be needed; condition to phase occupation until reinforcement available; condition for the

Consultee	Response
	developer to advise the local authority of landscaping proposals in proximity of public apparatus.
MSDC Ecology Consultant & NatureSpace (GCN) (28 th July 2025)	No objection subject to conditions (CEMP; Biodiversity; method statement for GCN; dark corridors, reptile hibernacula, dormouse licence & measures).
Landscape Consultant (9 th June 2025)	Concerns about local character effects; provided recommendations (not a formal objection).
MSDC Conservation (Heritage) (26 th March 2025)	Objection: development causes less-than-substantial harm (mid–high range) to Lewes Road Conservation Area; harm to Grade II Colwell House setting and to the North Colwell Barn (NDHA).
Archaeological Consultant (25 th April 2025)	No objection subject to investigation/mitigation conditions.
MSDC Environmental Health (Air Quality/Noise) (18 th March 2025)	No objection subject to conditions (AQ mitigation equal to £25,696 damages cost; CMP; AVO scheme).
MSDC Contaminated Land (29 th April 2025)	No objection subject to phased contamination conditions.
MSDC Housing (Affordable) (3 rd March 2025)	Confirms 30% affordable; scheme generates requirement for 24 units. No objection formally recorded.
MSDC Tree Officer (3 rd June 2025)	Objection: loss of Category B trees (incl. some mature oaks) cannot be fully compensated; conflicts with DP37.
MSDC Leisure (11 th March 2025)	Contributions required (formal sport; community buildings) and LEAP to be secured by condition.
Haywards Heath Town Council (15 th July 2025)	Objection maintained (principle, highways safety, ecology incl. dormouse/badgers/GCN, conservation area impact, access).

3.34 The Council undertook three rounds of public consultation during the determination of the application. A total of 146 public representations were received (including some from the same address). The key issues raised in representations, relevant to planning matters, can be summarised as follows:

- **Principle & Policy:** Not allocated; outside built-up area; conflicts with HHNP E5; risk of coalescence with Scaynes Hill.
- **Sustainability & Access to Services:** Unsustainable location; reliance on private car.
- **Highways & Safety:** Extra traffic on A272; speeds/data accuracy disputed; inadequate footways/crossings; reduction to 30 mph seen as ineffective.
- **Infrastructure Capacity:** Schools/GPs/roads/utilities already at capacity; weak bus provision; emergency services pressure.
- **Drainage & Flood Risk:** Local surface-water flooding concerns; pumped foul drainage; risk of worsening flooding.
- **Landscape & Character:** Loss of greenfield “green corridor”; urbanising effect; harm to rural approach to Haywards Heath.

- **Heritage:** Harm to Lewes Road Conservation Area and setting of Grade II Colwell House; loss of historic character along Lewes Road.
- **Residential Amenity:** Construction and traffic noise; headlight glare at the access; general disturbance.
- **Ecology & Trees:** Habitat loss; impacts on Dormouse, bats, Badgers, reptiles, Hedgehogs, deer; concern over survey/lighting; loss of mature trees; important hedgerows.
- **Other:** Alleged errors/omissions in submissions; calls for open space to become a local nature reserve; concerns about adequacy of community engagement.

3.35 The following list of plans are latest plans on which the application was decided by the Council. Those in **Bold** are those for which formal approval is sought:

• Location Plan	02.38(01)00		21.02.2025
• Parameter Plan	02.38(01)01		19.02.2025
• Illustrative Masterplan	02.38(01)02		19.02.2025
• Indicative Open Space Proposals	MILL24496_21	B	19.02.2025
• Indicative Site Cross Sections	(04)01		19.02.2025
• Topographical Survey	62713BWLS-01		19.02.2025
• Topographical Survey	62713BWLS-02		19.02.2025
• Topographical Survey	62713BWLS-03		19.02.2025
• Topographical Survey	62713BWLS-04		19.02.2025
• Topographical Survey	62713BWLS-05		19.02.2025
• Topographical Survey	62713BWLS-06		19.02.2025
• Lewes Road Site Access	ITL19597-GA-004	Rev H	17.06.2025
• Highways Plans	ITB19597-GA-011	Rev B	17.06.2025
• Highways Plans	ITL19597-GA-018		18.06.2025
• Highways Plans	ITL19597-GA-021	Rev A	17.06.2025
• Highways Plans	ITL19597-GA-015	Rev A	19.02.2025
• Highways Plans	ITL19597-GA-016	Rev A	19.02.2025

4.0 Planning Policy

Development Plan

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 4.2 The Development Plan comprises as follows:
- Mid Sussex District Plan 2014–2031 (adopted 28 March 2018) – hereafter the MSDP
 - Site Allocations Development Plan Document (DPD) (adopted 29 June 2022) – hereafter the SADPD
 - Haywards Heath Neighbourhood Plan (2016–2031) (made in 2016) – hereafter the HHNP
- 4.3 It is agreed that the District Plan is more than five years old and has not been reviewed and found up-to-date, meaning that, consistent with NPPF paragraph 78 and national guidance, the five-year housing land supply must be measured against Local Housing Need (LHN) calculated via the Standard Method.
- 4.4 The HHNP is more than five years old, and it is therefore common ground that the provisions of paragraph 14 of the NPPF do not apply.
- 4.5 The Site Allocations DPD does not allocate the appeal site for development. The Haywards Heath Neighbourhood Plan (HHNP) similarly does not allocate the site.
- 4.6 Both parties agree that the main part of the Site where the housing would be proposed is outside the Built-Up Area Boundary and is therefore treated as countryside for policy purposes.
- 4.7 The District Council is reviewing and updating the District Plan. Once adopted, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031. It is agreed that weight can be given to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and initial hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan. Both parties agree that the emerging local plan can only currently be given minimal weight.
- 4.8 Both parties will update the Inspector of further progress in respect of the emerging development plan, including any matters which may affect consideration of the appeal.

Relevant Development Plan Policies

Mid Sussex District Plan (2018)

- 4.9 The following policies of the MSDP are considered most relevant to the consideration of the appeal. Those in **Bold** are those for which conflict is alleged by the Council in the Decision notice, save for the s106 policies referred to in RfR 5, and the Council agree there is no other policy conflict:

Policy Reference	Policy
DP4	Housing

DP5	Planning to Meet Future Housing Need
DP6	Settlement Hierarchy
DP12	Protection and Enhancement of Countryside
DP13	Preventing Coalescence
DP15	New Homes in the Countryside
DP20	Securing Infrastructure
DP21	Transport
DP23	Communication Infrastructure
DP26	Character and Design
DP27	Dwelling Space Standards
DP28	Accessibility
DP29	Noise, Air and Light Pollution
DP30	Housing Mix
DP31	Affordable Housing
DP34	Listed Buildings and Other Heritage Assets
DP35	Conservation Areas
DP37	Trees, Woodland and Hedgerows
DP38	Biodiversity
DP39	Sustainable Design and Construction
DP41	Flood Risk and Drainage
DP42	Water Infrastructure and the Water Environment

Site Allocations DPD (2022)

- 4.10 The SADPD only concerns itself with the allocation of housing and employment sites. It does not amend or update any of the policies in the MSDP and is not referenced in the RfR..

Haywards Heath Neighbourhood Plan (2016)

- 4.11 The following policies of the HHNP are considered most relevant to the consideration of the appeal. Those in **Bold** are policies for which conflict is alleged by the Council in the Decision notice and the Council agree there is no other policy conflict:

Policy Reference	Policy
E5	Local Gaps

Policy Reference	Policy
E6	Green Infrastructure
E7	Sustainable Drainage Systems
E8	Sustainable Development
E9	Local Character
E11	Landscape Visual Assessment
E13	Private Outdoor Amenity Space
T1	Pedestrian and Cycle Connectivity
T2	Cycle Route Contributions
T3	Car Parking
H8	Housing within the Built-up Area Boundary

Material Considerations

- 4.12 The following national and local documents are material to the consideration of the appeal:
- National Planning Policy Framework (NPPF), December 2024 (Updated February 2025)
 - National Planning Practice Guidance (PPG)
 - National Design Guide (2021)
 - Mid Sussex Design Guide SPD
 - SPD Development Infrastructure and Contributions (2018)
 - Affordable Housing Supplementary Planning Document (SPD)
 - WSCC: Guidance on Parking at New Developments
 - Development Infrastructure and Contributions SPD
 - Position Statement 1: Delivering Sustainable Development in Mid Sussex (December 2025)
 - Position Statement 2: Infrastructure (December 2025)
- 4.13 The NPPF (February 2025) provides the overarching national framework for decision making.
- 4.14 The Council's Decision Notice does not refer to any specific paragraphs of the NPPF.
- 4.15 Whilst the whole NPPF is material, of particular relevance are the following paragraphs:
- Paragraph 8 – Sustainability objectives
 - Paragraphs 11-13 – Presumption in favour of sustainable development
 - Paragraph 56 - 58 – Use of conditions and Planning obligations
 - Paragraph 61 – Boosting the supply of housing
 - Paragraph 78 – Maintaining supply and delivery

- Paragraph 85 – Economic growth
- Paragraphs 109 – 111 & 115 - 118 – Promoting sustainable transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving well-designed places
- Paragraphs 170-182 – Planning and Flood Risk
- Paragraph 187 – Natural and local environment
- Paragraph 188 – Designated ecology sites
- Paragraph 192 – 195 – Habitats and biodiversity
- Section 16 – Conserving and enhancing the historic environment

4.16 It is common ground that the Council cannot currently demonstrate a deliverable 5-year housing land supply and therefore the presumption in favour of sustainable development (NPPF 11(d)) is applied.

4.17 The draft NPPF published for consultation on the 16th December 2025 is a material consideration of limited weight at this time.

Legislative Context

4.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.19 Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply in considering the setting of listed buildings and conservation areas, including Colwell House (Grade II), and the Lewes Road Conservation Area.

5.0 Areas of Common Ground

Principle of Development

- 5.1 It is common ground that the proposals give rise to conflict with policy DP12 of the MSDP.
- 5.2 As a result of the application of paragraph 11(d) of the NPPF and associated Footnote 8, it is agreed that policy DP12 is out of date.
- 5.3 The parties agree that, as a consequence, policy DP12 attracts less weight in the planning balance, with the Council contending that it attracts no more than moderate weight.
- 5.4 It is common ground that Policy E5 of the HHNP is a positively worded policy that permits development outside of the built-up area where the following policy criteria are adhered to:
- *would not unduly erode the landscape character of the area or its ecology*
 - *would not harm the setting of the town and*
 - *would retain and enhance the separate identity of communities.*
- 5.5 It is common ground that the development does not conflict with the 3rd criterion in relation to the separate identity of communities.

Affordable Housing

- 5.6 It is agreed that the application proposes to deliver 30% of the total proposed number of homes as affordable homes which complies with the requirements of policy DP30 and DP31 of the MSDP. It is common ground that affordable housing can be secured by suitably worded planning obligations.

Technical considerations

- 5.7 It is agreed that the following relevant matters are not in debate and do not form any part of the Council's Reasons for Refusal:
- Archaeology
 - Flood risk, surface water and foul water drainage
 - Contamination
 - Noise, lighting and air quality
 - Ecology and Biodiversity Net Gain
 - Design and layout (insofar as relevant to an outline application)
 - Lewes Road Site Access Design
 - Offsite highways and traffic impacts, including capacity, congestion and safety
 - Onsite Public Open Space Provision
- 5.8 It is agreed that the following matters are the main matters leading to the Council's refusal of the planning application:
- Countryside protection (outside of settlement boundary)
 - Site accessibility
 - Heritage Impacts
 - Arboricultural Impact

- Lack of planning obligations to secure affordable housing, infrastructure contributions, off-site highways works and Biodiversity Net Gain.
- Conflict with the development plan as a consequence of the above.

Highways

Position of the Local Highway Authority, West Sussex County Council

- 5.9 A Transport Assessment (report reference ITL19597-101A, dated 9 January 2025) and Framework Travel Plan (report reference ITL19597-006A, dated 9 January 2025) were submitted as part of the planning application.
- 5.10 The Local Highway Authority provided an initial highway consultation response to the planning application dated 19 March 2025. In summary, the LHA raised no objection in principle to this outline application, subject to a S106 agreement. However, more information was requested in relation to the:
- TRO scheme of supporting works; and
 - A plan showing the removal of existing layby along Lewes Road A272 (near junction of Snowdrop Lane) with footway construction.
- 5.11 A report titled Planning Application Highways Response (report reference ITL19597--007, dated 26 March 2025) was submitted as part of the application responding to the Local Highway Authority's comments.
- 5.12 The Local Highway Authority provided its second highway consultation response dated 2 May 2025 providing some additional queries and comments.
- 5.13 The Local Highway Authority also provided a Response to Local Resident note dated 2 May 2025 dealing with various comments and objections received from a local resident.
- 5.14 A report titled Planning Application Highways Second Response (report reference ITL19597-009A, dated 2 June 2025) was submitted as part of the application responding to the Local Highway Authority's second comments.
- 5.15 The Local Highway Authority provided a further highway consultation response dated 7 July 2025. This confirmed no objection to the planning application subject to planning conditions and S106 obligations.
- 5.16 The Local Highway Authority provided its final highway consultation response dated 18 August 2025, confirming its position of no objection, subject to planning conditions and S106 obligations:

Position of the Council on Transport / Highways Matters

Lewes Road Site Access

- 5.17 The Local Highway Authority is content that the All Purpose Simple Priority Junction Access from Lewes Road (drawing ITL19597-GA-004 Rev H) provides for safe and suitable access to the site for all users.
- 5.18 It is agreed that the proposed access arrangement and associated crossing of Lewes Road are appropriate and do not form part of the Council's case in respect of RfR 2.

Highways/Traffic Impacts

- 5.19 The Appeal scheme will generate around 40 vehicular trips in a weekday morning and evening peak hour.

- 5.20 The Local Highway Authority is content that the traffic generated by the proposed development will not have a significant impact on the operation of the local highway network (capacity, congestion or safety) and as such, highway capacity/safety improvements are not necessary.
- 5.21 It is agreed that the traffic generated by the proposed development will not have a significant impact on the operation of the local highway network (capacity, congestion or safety) and as such does not form part of the Council's case in respect of RfR 2

Off site Highways Improvements

- 5.22 The Appellant agreed a number of acceptable highways work with the Highways Authority as follows:
- Package of off- site highway improvements to include dropped kerbs and tactile paving in the wider highway network to improve pedestrian walking or wheeling experiences from the site to local amenities. This is shown in Transport Assessment i-transport ref: MG/BC/AT/AH/ITL19597-001A R , Plan ITL19597 Figure 6.2.
 - Improvements to Snowdrop Lane footway and dropped kerb and pedestrians in road signs. This is shown in drawing titled 'Proposed footway improvements at Snowdrop Lane' and numbered ITL19597-GA-021 Rev A
 - Re-instate some of the lay-by on Lewes Road to footway. This is shown in drawing titled 'Potential Lewes Road footway improvements at existing Lay-by' and numbered ITL19597-GA-018 This is shown in drawing titled 'Proposed uncontrolled crossing across Lewes Road' and numbered ITB19597-GA-011 Rev B
 - Footway widening on the eastern side of Birch Close and an informal crossing with dropped kerbs and tactile paving across Lewes Road; and
 - Support and funding for a Traffic Regulation Order Process with the objective of securing an extension to the 30mph speed limit to the east of the proposed site access.
- 5.23 In respect of the Traffic Regulation Order the Appellant and the Local Highway Authority agree that it would be desirable to support and fund a Traffic Regulation Order Process with the objective of securing an extension to the Lewes Road 30mph speed limit to the east of the proposed site access. The access works are not dependant on this TRO and as such the access works and speed limit reduction and associated works will be handled as two separate processes
- 5.24 The TRO process will be included as an obligation in the S106 agreement. It is agreed that the applicant commits to undertaking a two-stage process for the TRO and TRO highway works scheme. The applicant will be obliged to commence the TRO process (which as of 1st April 2025 is £10,205). If the TRO is successful the applicant will commit to designing a TRO scheme of highway works to the satisfaction of WSCC Highways and to deliver this under a s278 agreement covering all costs associated with the design and delivery of the TRO scheme of works.

Access to Local Amenities

- 5.25 The Appellant and the Council will seek to agree a Transport Topic Specific SoCG which will set out agreed walking and cycling distances from various parts of the site and local amenities and Haywards Heath Town centre, which will include an agreed plan identifying the routes and the agreed points of measurement from the site to the various amenities and an agreed outer boundary of Haywards Heath Town Centre.

Public Transport Infrastructure

- 5.26 The Northlands Avenue bus stops offer an hourly service from bus routes 31/31A Uckfield (Maresfield - Newick - Haywards Heath – Cuckfield). The southbound bus stop (towards Hayward Heath town centre and beyond) includes a shelter with seating, timetable information and real time information indicating arrival times of the next bus, this is a good level of existing provision.
- 5.27 Further bus stops with additional services are located on the B2272 Lewes Road and on Franklynn Road, circa 1.4km from the centre of the site. In total there are over ten bus services available from the B2272 bus stops outside the Princess Royal Hospital, the westbound bus stop (towards Haywards Heath town centre) includes two shelters with seating, timetable information and real time information indicating arrival times of the next bus.
- 5.28 Haywards Heath rail station offers regular services to a number of destinations including Three Bridges Station in Crawley, Gatwick and London Victoria (served throughout the daytime by more than four trains per hour overall, or two trains per hour in any one direction). It also provides services to destinations including Burges Hill, Brighton and Lewis
- 5.29 Haywards Heath rail station itself features step free access to all four platforms, 312 cycle parking spaces and 1,069 car parking spaces.

Built Heritage

- 5.30 Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the 1990 Act') which provides statutory protection for listed buildings and conservation areas. In regard to listed buildings and their setting, s.66 states that:
- 'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*
- 5.31 In the 2014 Court of Appeal judgement of East Northamptonshire District Council v SSCLG [2014] EWCA Civ 137 (the 'Barnwell Manor case') Sullivan LJ held that [para.29]:
- 'Parliament's intention in enacting section 66(1) was that decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise'.*
- 5.32 The Court of appeal held in Jones v Mordue [2015] EWCA Civ 1243 (the 'Mordue case') that, with regards to the setting of Listed Buildings, generally where a decision-maker works through the paragraphs of the NPPF in accordance with their terms (in particular Paragraph 134 of the previous version of the NPPF, the requirements of which are now given in Paragraph 196 of the revised NPPF, see below), they will have complied with the duty under section 66(1) of the 1990 Act.
- 5.33 The 2017 Court of Appeal judgment in R (Williams) v Powys CC [2017] EWCA Civ 427 (the 'Williams case') has clarified that the duty to have special regard to the desirability of preserving the setting of a listed building would be engaged where there is 'a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape' [para.56] between the proposed development and the listed building. Physical proximity was not always essential: their mutual visibility from a distant viewpoint might be relevant.
- 5.34 The 2018 Court of Appeal judgment in Catesby Estates Ltd v Steer [2018] EWCA Civ 1697 (the 'Catesby case') has clarified that the duty imposed by the Section 66(1) of the 1990 Act

to have special regard to the desirability of preserving the setting of an asset requires the decision-maker to determine the extent of the asset's setting and the impact of the development upon it. In doing so, the decision maker had to take account of social, historical and economic, as well as physical and visual, factors.

- 5.35 Paragraph 208 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.36 Paragraphs 212 and 213 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. This paragraph also discusses how substantial harm to different assets should be considered. Both of the main parties conclude that substantial harm is not alleged in this case.
- 5.37 Paragraph 214, pertaining to cases of substantial harm, advises the decision maker to refuse consent unless substantial public benefits can be demonstrated to outweigh that harm or that four particular circumstances all apply.
- 5.38 Paragraph 215 does not call on a decision maker to refuse cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, also confirming that this spectrum of harm should be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 5.39 Historic England's Historic Environment Good Practice Advice Note 3 '*The Setting of Heritage Assets*' notes that the NPPF and the PPG make it clear that the setting of a heritage asset is the surroundings in which a heritage asset's significance 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. The guidance notes that:
- 'Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated [not the situation in this case]. Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associative attributes pertaining to, the heritage asset's surroundings'.*

The two main parties agree that Appendix B of the Council's District Plan Site Selection Paper 3 identifies the Site under reference ID 844, naming it as 'Land at North Colwell Farm, Lewes Road, Haywards Heath' and provides evidence informing the Council's opinion regarding the Site's suitability for allocation for residential development.

- 5.40 The two main parties are in agreement that the significance of Lewes Road Conservation Area and that of the non-designated North Colwell Barn will be affected by the Appeal Scheme's development.
- 5.41 The two main parties agree that Lewes Road Conservation Area is approximately 24 ha. in area and c.1.3km in length east-west. Furthermore, it is common ground between the two main parties that c.0.15ha. of the Appeal Site forms land within Lewes Road Conservation Area.

- 5.42 The two main parties are in agreement that the impacts by the Appeal Scheme's development on the significance of Lewes Road Conservation Area and that of the non-designated North Colwell Barn will be within the spectrum of less than substantial harm. As such, paragraph 215 of the NPPF is engaged for the decision maker in relation to Lewes Road Conservation Area and paragraph 216 for North Colwell Barn.

Arboriculture

- 5.43 It is common ground that the proposed development does not give rise to any adverse impacts to irreplaceable habitat trees or woodland. No veteran trees are present, and off-site ancient woodland would be protected by a buffer zone that exceeds the Natural England and Forestry Commission minimum recommendation.
- 5.44 The extent of tree loss will be a matter for evidence supported by a topic-specific arboricultural SoCG.

Landscape

- 5.45 The site is not located within any designated landscapes nor is it in the setting of any such landscapes.
- 5.46 The site is not considered a 'valued landscape', as defined in Paragraph 187 of the NPPF.
- 5.47 The site is approximately 2.2km from the southern boundary of the High Weald National Landscape and there are two listed buildings nearby including the parish church of St. Mary. There are 5 conservation areas within the study area, the closest of which is Lewes Road Conservation Area which borders the site, and through which the access road will pass. A small sliver of land on the north-western edge is also in the Conservation Area.
- 5.48 The proposed development would not affect the High Weald National Landscape as it is over 2km away and set lower in the landscape with a large volume of intervening tree cover.
- 5.49 Within the 2.5km radius study area there are several Local Nature Reserves and numerous parcels of ancient and semi-natural or replanted woodland. There are also several routes used by receptors that have a degree of focus on the landscape, including two long distance walking paths.
- 5.50 The site lies on the boundary of National Character Areas (NCA) 122 – High Weald and 121 – Low Weald.
- 5.51 Within the West Sussex Landscape Character Assessment, the site is located within the HW4 High Weald Fringes Landscape Character Area (LCA), and that the Site and its immediate surroundings exhibit some of the key characteristics of the HW4 LCA.
- 5.52 The site is located within Capacity Area 42 – Haywards Heath South-Eastern Fringe as defined by the Mid Sussex Landscape Capacity Study.
- 5.53 The site lies within a 'local gap' as defined by Policy E5 of the Haywards Heath Neighbourhood Plan.
- 5.54 The site is comprised of three small fields which slope to the south and are framed on the south and east sides by woodland. There are numerous trees around the boundary, and the fields are divided by overgrown boundary hedges.
- 5.55 Neighbouring properties are typically large and detached, with hedges to the road boundary and a variety of native and non-native trees within extensive gardens. In addition to the houses on Lewes Road there are further detached properties on the linear residential street Birch Close to the west and more recent developments to the north at The Rushes and Oldfield Close.

- 5.56 The revised LVIA (ACD Environmental, April 2025), assessed 10 representative viewpoints from a range of publicly accessible locations within a 2.5km radius of the site. This included winter views taken in February 2025, and additional set of photographs taken from footpath 29CU at the request of the local planning authority.
- 5.57 The site has an enclosing framework of existing vegetation which serves to screen views of it from the surrounding area. nine of the ten viewpoints had no views of the site due to intervening buildings and trees. Views into the site from all directions are limited to residential properties which back onto the site; it cannot be seen from the roads or public rights of way within the study area.
- 5.58 The proposed development would result in the introduction of built form into what is presently undeveloped land, which would result in some adverse effects on landscape character, and a very limited number of visual receptors.
- 5.59 The proposed development includes a number of mitigation measures, designed to offset potential adverse effects on landscape character and visual amenity. The proposed landscape mitigation measures would reduce adverse effects on the character of the countryside and to an acceptable level of harm.
- 5.60 The proposed mitigation measure are indicative only as landscaping is a reserved matter, however, the Illustrative Masterplan for the proposed development shows how the landscape proposals could be accommodated on the site, and the parameter plan for which approval is sought details the areas of proposed built development and open space, including the position of road linkages between parcels. A large open space would be retained on the western parcel, and the new housing would be located east of the access road to provide a significant buffer around the boundary of the Conservation Area.
- 5.61 Due to the dense visual barriers provided by the existing woodland, the drop in ground level and the high level of enclosure of the site, the proposed development would have a negligible effect on the separate identities of the surrounding settlements and would continue to provide ecological connectivity.
- 5.62 Following the establishment of the new mitigation planting the visual effects of the development would be minimised and the proposal would be effectively accommodated within its settlement fringe location without detracting from the Conservation Area or compromising the contribution of the land in maintaining the separate identities of individual settlements outside the built-up area of Haywards Heath.

Ecology and BNG

- 5.63 Ecosupport have undertaken an Ecological Impact Assessment and Biodiversity Net Gain Assessment with Habitat Management and Monitoring Plan for the proposed development of up to 80 dwellings at Land North of Colwell Farm, Haywards Heath. The assessments follow CIEEM EclA guidance and the Statutory Biodiversity Metric, and are based on desk study, extended Phase 1/UKHab survey and targeted protected species surveys for bats, Dormouse, Badger, reptiles, Great Crested Newt and breeding birds. The ecological work has informed the masterplan and the suite of avoidance, mitigation, compensation and enhancement measures now embedded in the scheme, including dark corridors, woodland buffers, reptile receptor areas and long-term habitat management secured for 30 years.

BNG figure

- 5.64 A statutory Biodiversity Net Gain assessment has been completed using the DEFRA Statutory Biodiversity Metric, comparing pre- and post-development habitats based on UKHab mapping and condition assessment. On-site measures deliver an increase of 0.35 habitat units (equating to a 0.72 change in habitat biodiversity units) and 1.34 hedgerow units (441.54 increase in hedgerow biodiversity units), but the metric identifies a residual

deficit of 4.56 habitat units due to the loss of Other Neutral Grassland and Lowland Mixed Deciduous Woodland. To address this and achieve at least 10% net gain in accordance with national policy and the Environment Act regime, the applicant will purchase the required number of statutory biodiversity credits from an approved off-site provider, secured through legal agreement.

Effect on designated sites

- 5.65 Within 2 km of the site there are two statutory Local Nature Reserves (Eastern Road Nature Reserve and Scrase Valley) and a series of locally designated Sites of Nature Conservation Importance and other non-statutory wildlife sites. The EclA concludes that, given the small scale of the scheme, separation distances of 1.2–2 km and the availability of alternative greenspace, any increase in recreational pressure on these designations will be very minor and amounts at most to a minor adverse effect at a national scale. The site also lies within the wider strategic zone of influence for Ashdown Forest SPA/SAC, but mitigation for European sites is addressed separately through the Council's established SANG and SAMM mechanisms and no direct effects on any international or national designation are predicted.

Surveys undertaken and headline results

- 5.66 A comprehensive suite of surveys has been undertaken, including UKHab mapping and condition assessment, bat tree assessments, season-long bat activity surveys with walked transects and static detectors (April–October 2024), Badger surveys, reptile presence/likely-absence surveys using artificial refugia, great crested newt HSI and eDNA surveys of accessible ponds, Dormouse tube surveys (April–October 2024) and breeding bird territory mapping. The baseline identifies heavily deer-grazed Other Neutral Grassland of local value, boundary Lowland Mixed Deciduous Woodland of higher value, confirmed presence of a Badger sett and foraging Badgers, low populations of Slow Worm, Common Lizard and Grass Snake, confirmed Dormouse presence in boundary vegetation, a diverse bat assemblage including Annex II Barbastelle with the site evaluated as of regional importance for commuting and county importance for foraging bats, high potential for Hedgehog, and likely absence of Great Crested Newts based on HSI and negative eDNA results from key ponds. Without mitigation, the EclA identifies moderate adverse effects at local to regional level for commuting/foraging bats, reptiles, Dormouse and Badgers, and minor adverse effects for breeding birds and designated sites.

Survey Methodologies agreed

- 5.67 Survey methodologies follow current best-practice guidance and are agreed as appropriate by the LPA's ecological advisers and Natural England where relevant. UKHab surveys were undertaken in December 2023 with an updated habitat assessment in June 2024, with habitats classified to UKHab v2.0 and evaluated using CIEEM 2018 EclA guidance. Bat surveys followed BCT Collins (2023), including GLTA of trees, three activity transects and stratified static monitoring over seven months; reptile surveys used Froglife (1999) and Gent & Gibson (1998) guidance; Great Crested Newt surveys employed HSI and eDNA methods in accordance with ARG 2010 and Defra/Biggs et al. (2014); Dormouse tubes followed the Dormouse Conservation Handbook (2006) with sufficient survey points and effort; and breeding bird survey methods were based on BTO Breeding Bird Survey/Common Bird Census standards. Badger sett monitoring followed the Natural England statutory guidance and CIEEM guidance on Badger survey effort.

Conditions

- 5.68 The parties will seek to agree a suitable list of conditions prior to commencement of the Inquiry.

Section 106 and RfR 5

- 5.69 The Appellant accepts that if the appeal is allowed, appropriate planning obligations will be required. The parties will seek to agree the obligations prior to the commencement of the Inquiry and draft S106 Heads of Terms are submitted with this appeal.
- 5.70 It is common ground that suitably worded obligations within an agreed s106 can overcome RfR 5 by securing requirements, including a suitable level of affordable housing, infrastructure contributions, off site highways works and biodiversity net gain.

6.0 5-Year Housing Land Supply & Affordable Housing Need

5-Year Housing Land Supply

- 6.1 It is agreed that MSDC cannot currently demonstrate a 5-Year Housing Land Supply and as such the provisions of paragraph 11(d) of the NPPF apply to the determination of the appeal.
- 6.2 Detailed matters of agreement and disagreement between the appellant and MSDC in respect of 5YHLS will be set out in a separate SoCG dealing specifically with 5YHLS following submission of the appeal.

Affordable Housing Need

- 6.3 It is agreed that there is an acute national housing crisis.
- 6.4 There is agreement that Policy DP31 of the Mid-Sussex District Plan 2014 – 2031 (adopted March 2018) is drafted to capture a benefit and is not needed in mitigation or to ward off a harm.
- 6.5 The Council's latest assessment of affordable housing need is set out in the Mid Sussex Strategic Housing Market Assessment (SHMA) Update (October 2024). It is agreed that Table 3.4 estimates an annual net need from households unable to buy or rent of 383 affordable dwellings over the period 2021 - 2040. It is agreed that this figure should be treated as a minimum as it does not include any allowance for the need for affordable home ownership.
- 6.6 It is agreed that against the minimum need for 383 affordable dwellings per annum (which excludes the need for affordable home ownership), there is already a shortfall in the delivery of affordable housing over the first five years of the SHMA Update period, of an average of - 52 affordable dwellings per annum.
- 6.7 The number of households on the Council's Housing Register as of 31 March 2025 was 2,468 households (FOI Response). It is agreed that this represents a worsening position from the previous year where the number of households on the Housing Register stood at 2,097 (MHCLG) (17% increase between 2024 and 2025).
- 6.8 It is agreed that as of 31 March 2025 there are 101 households living in temporary accommodation in Mid-Sussex, a 20% increase from 2024 (MHCLG). Of these households, 45 are households with children. Since 2022 the number of households living in temporary accommodation with children has increased by 67% (MHCLG).
- 6.9 There is agreement that in 2024 Mid-Sussex spent £2,510,000 on temporary accommodation.
- 6.10 In terms of affordability, it is agreed that both the median and lower quartile affordability ratios for Mid-Sussex in 2025 (standing at 10.94 and 11.23 respectively) are significantly higher than the South East average (9.58 and 9.56) and national average (7.63 and 6.98) (ONS data).
- 6.11 Median house prices in Mid-Sussex reached £435,000 in 2025, almost double the 2006 level and for the MSOA (Middle Super Output Area) where the site is located (Mid-Sussex 008) there has been an even greater increase of 105% since 2006. The median house price for Mid-Sussex MSOA 008 is now £517,500.
- 6.12 It is agreed that there has been a similar level of increase in lower quartile house prices. These have increased by 95% since 2006 now standing at £340,000 and for the MSOA are currently £397,000 (92% increase since 2006).
- 6.13 There is agreement that both the median and lower quartile house prices for Mid-Sussex are significantly higher than both the national and regional averages.

- 6.14 It is agreed that there is an on-going and pressing need for affordable housing in Mid-Sussex.
- 6.15 It is agreed that the benefit of affordable housing is a material consideration weighting in favour of the development.

7.0 Matters for the Inquiry – Areas of Disagreement

- 7.1 The application was refused for five reasons listed 1-5 below. The full reasons for refusal are set out in the Council's Decision notice. In summary, the reasons for refusal can be described as follows:
- 1) **Development in countryside location, out of keeping with rural character** – contrary to MSDP DP12, HHNP E5, E9.
 - 2) **Unsustainable location** – poor pedestrian access to town centre, reliance on car – contrary to MSDP DP21, NPPF.
 - 3) **Heritage harm** – setting of Colwell House (Grade II Listed), North Colwell Barn (Non-designated asset) and Conservation Area – contrary to MSDP DP34, DP35, HHNP E9.
 - 4) **Loss of trees** – resulting in harm to character of the area with inadequate compensation – contrary to MSDP DP37, HHNP E9.
 - 5) **Failure to secure S106 obligations** – affordable housing, offsite infrastructure, highways works and BNG – contrary to MSDP DP20, DP21, DP31, DP38.
- 7.2 In respect of RfR 5, it is agreed that this matter can be resolved through completion of the planning obligation securing the required affordable housing, offsite infrastructure and highways works, an agreed draft of which will be submitted ahead of the start of the inquiry.
- 7.3 It is agreed that the following matters are to be addressed by the Inspector at the Inquiry (see next page).

#	ISSUE	APPELLANT'S POSITION	COUNCIL'S POSITION
1	Principle of development		
1a	Policy Conflict and out of date policies	The proposed residential development (excluding the access) is within a countryside location outside of a settlement boundary, which results in conflict with Policy DP12. However, Policy DP12 is out of date, as are the defined settlement boundaries as a result of MSDC's lack of 5YHLS. Consequently, conflict with policy DP12 does not result in an in-principle reason for rejecting development of the site. Other alleged policy conflicts are disputed.	The council accepts it does not have a five-year housing land supply accordingly para 11(d) of the NPPF is engaged. However as the development will have significant impacts in terms of location in the countryside, forms an unsustainable location, adverse impact on heritage and non-heritage assets and a loss of trees the council contend the tilted balance is not triggered as such in principle the development is not compliant with Policy DP12 in that it fails to meet any of the relevant criteria.
1b	The application of the tilted balance.	The NPPF Paragraph 11(d) 'tilted balance' is engaged by virtue of the lack of 5YHLS as directed by footnote 8. There are no 'strong reasons' as defined by paragraph 11(d(i)) and associated footnote 7 that would result in a 'strong reason' for disengaging the presumption and in accordance with paragraph 11(d(ii)), no adverse effects arising from the proposal 'significantly and demonstrably outweigh the harms'. Consequently, permission should be granted in accordance with paragraph 11(d) of the NPPF.	While the council accepts it does not have a five-year housing land supply accordingly para 11(d) of the NPPF is engaged, however it considers the tilted balance is not triggered. This is due to the significant adverse impacts including the heritage harm, the loss of trees and the council's contention the site is not in sustainable location and fails to accord with Policy DP12 and DP21.
2	Landscape		

#	ISSUE	APPELLANT'S POSITION	COUNCIL'S POSITION
	The degree of harm to the landscape character and local distinctiveness of the area and the rural nature of the site:	The site measures ensure the development sits comfortably within its setting and maintains ecological connectivity. There is a degree of technical conflict with Policy DP12 of the MSDP in that the development is outside of the Built Area Boundary, but this policy is out of date and attracts less weight. The proposals are in compliance with policies E5 and E9 of the HHNP in that the development does not unduly erode the landscape character of the area or its ecology and would preserve the setting of Haywards Heath.	As the development constitutes inappropriate development of a major housing scheme in the open countryside that fails to comply with relevant policy DP12 of the MSDP and Policies E5 and E9 HHNP and the council contend the tilted balance is not engaged, it in principle will result in a significant alteration to the countryside character resulting in an unacceptable urbanisation of the site.
3	Accessibility		
	The accessibility of the site to a range of local amenities and public transport opportunities.	The site is well-related to Haywards Heath, benefiting from good connections to local everyday amenities, job opportunities and public transport connections, including train links. The proposals will deliver targeted improvements to enhance pedestrian safety. Overall, the proposed development is in compliance with Policy DP21 of the MSDP.	The council's contention is that the site is unsustainable in terms of the pedestrian connections and distance to the town centre of Haywards Heath as such is contrary to policy DP21 of the MSDP. The site will be heavily reliant on private car usage rather than other sustainable methods of transport .

#	ISSUE	APPELLANT'S POSITION	COUNCIL'S POSITION
4	Heritage		
4a	The degree of harm caused to the setting and significance of the Grade II Listed Colwell House,	No part of the Appeal Site forms any part of the Colwell House's setting. The Site makes no contribution to Colwell House's significance and the Appeal Scheme's development will have no impact on the significance of Colwell House.	The Appeal Site forms a part of Colwell House's setting and contributes to this designated heritage asset's significance. The Appeal Scheme's development will cause a mid-level of less than substantial harm to the significance of Colwell House.
4b	The degree of harm caused to the setting and significance of the Conservation Area and	A small part of the Appeal Site forms a very small part of Lewes Road Conservation Area. Parts of the western and central fields of the Appeal Site form a very small part of the Area's setting. The eastern field forms no part of the Area's setting. As such, the Appeal Site contributes only a secondary level of contribution to the significance of Lewes Road Conservation Area. The Appeal Scheme's development will cause a low level of harm to the Area's significance within the spectrum of less than substantial harm.	The Appeal Site forms a part of Lewes Road Conservation Area's setting. The Appeal Scheme's development will cause a mid to high level of harm to the Area's significance within the spectrum of less than substantial harm.

#	ISSUE	APPELLANT'S POSITION	COUNCIL'S POSITION
4	The degree of harm caused to the setting and significance of the undesignated North Colwell Barn.	The western field of the Appeal Site forms a small part of North Colwell Barn's wider setting. The central and eastern fields form no part of the Barn's setting. As such, the Appeal Site contributes only a small, secondary level of contribution to the significance of North Colwell Barn. The Appeal Scheme's development will cause a low level of harm to North Colwell Barn's significance within the spectrum of less than substantial harm.	The Appeal Site forms a part of North Colwell Barn's setting. The Appeal Scheme's development will cause a mid-level of harm to the Barn's significance within the spectrum of less than substantial harm.
5	Trees		
	The degree of harm caused by the proposed loss of trees on site	The proposed development achieves a high retention rate of quality trees, causes no harm to ancient woodland and veteran trees, and provides robust mitigation through replanting and landscape enhancements. The proposals therefore comply with Policy DP37 and Policy E9, and any residual harm is minor and clearly outweighed by the substantial public benefits of housing delivery, affordable housing provision, and biodiversity net gain.	As the application is in outline with all matters reserved any references to tree retention across the site other than in relation to access works is only a general consideration until permission is sought for a detailed layout which provide specific details of tree retention. The details sought in this appeal will result in a high loss of trees with potentially 9 healthy trees to facilitate the access to the site, which all lie within the conservation area. The application only makes a general commitment to replacing the identified mature healthy trees. It provides no specifics as to how any replacements can provide appropriate compensation for their loss. The development is therefore contrary to policy DP37 of the MSDP and Policy E9 of the HHNP.

8.0 Core Document List

- 8.1 See Appendix D for a draft Core Documents List. A final core documents list will be agreed with the Council and provided ahead of the Inquiry start.



9.0 Planning Conditions and S106 Draft Heads of Terms

- 9.1 The Appellant and MSDC will seek to agree a list of suitability worded planning conditions in good time ahead of the planning inquiry.
- 9.2 The below Heads of Terms indicate what the Appellant reasonably expects to be secured by way of a suitably worded Planning Obligation.
- 9.3 A draft s106 legal agreement accompanies the application, to aid in discussion with the Council. The Appellant will seek to agree the s106 with the Council ahead of the Inquiry start date.
- 1) **Affordable Housing Provision** to secure 30% on-site affordable housing (24 units for an 80-unit scheme), with policy-compliant tenure mix and all associated clauses regarding delivery, clustering, and transfer to a Registered Provider.
 - 2) **Highway and Accessibility Works & Contributions** to secure agreed off-site pedestrian and highway improvements, including:
 - *An uncontrolled crossing across Lewes Road with dropped kerbs and tactile paving at the Birch Close junction, to improve the access and connection between the north side and south side footway. (ITB19597-GA-011)*
 - *Removal of existing layby along Lewes Road A272 (near junction of Snowdrop Lane) with footway construction.*
 - *An uncontrolled crossing across Orchid Park with dropped kerbs and tactile paving linking existing Footpath CU29.*
 - *An uncontrolled crossing across Orchid Park with dropped kerbs and tactile paving for pedestrians onto Charlesworth Park.*
 - *Adding tactile paving to the existing crossing at the Marlow Drive/Charlesworth Park junction.*
 - *Adding tactile paving to the existing crossing at the Beech Hill/Marlow Drive junction.*
 - *An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians routing between Marlow Drive and Catkin Way.*
 - *An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians routing between Marlow Drive and Views Path.*
 - *Adding tactile paving to the existing crossing at the Northlands Avenue/Larch Way junction.*
 - *Adding tactile paving to the existing crossing at the Beech Hill/Aspen Close junction.*
 - *An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians across Rowan Close for pedestrians routing between Aspen Walk and Northlands Avenue.*
 - 3) **Framework Travel Plan Implementation**, including monitoring fees £3,950 and commitment to undertaking a two-stage process for the TRO and TRO highway works scheme.
 - 4) **Public Open Space Management and Maintenance** (including potential contribution if transferred to Council).



- 5) **Education Contributions** via financial contributions towards primary and secondary education infrastructure, calculated in accordance with WSCC formulae and index-linked.
- 6) **Biodiversity Net Gain (BNG) Delivery** to secure delivery of minimum 10% BNG, through:
 - On-site habitat creation an enhancement
 - Off-site BNG units where required
 - 30-year management and monitoring plan
- 7) **Healthcare and Community Infrastructure Contributions** to secure financial contributions of £116,942 for the infrastructure needs of NHS GP services.
- 8) **Sport and Leisure Contributions** via financial contributions of £57,229 towards formal sport and leisure facilities in accordance with MSDC's Developer Contributions SPD.
- 9) **Sussex Police Infrastructure** via financial contributions of £18,918.91 to go towards the costs of a police officer, equipment and training and a support staff.
- 10) **Sussex Air Damage Contributions** via financial contribution of £25,696 to be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.
- 11) **Communities Buildings Contributions** via financial contributions of £32,822 towards improvements to community buildings in Franklands Village, Barn Cottage Recreation Ground, Ashenground Community Centre and / or the Woodside.
- 12) **S106 Monitoring Fee** in accordance with MSDC's adopted schedule to enable proper administration and enforcement of agreement.



Appendix A MSDC Decision Notice



Miller Homes Ltd
Mr Nicholas Billington
SLR Consulting Ltd
Mountbatten House
1 Grosvenor Square
Southampton
Hampshire
SO15 2JU

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFUSAL

REFERENCE: DM/25/0445

DESCRIPTION: OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR UP TO 80 DWELLINGS WITH ASSOCIATED LANDSCAPING, OPEN SPACE, INFRASTRUCTURE AND VEHICULAR AND PEDESTRIAN ACCESSSES.

LOCATION: LAND AT COLWELL FARM, LEWES ROAD, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 10 SEP 2025

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **REFUSE** to permit the above development as shown in the submitted application and plans.

The reasons for the Council's decision are:-

1. The proposed development is located within the countryside outside of the built-up area of Haywards Heath. It is considered that the development would be out of keeping with the rural character of the area and fails to protect the local distinctiveness of the area by extending the settlement boundary of Haywards Heath and eroding the rural nature of the site, contrary to policy DP12 of the Mid Sussex District Plan 2014-2031 and policies E5 and E9 of the Haywards Heath Neighbourhood Plan.

2. The site is considered to be in an unsustainable countryside location where pedestrian access to the town centre would not be convenient or attractive for future residents, and this could not be sufficiently mitigated by the proposed off site works in this application. Therefore, the proposal would result in a heavy reliance on the private car to address basic day to day needs from local services and shops. The proposal therefore conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and the provisions of the NPPF which seeks to actively managing patterns of growth to make the fullest possible use of public transport.
3. The development would result in an unacceptable intensification of development within the setting of the Grade II listed Colwell House and North Colwell Barn, an undesignated heritage asset. The development would also detract from the rural character of the setting of the southern part of the Lewes Road Conservation Area. It is not considered that the public benefits of up to 80 dwellings on the site would outweigh the harm to the setting of both the designated and non-designated heritage assets. The proposal is therefore considered to be contrary to the requirements of policies DP34 and DP35 of Mid Sussex District Plan 2014-2031 and the aims of the NPPF and policy E9 of the Haywards Heath Neighbourhood Plan.
4. The proposal would result in the loss of a significant number of trees, which make an important contribution to the character and appearance of the area. The loss of these trees is not adequately compensated for or mitigated against in the application. The proposed development therefore conflicts with policy DP37 of the Mid Sussex District Plan 2014-2031 and policy E9 of the Haywards Heath Neighbourhood Plan.
5. The proposal fails to provide the required affordable housing, the infrastructure contributions, off site highway works and the biodiversity net gain requirements. The application therefore conflicts with policies DP20, DP21, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advice on the best course of action in respect of any future application for a revised development.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	02.38(01)00		21.02.2025
Other	02.38(01)01		19.02.2025
Planning Layout	02.38(01)02		19.02.2025
Other	MILL24496_21		19.02.2025
Other	(04)01		19.02.2025
Topographical Survey	62713BWLS-01		19.02.2025
Topographical Survey	62713BWLS-02		19.02.2025
Topographical Survey	62713BWLS-03		19.02.2025
Topographical Survey	62713BWLS-04		19.02.2025
Topographical Survey	62713BWLS-05		19.02.2025
Topographical Survey	62713BWLS-06		19.02.2025
Highways Plans	ITL19597-GA-004	H	17.06.2025
Highways Plans	ITB19597-GA-011	B	17.06.2025
Highways Plans	ITL19597-GA-018		18.06.2025
Highways Plans	ITL19597-GA-021	A	17.06.2025
Highways Plans	ITL19597-GA-015	A	19.02.2025
Highways Plans	ITL19597-GA-016	A	19.02.2025



Ann Biggs
Assistant Director Planning and Sustainable Economy

REOUTZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

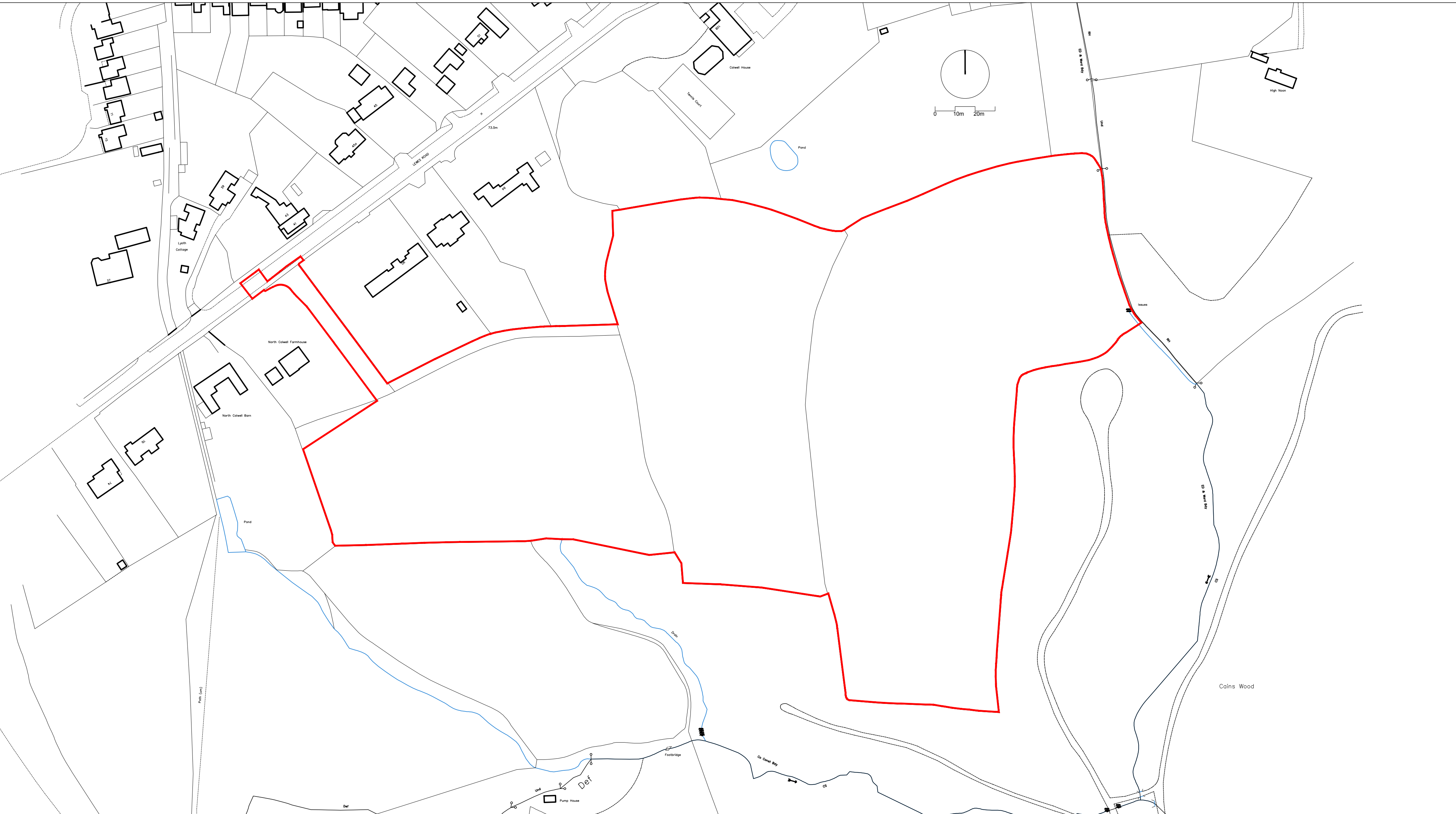
The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Appendix B Site Location Plan





Appendix C Draft Core Documents List



Section 78 Appeal against refusal of a planning application by Mid Sussex District Council (MSDC)

Appeal Site: Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex

LPA Reference: DM/25/0445 (Application Refused – 10th September 2025)

PINS Appeal reference: **PLACEHOLDER**

Ref	Document Description
0.1	Core Documents Schedule (this document)
CD1	APPLICATION DOCUMENTS AND PLANS (ORIGINAL SUBMISSION - NOVEMBER 2024)
1.1	Application Form
1.2	Application Cover Letter
1.3	Planning Obligation Instruction Form
1.4	Planning Statement
1.5	Design and Access Statement (030225)
1.6	Indicative Masterplan (Drawing no. 02.38(01)02)
1.7	Indicative Site Sections (Drawing no. 02.38(04)01)
1.8	Location Plan (Drawing no. 02.38(01)00)
1.9	Parameter Plan (Drawing no. 02.38(01)01)
1.10	Topographical Survey (Drawing no. 62713BWLS-01-06)
1.11	Statement of Community Involvement Report Parts 1-4
1.12	Air Quality Assessment
1.13	Flood Risk Assessment and Drainage Strategy
1.14	Ecological Impact Assessment
1.15	Biodiversity Net Gain Assessment and Habitat Management and Monitoring Plan

Ref	Document Description
1.16	Statutory Biodiversity Net Gain Calculation <i>(note – this document has not been submitted via the appeal portal due to its format but is submitted under separate cover)</i>
1.17	Phase II Site Appraisal
1.18	Haywards Heath Heritage Statement
1.19	Transport Assessment
1.20	Travel Plan
1.21	Proposed Site Access (Drawing no. ITL19597-GA-004G)
1.22	Proposed Uncontrolled Crossing (Drawing no. ITL19597-GA-011A)
1.23	Swept Path Analysis – Refuse Vehicle (Drawing no. ITL19597-GA-015A)
1.24	Swept Path Analysis – Fire (Drawing no. ITL19597-GA-016A)
1.25	Landscape and Visual Impact Assessment – Parts 1-2
1.26	Public Open Space (Drawing no. MILL24496_21)
1.27	Lighting Strategy (WLC1018-LS-001_R1)
1.28	Acoustics Assessment (28406-ENV-0401 Rev B)
1.29	Arboriculture – Planning Submission (FLAC 43-1039)
1.30	Updated Ownership Certificate B – West Sussex County Council
CD2	REPORTS, PLANS AND CORRESPONDENCE SUBMITTED AFTER VALIDATION
Highways Note (28-03-2025)	
2.1	29-05-2025 - highways meeting update <i>(Correspondence)</i>
2.2	ITL19597-007 TN Planning Application Highways Response <i>(Additional Information)</i>
Ecology Information (09-04-2025)	
2.3	09-04-2025 BNG update <i>(Correspondence)</i>

Ref	Document Description
2.4	09-04-2025 - BNG update2 (<i>Correspondence</i>)
2.5	09-04-2025 - BNG update3 (<i>Correspondence</i>)
2.6	Land at North Colwell Farm EcIA, April 2025 (<i>Additional Information</i>)
2.7	Land North of Colwell Farm - PS Ecology Response - April 2025 (<i>Additional Information</i>)
2.8	Land North of Colwell Farm BNG Assessment & HMMP (April 2025) (<i>Additional Information</i>)
2.9	Land North of Colwell Farm - Statutory_Biodiversity_Metric_Calculation - April 2025 (<i>Additional Information</i>) (note – this document has not been submitted via the appeal portal due to its format but is submitted under separate cover)
Landscape (23-04-2025)	
2.10	Covering letter to LVIA_B (<i>Additional Information</i>)
2.11	MILL24496_LVIA_C (<i>Additional Information</i>)
Landscape (29-05-2025)	
2.12	Letter to Joanne Fisher 2 (<i>Additional Information</i>)
2.13	MILL24496_LVIA_C (<i>Additional Information</i>)
BNG Assessment (02-06-2025)	
2.14	02-06-2025 - BNG update (<i>Correspondence</i>)
2.15	Land North of Colwell Farm BNG Assessment & HMMP (June 2025) (<i>Additional Information</i>)
Highways (09-06-2025)	
2.16	FW_ Land at Colwell Farm - DM_25_0445 (<i>Correspondence</i>)
2.17	ITL19597-009A TN Planning Application Highways Second Response (<i>Additional Information</i>)
Trees (24-06-2025)	
2.18	RE_ Land at Colwell Farm - DM_25_0445 (<i>Correspondence</i>)

Ref	Document Description
2.19	FLAC 43-1039 Response to consultation (<i>Additional Information</i>)
Great Crested Newts (08-07-2025)	
2.20	RE_ Land at Colwell Farm - DM_25_0445 (<i>Correspondence</i>)
Dormouse Note (25-07-25)	
2.21	Email to MSDC with Note - 25.7.25 (<i>Correspondence</i>)
2.22	Land North of Colwell Farm - Dormouse Ecology Note - July 2025 (<i>Additional Information</i>)
Hedge note (04-08-2025)	
2.23	RE_ DM_25_0445 - Land North of Colwell Farm (<i>Correspondence</i>)
2.24	Land North of Colwell Farm - Hedgerow Addendum -July 2025 (<i>Additional Information</i>)
CD3	OFFICER REPORT AND DECISION NOTICE; STATUTORY AND OTHER CONSULTEE AND PUBLIC RESPONSES
Application Acknowledgement and Decision	
3.1	Application Acknowledgement (<i>ref. ufm30_Acknowledgement_-_Covid_Standard</i>)
3.2	Decision Notice (<i>ref. ufm31_Refusal_Outline</i>)
Officer Report and Committee Documents	
3.3	Officer Report (<i>ref. DM250445 Land At Colwell Farm Lewes R</i>)
3.4	SLR Committee Deputation (<i>ref. DM250445 Land At Colwell Farm Lewes R</i>)
3.5	Committee Minutes (<i>ref. Printed minutes 21082025 1400 Di</i>)
3.6	Planning Committee District Notification (<i>ufm191_DP77_-_Sept_23_District_Notification</i>)
3.7	Agenda Update Sheet
3.8	Procedural Unfairness Emails (<i>ref. Emails with Ann Biggs (Aug-Sept 25)</i>)
3rd Party Solicitors' Letter Prior to Planning Committee	
3.9	Richard Buxton Solicitors' letter (20-08-2025)

Ref	Document Description
<i>Statutory Consultation Comments</i>	
<u>Police</u>	
3.10	Sussex Police – Developer Contributions (28 th February 2025)
3.11	Sussex Police – No Objection and Recommendations (11 th March 2025)
3.12	Sussex Police – No Objection (13 th May 2025)
3.13	Sussex Police – Appendices
<u>Housing</u>	
3.14	MSDC Housing Team – No Objection, advice provided for the RMA (3 rd March 2025)
<u>Southern Water</u>	
3.15	Southern Water- Acknowledgment of Application (3 rd March 2025)
3.16	Southern Water – Map (3 rd March 2025)
3.17	Southern Water- Recommended Conditions (27 th March 2025)
<u>Street Names and Numbers</u>	
3.18	MSDC – Street Naming and Numbering (3 rd March 2025)
<u>Fire and Rescue</u>	
3.19	West Sussex Fire and Rescue Service – Proposed Condition (4 th March 2025)
3.20	West Sussex Fire and Rescue Service – Appendix (4 th March 2025)
3.21	West Sussex Fire and Rescue Service – No Objection (28 th April 2025)
<u>Archaeology</u>	
3.22	ECC Archaeology – No Objection (4 th March 2025)
3.23	ECC Archaeology – No Objection (25 th April 2025)
<u>Flood Risk</u>	
3.24	WSCC Flood Risk Management Team – No Objection (5 th March 2025)

Ref	Document Description
<u>Contaminated Land</u>	
3.25	MSDC Contaminated Land – No Objection (10 th March 2025)
3.26	MSDC Contaminated Land – No Objection (29 th April 2025)
<u>Community Facilities</u>	
3.27	MSDC Community Facilities – Developer Contributions (11 th March 2025)
<u>Environmental Protection</u>	
3.28	Environmental Protection – No Objection (14 th March 2025)
<u>Minerals and Waste</u>	
3.29	WSCC Mineral and Waste Planning Authority – No Objection (19 th March 2025)
<u>Highways</u>	
3.30	WSCC Highways – Additional Information Request (19 th March 2025)
3.31	WSCC Highways – Neighbour Response (2 nd May 2025)
3.32	WSCC Highways – Response to Applicant (2 nd May 2025)
3.33	WSCC Highways – TAD Schemes (6 th May 2025)
3.34	WSCC Highways – Transport Note Review (7 th July 2025)
3.35	WSCC Highways – Transport Note Review (18 th August 2025)
<u>Haywards Heath Town Council</u>	
3.36	Haywards Heath Town Council– Objection (20 th March 2025)
3.37	Haywards Heath Town Council– Objection (14 th May 2025)
3.38	Haywards Heath Town Council– Objection (7 th July 2025)
<u>Ecology</u>	
3.39	ECC Ecology – Temporary Holding Objection (21 st March 2025)
3.40	ECC Ecology – Temporary Holding Objection (30 rd May 2025)

Ref	Document Description
3.41	Nature Space Partnership – Request for Methods Statement (GCN) (14 th July 2025)
3.42	ECC Ecology – No Objection (28 th July 2025)
<u>S106 and Education Contributions</u>	
3.43	WSCC- Developer Contributions (24 th March 2025)
<u>Heritage</u>	
3.44	MSDC Heritage – Objection (26 th March 2025)
<u>Landscape</u>	
3.45	ECC Landscape – Specialist Advice (28 th March 2025)
3.46	ECC Landscape – Objection (14 th May 2025)
3.47	ECC Landscape – Final Comment (9 th June 2025)
<u>NHS</u>	
3.48	NHS Sussex – Developer Contributions (14 th April 2025)
<u>Policy</u>	
3.49	MSDC Policy – Relevant Policies (22 nd April 2025)
<u>Trees</u>	
3.50	MSDC Trees – Objection (3 rd June 2025)
3rd Party Representations	
3.51	CD_3.51 Public Comments (146 in total) <i>(note – this document has not been submitted via the appeal portal due to its file size and format, however, can be made available upon request)</i>
3.52	90 Lewes Road – Traffic Speed and Volume Data (1 comment + attachments)
CD4	APPEAL DOCUMENTS
4.1	Appellant Statement of Case incorporating Appendices:
4.1a	Decision Notice DM/25/0445 [Appendix 1]

Ref	Document Description
4.1b	Justification for the Inquiry Procedure
4.1c	5-Year Housing Land Supply Statement of Case [Appendix C]
4.1d	Affordable Housing Need Statement of Case [Appendix D]
4.1e	Badger Surveys 2025/26 [Appendix E]
4.2	Draft Statement of Common Ground
4.3	Draft Planning Obligations Legal Agreement
CD5	ADOPTED DEVELOPMENT PLAN AND CURRENT NATIONAL POLICY & LEGISLATION
5.1	National Planning Policy Framework (adopted December 2024)
5.2	Draft National Planning Policy Framework (published December 2025)
5.3	Mid Sussex District Plan 2014-2031 (adopted March 2018)
5.4	Mid Sussex Site Allocations Development Plan Document (adopted June 2022)
5.5	Haywards Heath Neighbourhood Plan (adopted December 2016)
5.6	West Sussex Joint Minerals Plan (adopted July 2018, partially reviewed in 2021)
5.7	Mid Sussex Design Guide Supplementary Planning Document (adopted 2020)
5.8	Development Infrastructure and Contributions Supplementary Planning Document (adopted 2018)
5.9	Affordable Housing Supplementary Planning Document (adopted 2018)
5.10	WSCC: Guidance on Parking at New Developments (adopted September 2020)
5.11	MSDC Position statement-1 – Delivering sustainable development
5.12	MSDC Position statement-2 - Infrastructure.
5.13	HHNP Examiner's report
CD6	EMERGING LOCAL PLAN
6.1	Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)
CD7	RELEVANT APPEAL DECISIONS AND JUDGEMENTS

Ref	Document Description
7.1	Appeal Decision: Land at Sondes Place Farm, Dorking (December 2023)
7.2	SoS Decision: North Worcestershire Golf Club Ltd, Birmingham (July 2019)
7.3	Appeal Decision: Land at the Corner of Oving Road, Chichester (August 2017)
7.4	SoS Decision: Oxford Brookes University, Wheatley (April 2020)
7.5	SoS Appeal Decision: Franklands Drive, Addlestone (December 2006) (Extract)
7.6	Appeal Decision: Land to the west of Langton Road, Norton (July 2016)
7.7	Appeal Decision: Land at Filands Road/Jenner Lane, Malmesbury, Wiltshire (January 2022)
7.8	Appeal Decision: Land to the East of Highgate Hill and South of Copthall Avenue, Hawkhurst, Kent (March 2022)
7.9	Appeal Decision: Land at Coombebury Cottage, Dunsfold (May 2024)
7.10	Appeal Decision: Land at Firlands Farm, Hollybush Lane, Burghfield Common, Reading, Berkshire (July 2015)
7.11	Appeal Decision: Land at Mans Hill, Burghfield Common, Reading, Berkshire (March 2015)
7.12	Appeal Decision: Land West of Winterfield Lane, East Malling (March 2021)
7.13	Appeal Decision: Land adjacent to Cornerways, High Street, Twynning, Tewkesbury (July 2015)
CD8	Other Misc Application Documents
8.1	MSDC Pre-application advice Request Submission (Reports) <i>(note – this document has not been submitted via the appeal portal due to its file size and format, however, can be made available upon request)</i>
8.2	MSDC Pre-application advice Request Submission (Plans)
8.3	MSDC Pre-application advice request response
8.4	WSCC Highways Pre-application advice request submission
8.5	WSCC Highways Pre-application advice request response

Ref	Document Description
CD9	Other MSDC evidence documents
9.1	Sustainable Economy Strategy and Action Plan 2025 – 2028
9.2	Mid Sussex District Council Corporate Plan and Budget 2026 - 2027
9.3	Mid Sussex District Council Homelessness and Rough Sleeping Strategy 2020 - 2025
9.4	Homelessness Review 2019
9.5	Northern West Sussex HMA: Affordable Housing Needs Model Update (2014)
9.6	Mid Sussex District Council: Housing and Economic Development Needs Assessment (HEDNA) (February 2015)
9.7	Mid Sussex District Council: HEDNA Update (November 2015)
9.8	Mid Sussex District Council: HEDNA Addendum (August 2016)
9.9	SHMA: Final Report (2021)
9.10	Mid Sussex SHMA Update (2024)
9.11	MS-TP2: Housing Paper (2026)
9.12	MSDC Site Selections Conclusions Report (2024) and Appendices:
9.13	- Appendix 1 – Site Selection Criteria
9.14	- Appendix 2 – response to fact checking exercise
9.15	- Appendix 3 – Site Assessment Proformas
9.16	- Appendix 4 - Settlement Conclusions
9.17	- Appendix 5 – Response to Omission Sites
9.18	MSDC (Regulation 19) Sustainability Appraisal (November 2023)
9.19	Strategic Housing and Economic Land Availability Assessment (SHELAA) (July 2024)
9.20	- Appendix 1 – Housing Sites
9.21	- Appendix 2 – Employment Sites

Ref	Document Description
9.22	- Appendix 3 – Excluded Sites
9.23	- Appendix 4 – Housing Commitments
9.24	- Appendix 5 – Employment Commitments
9.25	- Hayward Heath Maps in the SHELAA
CD10	Other relevant publications
10.1	Manual for Streets 1
10.2	Manual for Streets 2
10.3	LTN1/20 Cycle Infrastructure Design
10.4	DfT Traffic Signs Manual Chapter (10 PDF parts)
10.5	Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013) <i>(note – this document has not been submitted via the appeal portal due to its file size and format, however, can be made available upon request)</i>
10.6	Landscape Institute Technical Guidance Note 02/19 'Residential Visual Amenity Assessment'
10.7	Landscape Institute Technical Guidance Note 06/19 'Visual Representation of Development Proposals'
10.9	Landscape Institute Technical Guidance Note 02/21 'Assessing landscape value outside national designations'
10.9	Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) (August 2024).
10.10	An Approach to Landscape Character Assessment (October 2014).
10.11	An Approach to Landscape Sensitivity Assessment – to inform spatial planning and land management (June 2019)
10.12	Start to Finish 3 Lichfield's Report
10.13	"Building the Homes We Need" Written Ministerial Statement (30 July 2024)
10.14	"Building the Homes We Need" Written Ministerial Statement (13 December 2024)

Ref	Document Description
10.15	“Further Support for Social and Affordable Housebuilding and Next Steps on Supported Housing” Written Ministerial Statement (12 February 2025)
10.16	Laying the Foundations – A Housing Strategy for England (November 2011)
10.17	House of Commons Debate (October 2013)
10.18	Building the Homes We Need (April 2014)
10.19	Fixing our Broken Housing Market (February 2017)
10.20	NHF – People in Housing Need (December 2021)
10.21	Coming Home – Tackling the Housing Crisis Together (February 2021)
10.22	The Centre for Social Justice: Exposing the Hidden Housing Crisis (November 2021)
10.23	House of Lords: Built Environment Committee (1st Report of Session 2021-2022): Meeting Housing Demand (10 January 2022)
10.24	Turning the Tide on Rising Homelessness and Rough Sleeping; The Kerslake Commission (September 2023)
10.25	Labour Party Manifesto (June 2024)
10.26	Chancellor of the Exchequer’s First Speech to HM Treasury (8 July 2024)
10.27	The King’s Speech 2024: Oral Statement to Parliament
10.28	The Barker Review of Housing Supply (17 March 2004)
10.29	The Barker Review: A Decade On (24 March 2014)
10.30	The House of Lords Select Committee on Economic Affairs: Building More Homes (15 July 2016)
10.31	National Housing Federation Press Release: ‘England Short of Four Million Homes’ (18 May 2018)
10.32	Ministry of Housing, Communities and Local Government Single Departmental Plan (27 June 2019)
10.33	“Bleak Houses: Tackling the Crisis of Family Homelessness in England”
10.34	“Denied the Right to a Safe Home – Exposing the Housing Emergency”

Ref	Document Description
10.35	“Unlocking Social Housing: How to fix the rules that are holding back building”
10.36	‘Briefing: Cost of Living Crisis and the Housing Emergency’
10.37	Great Crested Newt Habitat Suitability Index (May 2010)
10.38	Badgers: Advice for Making Planning Decisions (updated April 2025)
10.39	Bat Surveys for Professional Ecologists: 4 th Edition
10.40	BTO/JNCC/RSPB Breeding Bird Survey Instructions
10.41	The Dormouse Conservation Handbook: 2 nd Edition
10.42	EclA Guidelines (September 2024)
10.43	Froglife Advice Sheet 10: Reptile Survey
10.44	Herpetofauna Workers Manual (2003)
10.45	Analytical and methodological development for improved surveillance of the Great Crested Newt
10.46	The Statutory Biodiversity Metric (updated July 2025)
10.47	The Statutory Biodiversity Metric V2 (July 2023)



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