

Contact:
Steve Ashdown
Steve.ashdown@midsussex.gov.uk

20th May 2026

Aimee Peckham
Operations Officer
Major Casework & Inquiries
Planing Inspectorate

By email only

Dear Aimee,

Re: Land East of Ansty, Cuckfield Bypass, Cuckfield Appeal Ref: 6002030

I am writing to update the Inspector (and other parties) on the latest progress with the Council's emerging District Plan, and the implications of this for the Council's case at the Inquiry.

In its Statement of Case, the Council summarised the position relating to the emerging plan as it stood at that time, and (at para 5.13) advised that it would keep the inspectorate updated, as necessary. At para 9.8, the Council reserved the right (depending on any progress which was made) to argue that the approval of 1400 houses is premature and would underline the strategic growth and housing allocations identified in the new plan.

These points were also discussed at the CMC meeting, where the Council again referred to the on-going work with regard to the emerging District Plan and in particular intention to publish a long list of additional sites, that (subject to in-combination testing) were considered suitable to meet the District Plan Inspector's request for the Council to increase the planned number of houses to help meet the unmet needs of adjacent authorities, namely Crawley and Brighton and Hove. It was agreed that the planning proofs of evidence be delayed until 22nd May 2026 to enable them to reflect the information published.

As means of an update, I can confirm that the long list was published on 15th May 2026 and that the appeal site is not included on it.

In light of the above, and as flagged at the CMC, the Council has reviewed its case and now wishes to confirm that, in addition to the reasons for refusal identified on the Decision Notice (which are unaffected by the long list), the Council will now also contend that the grant of permission for the appeal scheme would be premature in the context of paragraph 50 of the NPPF. To this end, whilst recognising that paragraph 50 states that arguments that an application is premature are unlikely to justify a refusal of permission the Council's evidence will demonstrate that the present case falls within the specific exception to this principle which is recognised in para 50. In particular:

- a) The scale of development proposed in the appeal scheme is of strategic importance. If the site had been identified as an allocation, it would have been one of the largest in the new Plan.

Working together for a better Mid Sussex

- b) The grant of planning permission through this s.78 appeal would be contrary to the plan-led approach the Government intends to see delivered through the planning system. Granting permission would undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development – issues that are central to the emerging District Plan.
- c) Not only would the grant of permission result in a strategic scale development which is not required in order to meet the additional need identified by the Local Plan Inspector, and is not in a location which has been selected or approved in accordance with the Local Plan process, but it would also prejudice the Council's ability to bring forward the sites which are on the long list, and which the Council considers are preferable to the appeal site. Specifically, and as noted above, all sites on the long list are subject to in-combination testing to ensure that their cumulative effect is acceptable. If permission is granted for the appeal scheme, this would have to be treated as a commitment for the purposes of in-combination testing. If the result of that testing is that the cumulative effects are unacceptable, it would not be possible for the Council to resolve this by removing the appeal site from the equation: it would have no option other than to delete sites which were on the long list instead.
- d) Point (c) above is of particular significance in circumstances where, in response to representations made through the Local Plan process that the submission draft Local Plan was unduly reliant on a small number of large sites, and to the Local Plan Inspector's guidance in this regard, the selection of sites for the long list has had regard to the need to identify a larger number of smaller sites which can be developed in the early years of the new Plan, so as to ensure a 5 year housing land supply. In this regard, the Council has already indicated that it will interrogate the appellant's evidence regarding the extent to which the appeal scheme is likely to make any material contribution to the 5 year supply. In short, it is the Council's position that the appellant's suggested delivery is unrealistic. As such, if the grant of permission and in-combination testing results in a need to remove smaller sites from the long list, this will both delay the progress of the new Local Plan and materially increase the risk that the new Plan will not be able to provide sufficient sites to meet the identified in the early years.

It is appreciated that the above represents an additional reason for refusal, but it is matter that has become relevant since the refusal of the application on 17th October 2025 due to the progress that has been made on the emerging District Plan in the intervening period. As such, it is a matter that the Inspector would need to address in any event. The possibility that it might be raised was flagged at the earliest opportunity, in the Council's Statement of Case, but it would not have been possible to confirm the Council's position until it was known whether the appeal site was included on the long list. The Council are providing notice on this at the earliest possible time, following a material change in circumstances.

In addition, the Council will refer to the further progress which has been made on the emerging District Plan in the context of its evidence on the overall planning balance. As a result of that progress following the hearing sessions held over a period of three weeks between 24 February 2026 and 19 March 2026 and the inspector's interim guidance on the soundness of the Plan's overall spatial strategy, the weight that should be afforded to the relevant policies of the emerging Plan has increased. In addition, in circumstances where it is apparent that the Council is actively taking steps to address the current shortfall in its 5 year housing land supply, and anticipates having an up-to-date Plan in place by the end of the year which will achieve this, the Council will contend that the weight to be afforded to Ansty's contribution to meeting housing needs is significantly diminished in the overall balance.

The Council will liaise with the other main parties to determine whether the above necessitates any changes to the agreed Statement of Common Ground, and the Inspector will be provided with any updated documents, should they be necessary.

Yours sincerely,

A handwritten signature in black ink that reads "S. Ashdown." The signature is written in a cursive style with a period at the end.

Steve Ashdown
Head of Development Management