



**LEWIS & CO**

MID SUSSEX DISTRICT PLAN  
2021 - 2039

MATTER 1: HOUSING REQUIREMENT, LOCAL HOUSING  
NEED AND UNMET NEEDS

ON BEHALF OF VISTRY GROUP

SITE: LAND AT MALTHOUSE LANE, BURGESS HILL

SITE REF: 1105/710

RESPONDENT REF: 1191618/1191628



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## 1.0 INTRODUCTION AND SUMMARY

- 1.1 This Matter Statement has been prepared on behalf of Vistry Group who are promoting Land at Malthouse Lane, Burgess Hill (SHELAA ID: 1105) for a major residential-led development comprised of a new neighbourhood of 750 homes. The eastern parcel of the site (Maltings Grange) is also being promoted in isolation for a development of 360 new homes (SHELAA ID: 710) and is located within the Brighton and East Sussex Housing Market Area (HMA), Northern West Sussex HMA and the Coastal Urban Area Functional Economic Market Area (FEMA).
- 1.2 The site was identified as a sustainable option for allocation but has not been included as an allocation within the Plan, despite a request from Brighton and Hove City Council (at Regulation 18 stage) for the site to be allocated to assist with their unmet housing needs – see paragraph 6.15 of our Regulation 19 representation.
- 1.3 These Hearing Matter Statements submitted on behalf of Vistry Group individually address select questions under each Matter to be considered at Hearings beginning on 24<sup>th</sup> February 2026. However, these matters and others considered pertinent to the soundness of the Plan are addressed in greater detail within our Regulation 19 responses (references 1191618 and 1191628).
- 1.4 It is Vistry Group’s position that:
- The Plan has not been *justified* as the spatial strategy does not proactively seek to address the main strategic planning issues affecting the district including the unmet needs across the sub-region and the evidence base therefore fails to reflect national planning policy requirements;
  - The Plan has not been *positively prepared* and is not *effective*, as the Council have made no meaningful efforts to reach agreement with neighbouring areas to assist with their unmet needs (even where these neighbouring authorities have made specific requests of this nature) nor have they proposed allocating additional sites to respond to declared unmet housing need or deliver additional housing provision as directed by the Inspector in IDJB-01;



- The Plan is not *consistent with national policy* as the plan period is insufficient and the Plan fails to deliver a sufficient supply of homes as required under paragraphs 11, 22, 35 and 61 of the Framework

1.5 We consider these to be significant shortcomings that render the Plan unsound in its current form.

1.6 It is Vistry Group's view that the Plan can be made sound through the reconsideration of the overall spatial strategy and housing requirement, and re-assessment of all Stage 3 sites that could assist in meeting the unmet needs of neighbouring authorities against the criteria at Paragraph 11 (b) of the NPPF. Main modifications to allocate additional housing sites at the district's most sustainable settlements could remedy these identified issues.



# **MATTER 1: THE HOUSING REQUIREMENT, INCLUDING LOCAL HOUSING NEED AND UNMET NEEDS**

- 2.1. The Inspector's Matters and Issues document (IDJB-05) raises only a single question with reference to four individual issues/components:

*"Whether the plan's housing requirement makes sufficient provision for new homes?"*

- 2.2. This matter is addressed below. Where relevant, references to the National Planning Policy Framework (NPPF) relate to those within the December 2023 version unless otherwise stated.

## **ISSUE 1: LOCAL HOUSING NEED**

- 2.3. The Council's Housing Topic Paper (January 2026) – document reference MS-TP2 – proposes a local housing need figure of 999 dwellings per annum. This follows the pre-December 2024 standard method while using an updated base date of 1<sup>st</sup> April 2025.
- 2.4. The impact of this change is to reduce the identified figure for local housing need from 1,090 dwellings per annum at submission, to 999 dwellings per annum. The Council note at paragraph 1.7 of document TP2 that this is not a necessary update under Planning Practice Guidance but results in a reduction in the overall housing supply figure for Mid Sussex of 1,729 dwellings over a 19-year Plan period (or 1,820 dwellings over a 20-year period). As the Inspector will be aware, Planning Practice Guidance<sup>1</sup> states that modifications can only be recommended *"where they are necessary to achieve a sound plan"* and as a change that materially affects policies within the Plan an amendment to the local housing

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<sup>1</sup> Reference ID: 61-050-20190315



need figure would be a main modification. We do not consider that the necessity of this suggested modification has been justified by the local planning authority.

- 2.5. Planning Practice Guidance<sup>2</sup> is clear that “*Authorities should use the standard method as the starting point when preparing the housing requirement in their plan*”. The NPPF similarly states that “*the outcome of the standard method is an advisory starting point*” at paragraph 61. However, the Council’s Housing Topic Paper treats this figure as conclusive rather than treating this as a starting point for establishing an appropriate local housing need figure and does not address any other factors or considerations that might inform a different figure.
- 2.6. We do not consider this approach to meet the tests of soundness as it is not effective or justified in the context of wider considerations.
- 2.7. As noted above, this change results in a reduction in the Council’s own housing need figure and moves this figure further away from the 1,358 dwellings per annum figure for local housing need under the December 2024 NPPF standard method. This will clearly create a larger ‘cliff edge’ within the Plan period when the local planning authority are required to update strategic policies to meet this higher level of need and in our view fails to reflect a Plan that is *positively prepared*<sup>7</sup> or *consistent with national policy* (and the stated intention of significantly boosting the supply of housing under paragraph 60 of the NPPF).
- 2.8. An update to the identified local housing need figure is not necessary to make the Plan sound. As the standard method figure does not need to be updated it would clearly be beneficial for the long-term spatial planning of the area for the Plan to retain the 1,090 dwellings per annum figure originally submitted.
- 2.9. Paragraphs 11 and 61 of the NPPF are clear that strategic policies should also meet any needs that cannot be met within neighbouring areas unless paragraphs (i) or (ii) apply, and therefore the unmet needs of neighbouring authority should form part of the inputs used to determine the level of housing needed within the Plan (i.e. the housing requirement). This matter is addressed further under Issue 2 below.

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<sup>2</sup> Reference ID: 68-001-20241212



## Plan Period

- 2.10. We note the Inspector's view in the Initial Letter to the local planning authority (IDJB-01) that he is content with the modification to extend the end date of the Plan period back to 2040.
- 2.11. However, consistency with national policy includes the requirement under paragraph 22 of the National Planning Policy Framework (2023). This states that strategic policies should look ahead of "*a minimum 15 year period from adoption*" (our emphasis added). Assuming that the Plan will be adopted in the current calendar year, this will still only provide a 14-year period from adoption and is incapable of being consistent with paragraph 22 of the relevant National Planning Policy Framework.
- 2.12. This is further evidenced by the Council's latest housing trajectory (document H8) which sets out a 15-year trajectory that includes the current monitoring year of 2025/26. We consider there to be no realistic prospect of adoption before the Plan enters the 2026/27 monitoring period.
- 2.13. The Council suggested a revised end date of 2040 during the October 2024 examination hearings to avoid the risk of failing to comply with paragraph 22 of the NPPF due to a delayed submission date. As a further 16 months of unexpected delays have passed since that point it is clear that a 2040 end date is no longer fit for purpose.
- 2.14. On this basis we consider that a Plan period ending in 2040 is incapable of being consistent with national policy, it cannot meet that test of soundness unless the Plan period is extended by a further year. This would also provide some additional benefits beyond strict policy compliance, including the expectation that the delivery of DPSC2 (Crabbet Park) could be achieved in its entirety within the Plan period, and reducing the delivery risk from project delays identified within the Council's headroom figure (see our Matter 2 Statement for full details).



## **ISSUE 2: UNMET NEED FROM NEIGHBOURING AUTHORITIES AND ITS EFFECT ON THE PLAN'S HOUSING REQUIREMENT**

- 2.15. We note the Inspector's Annex 3 of document reference IDJB-01 as setting the tone for this matter and the Council's subsequent response in their Housing note (MS-TP2). We agree that the Plan should seek to respond to identified unmet housing need within the housing market areas that Mid Sussex district forms a part of.
- 2.16. The Council's justification for not incorporating a greater proportion of the unmet needs of neighbouring authorities is a lack of suitable sites for allocation, however this is not supported by the Council's own evidence on site selection. Further details can be found within our Matter 6 Statement.
- 2.17. The Inspector will be familiar with the findings from the examination of the earlier Mid Sussex District Plan 2014 – 2031, which included a main modification to introduce Policy DP5 (Planning To Meet Future Housing Need), committing the Council to working with its neighbours to find solutions to their unmet housing needs across both housing market areas. The supporting text stated that the Council was 'taking steps' to address unmet housing needs within the sub-region.
- 2.18. Accordingly, the Council's original Local Development Scheme from June 2019 (document reference P4) stated:
- "The Mid Sussex District Plan 2014 – 2031 also includes a commitment (Development Policy 5: Planning to Meet Future Housing Need) to undertake a review of the District Plan commencing in 2021, with submission to the Secretary of State in 2023. This is to ensure future-housing need across the wider sub-region is planned for appropriately".*
- 2.19. However, subsequent Local Development Scheme documents published in December 2020, November 2022 and January 2024 altered the 'role and subject' of the District Plan review to remove any reference to planning for unmet needs from across the wider sub-region and describing the role of the District Plan review as follows:



*“the overall planning framework for Mid Sussex to protect and enhance the distinctive character of the district and its towns and villages over the period to 2039.”* (Documents P1 (January 2024) and P2 (November 2022))

- 2.20. As a consequence, the submission District Plan has not been *positively prepared* and has not sought to address one of the District’s greatest strategic challenges – the unmet needs of surrounding authorities.
- 2.21. Work through the Coastal West Sussex and Greater Brighton Strategic Planning Board has resulted in no meaningful outcomes in the eight years since the last District Plan was adopted. As a result, the District Plan in its current form is not *effective, justified or consistent with national policy*. The Plan is therefore contrary to paragraph 35 of the National Planning Policy Framework (2023) and the tests of soundness.
- 2.22. This shortcoming with the soundness of the District Plan appears to be recognised by the Inspector in document reference IDJB-01. However, we consider that these issues of soundness are capable of being remedied through the examination process through main modifications to deliver additional housing sites that meet a reasonable proportion of neighbouring unmet housing needs in accordance with the relevant test at paragraph 11 (b) of the NPPF.

### Relevant Housing Market Areas

- 2.23. Whilst we understand the Inspector’s wish within IDJB-01 to identify a quantifiable shortfall in housing within the wider subregion, the reference to the Northern West Sussex housing market area (HMA) being the district’s “principal” housing market area is not supported by relevant present-day evidence. References to prioritising the housing needs of the Northern West Sussex HMA are found only within the Housing Needs Statement of Common Ground (DC4) between the three Northern West Sussex authorities without any input or agreement from authorities outside of this grouping.
- 2.24. Mid Sussex is functionally part of both the Northern West Sussex HMA and the Brighton and East Sussex HMA, and the majority of existing and proposed



allocations within the district would be delivered within both housing market areas.

- 2.25. It is acknowledged that the district has historically supported the delivery of additional housing to meet the unmet needs of Crawley borough, and that the Crabbet Park site (DPSC2) was originally identified within the At Crawley Study (2009) as a site capable of delivering future strategic development as an urban extension to Crawley. However, Brighton and Hove is the single highest contributor to internal migration to Mid Sussex and has the greatest level of unmet need of any neighbouring authority. Therefore, unmet needs within Brighton and Hove arguably have a greater overall impact on the social and economic conditions in Mid Sussex than any other local authority area.
- 2.26. Internal migration to Mid Sussex from Brighton and Hove accounted for 1,148 new arrivals into the district from other local authority areas in the year to June 2024 according to the latest Government data (see Figure 1 below), the most of any Sussex authority area. This remains consistent with 2022 data included within our Regulation 19 representations.

Figure 1: Internal migration estimates, ending 30<sup>th</sup> June 2024 (ONS Table IM2024 on 2023 LAS)<sup>3</sup>

Origin - Local Authority Area (Sussex only)	Destination - Local Authority Area	Total residents
Adur	Mid Sussex	141
Arun	Mid Sussex	95
Brighton and Hove	Mid Sussex	1148
Chichester	Mid Sussex	57
Crawley	Mid Sussex	913

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<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/internalmigrationinenglandandwales> [accessed 13th February 2026]



Eastbourne	Mid Sussex	85
Hastings	Mid Sussex	17
Horsham	Mid Sussex	556
Lewes	Mid Sussex	385
Rother	Mid Sussex	25
Wealden	Mid Sussex	386
Worthing	Mid Sussex	121

- 2.27. Brighton and Hove City Council made a specific request to Mid Sussex District Council at Regulation 18 to take a positive approach to supporting the delivery of omission sites, including the Land at Malthouse Lane site, as allocations that could contribute towards the city's own unmet housing needs (see comment ID 13256372/1847/7). At Regulation 19 stage Crawley Borough Council also urged the District Council to "*proactively explore*" all potential sources of housing supply and potential mitigation of identified constraints, particularly for sites that "*narrowly fall short of being judged suitable at stages 2(c) and 3*" of the Site Selection Process (see comment ID: 1189681).
- 2.28. Despite these specific requests and suggested actions, the Council's Statement of Consultation from Regulation 18 (Document C3) makes no reference to these representations and has not sought to address them. The District Council have failed to unlock any additional sites through the plan-making process that could assist in meeting the needs of these neighbouring authorities. In our view, the principal reasons for this is the failures in the site selection process - as detailed in our Matter 6 Statement.
- 2.29. In addition to Crawley's unmet need, due to its coastal location Brighton and Hove is also geographically restricted and borders only three Councils (Mid Sussex, Adur and Lewes) that could assist with meeting these needs. Historically, both Adur and Lewes have been incapable of meeting their own needs due to the South Downs National Park and a lack of available sites, and



this remains the case. For these reasons, if Mid Sussex cannot help address the unmet needs of Brighton and Hove it is unlikely that these needs will be addressed elsewhere given these geographical limitations. Even a small contribution towards Brighton and Hove's unmet need at suitable sites within the south of the district would meaningfully assist the city in addressing its housing supply problem that is already leading to significant internal migration into Mid Sussex.

- 2.30. On this basis, whilst we understand the rationale behind requiring Mid Sussex District Council to assist Crawley in delivering their unmet housing needs (from a recently adopted Plan) within an adjoining housing market area (particularly given the large-scale strategic extension proposed on the outskirts of Crawley at Crabbet Park), the impacts of failing to assist Brighton and Hove with their unmet needs must also be considered in the examination process.

#### Tests of Soundness

- 2.31. On this basis, the Council's submission Plan and supporting evidence fail to identify specific areas of progress or outcomes achieved that demonstrate "*effective joint work*" across local authority boundaries, as required by paragraph 26 of the NPPF and Planning Practice Guidance. The current Plan has been shown to fail all four tests of soundness in its current form.
- 2.32. Paragraph 26 describes effective joint working as being "*integral to the production of a positively prepared and justified strategy*". The effectiveness of this joint working should be evident through meaningful outcomes, but the Council's joint-working has failed to result in the allocation of any additional sites to assist in meeting the unmet needs of neighbouring areas.
- 2.33. This remains the case despite the Inspector's Initial Letter (IDJB-01) referring to "*additional housing provision*" and asking the Council to provide an "*additional allowance for unmet housing need*".
- 2.34. Instead, the updated Housing Topic Paper (MS-TP2) offers a residual housing figure as a contribution towards the unmet needs of Crawley. Whilst this contribution will no doubt be welcomed by the neighbouring authority; this



approach fails to meet the tests of soundness and forms nothing more than an paper exercise to redistribute housing figures from sites already proposed at submission stage by recalculating local housing need within Mid Sussex.

- 2.35. The result is a contribution of 22.56% of Crawley’s overall unmet housing need with no current plan for how the remaining amount will be met within the wider housing market area. Under the previous Plan, both Horsham and Mid Sussex worked together to ensure that Crawley’s unmet need was addressed in full within their adjoining local planning authority areas.
- 2.36. As the current Mid Sussex District Plan examination is proceeding slightly ahead of Horsham’s own Plan, no rationale has been provided by the Council as to why they could not seek to meet a greater proportion of Crawley’s unmet need so that a disproportionate burden does not fall on Horsham in this round of Local Plans. The Plan is therefore not ‘effective’ in meeting the unmet needs of Crawley or planning for these needs on a cross-boundary basis in a way that could be considered ‘positively prepared’.
- 2.37. The Council’s Site Selection Paper (document reference SSP3) shows that there are a significant number of omission sites that would not offend paragraph 11 (b) ((i) or (ii)) of the NPPF and could assist in meeting the unmet needs of neighbours – to ensure that the Plan is sound, effective, justified and positively prepared. A total of 49 sites were identified as suitable for allocation under Stage 2 of the site selection process, with an estimated yield of 14,654 dwellings. Despite this, only 26 sites have been allocated with an estimated yield of 6,687 dwellings and had the Council sought to deliver a Plan that was effective and positively prepared it is our position that more of these sites should have been allocated to address the unmet needs of neighbours.
- 2.38. The reasons for the additional sites being rejected do not align with the tests at Paragraph 11 (b) of the NPPF, nor has the Council sought to make this case. For example, Vistry Group’s site (Land at Malthouse Lane – ref 1105) has been rejected on the basis that *“the Council does not have sufficient evidence to have confidence this site is deliverable in combination with DPSC1”*<sup>4</sup>. There are no

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<sup>4</sup> Page 26, Appendix 4, District Plan 2021 - 2039: Site Selection Conclusions Paper (July 2024)



impacts associated with the site on “*areas or assets of particular importance*” (11 (b) (i)) or adverse impacts that “*significantly and demonstrably outweigh the benefits*” (11 (b) (i)) of allocating this site to meet unmet needs of neighbours. Further details are set out within our Matter 6 Statement.

- 2.39. Paragraph 34 of the NPPF states that Plans should accommodate the unmet needs from neighbouring areas where it is “*practical to do so and is consistent with achieving sustainable development*”. The Plan therefore also fails to be *consistent with national policy*.
- 2.40. Sites - which have been identified as sustainable options for allocation - have therefore been rejected for reasons that are inconsistent with national policy and suggested harms that are not supported by the Council’s own evidence base. The minimum number of homes required has therefore been set by the Council’s own selection of preferred sites, rather than through objective assessment and testing of the Council’s ability to further meet the unmet needs of neighbouring areas in accordance with paragraph 11 (b) of the NPPF.
- 2.41. The issue of housing delivery across the sub-region is the primary cross-boundary issue for the district. Affordability issues affect the housing market areas as a whole and are not constrained to local authority boundaries - with the impacts of worsening housing affordability continuing to permeate into Mid Sussex and directly impacting on the living standards of the district’s own residents as a result.
- 2.42. The Inspector’s assertion within Annex 3 of IDJB-01 that “*additional housing provision in Mid Sussex may be taken up by households from Crawley, Horsham, Brighton, Mid Sussex, or elsewhere*” is recognised and supported by Vistry Group. However, the response from the District Council to this Annex has been to instead revise the base date for their own local housing need figure (to reduce this figure in numerical terms) rather than deliver the ‘additional housing provision’ in Mid Sussex underpinning this position.
- 2.43. The result is that the Council’s updated housing requirement figure will deliver no additional homes for residents of any local authority area, other than those which would have been delivered in any case. The “*additional allowance for*



*unmet housing need*” referred to within Annex 3 is therefore simply not being delivered by the District Council.

- 2.44. Setting aside the fact that the proposed housing figure still falls well below updated calculations of local housing need within Mid Sussex, this figure is also wholly reliant on an unprecedented level of windfall delivery (see further details below and within our Matter 2 Statement) and the allocation of site DPSC2 (Land at Crabbet Park) which has long been earmarked for the long-term growth of Crawley as set out in the At Crawley Study 2009 (Document reference 012) rather than Mid Sussex district (see our Matter 5 Statement for further details).
- 2.45. The result of this is that the submission District Plan actually uses capacity from a site previously identified to support the growth of Crawley to meet the needs of Mid Sussex district.
- 2.46. There are also factual updates to the unmet needs of neighbouring authorities that require consideration, including updates to the standard method (under which other Plans will be assessed).
- 2.47. Section 7 of our Regulation 19 representation (dated February 2024) provided a complete overview of the cross-boundary matters, including housing, that should have informed the local planning authority’s approach to unmet needs. We have provided an updated reference point to the figures previously presented at paragraph 7.11 of our representation, set out below:

Local Authority Area	Annual Housing Need (OAN)	Local Plan Requirement	Surplus or Shortfall (Annual)
Adur	547	177	-370
Brighton and Hove	2,465	660	-1,805
Crawley	636	314 <sup>5</sup>	-322

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<sup>5</sup> Average per annum due to stepped trajectory of 386 dwelling per annum to 2033 and 210 dwellings per annum thereafter.



Horsham	1,329	965 <sup>6</sup>	-364
Lewes	866	390 <sup>7</sup>	-476
Wealden	1,437	977 <sup>8</sup>	-460
Worthing	849	230	-619
<b>Total</b>	<b>8,129</b>	<b>3,713</b>	<b>-4,416</b>

- 2.48. The annual shortfall in housing across the subregion is therefore extensive and this has provided the backdrop for the District Plan’s preparation throughout the plan-making process.
- 2.49. The updated figures above demonstrate that there has been no material improvement in the delivery of housing across the sub-region over the last two years and these sub-regional factors remain of central importance to the soundness of the submission Plan.
- 2.50. For these reasons, the housing requirement does not incorporate a sufficient allowance to address the unmet needs of neighbouring authorities and the submission Plan fails to be *positively prepared, justified, effective, or consistent with national policy*.

**ISSUE 3: WHETHER THE HOUSING REQUIREMENT NEEDS TO BE UPLIFTED TO MEET ANY OTHER NEED SUCH AS THAT FOR AFFORDABLE HOUSING**

- 2.51. No comment.

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<sup>6</sup> Emerging Plan, according to Horsham District Council’s letter to the Local Plan Inspector dated 22<sup>nd</sup> December 2025:  
[https://www.horsham.gov.uk/data/assets/pdf\\_file/0011/156746/HDC46-Local-Plan-next-steps-22-12-2025.pdf](https://www.horsham.gov.uk/data/assets/pdf_file/0011/156746/HDC46-Local-Plan-next-steps-22-12-2025.pdf)

<sup>7</sup> Emerging Plan published for Regulation 18 consultation: [https://planningpolicyconsult.lewes-eastbourne.gov.uk/LP\\_SpatialStrategyandSites](https://planningpolicyconsult.lewes-eastbourne.gov.uk/LP_SpatialStrategyandSites)

<sup>8</sup> Emerging Plan published for Regulation 18 consultation: <https://consult.wealden.gov.uk/kse/>



#### **ISSUE 4: WHETHER A STEPPED REQUIREMENT IS APPROPRIATE**

2.52. No comment.

*End*