

S106 Compliance Statement

Planning Appeal – Land East of Ansty, Cuckfield Bypass, Cuckfield, West Sussex

LPA Reference: DM/23/2866 (AP/26/0017)

PINS Reference: 6002030

1.0 Introduction

This Statement sets out the relevant legislation applicable to planning obligations secured pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”). It has been prepared in connection with the planning appeal relating to Land East of Ansty, Cuckfield Bypass, Cuckfield, West Sussex.

The appeal proposal relates to an outline planning application (all matters reserved except access) for the redevelopment of land to the east of Ansty to create a new Community comprising up to 1,450 dwellings (including 30% affordable housing), up to 90 residential care units, a primary school, land for a SEND school, a health hub, sports facilities, allotments, retail, community and employment uses, public open space and associated infrastructure works.

Section 122 of the Community Infrastructure Levy Regulations 2010 provides that a planning obligation may only constitute a reason for granting planning permission if the obligation is: (1) necessary to make the development acceptable in planning terms; (2) directly related to the development; and (3) fairly and reasonably related in scale and kind to the development.

The relevant Development Plan comprises the Mid Sussex District Plan, the Site Allocations DPD, the Ansty and Staplefield Neighbourhood Plan and the Cuckfield Neighbourhood Plan and 3 Supplementary Planning Documents: “Development Infrastructure and Contributions” SPD; “Affordable Housing” SPD; and “Development Viability” SPD.

These three Supplementary Planning Documents (SPDs) were adopted on 25th July 2018 and have been used in seeking developer contributions from relevant planning applications received between 25 July 2018 and 22 July 2025. This includes using these documents to assess the application “Land East of Ansty, Cuckfield Bypass, Cuckfield (DM/23/2866.)

The “Development Infrastructure and Contributions” SPD was revoked on 23rd July 2025 and replaced by Appendix 5 of the Submission Draft District Plan. This Appendix includes updated build costs and has been used to calculate all local Section 106 contributions due since 23 July 2025.

The obligations proposed through the Section 106 Agreement are intended to mitigate the impacts of the development and secure infrastructure and community benefits necessary to support the proposed Community.

2.0 Planning Obligations Required in Connection with the Appeal Proposal

The Committee Report identifies that planning permission should be granted subject to completion of a Section 106 Agreement securing affordable housing, Gypsy and Traveller contributions, police contributions, primary school provision, land for a SEND school, secondary and sixth form education contributions, public transport and highway works, off-site sports pitch improvements, on-site sports and social facilities and biodiversity net gain enhancements.

The draft Section 106 Agreement contains obligations relating to affordable housing, self-build housing, care provision, biodiversity net gain, green and play spaces, allotments, neighbourhood centre uses, sports obligations, education contributions, highways works and management arrangements.

The Section 106 Agreement secures 30% affordable housing provision across the development, comprising a tenure split of 75% affordable rented/social rented units and 25% shared ownership and/or First Homes units.

The proposal also secures self-build/custom build plots, residential care accommodation, green infrastructure, allotments, a neighbourhood centre, bus services, sustainable transport measures and biodiversity net gain mitigation.

The Committee Report confirms that these measures are required to mitigate the impacts of the development and render the proposal acceptable in planning terms.

West Sussex County Council have advised that separate Education provision/ land provision and Section 278 (Highways Act 1980) highways improvements will also be required.

3.0 Compliance of the Planning Obligations with Regulation 122 of the CIL Regulations

Mid Sussex District Council considered the implications of the proposed development upon the local area and assessed the level of contributions required to mitigate the impact of the development.

The following contributions were identified to be secured by way of a Section 106 Planning Obligation:

1. Affordable Housing/ Care Units/ Self-Build Units
2. Leisure and Community Provision
3. Financial contributions towards Gypsy & Traveller Pitches and additional Sussex Police capacity
4. The provision of a primary school and land for a SEND school
5. Financial contributions towards secondary and sixth form education
6. Public transport, active travel and highway works contributions
7. The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission.

1. Affordable Housing/ Care Units/ Self-Build Units

Policy requirements

Policy DP31 of the MSDP deals specifically with affordable housing and states:

The Council will seek:

1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²;
2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;
3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;
4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and
5. free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including “optional requirements” set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document. The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs."

Planning Application/ Legal Agreement

The application proposes that 30% of homes provided will be within affordable tenures which is in accordance with Policy DP31. The scheme would provide 25% affordable ownership (in the form of First Homes) and 75% affordable rent, which is again in line with the requirements of Policy DP31. As the development is proposed to be phased, each phase must include 30% affordable housing, split 25% First Homes/75% social rented or affordable rented housing.

The application states that 30% of homes provided will be within affordable tenures which is in accordance with Policy DP31. The scheme would provide 25% affordable ownership (in the form of First Homes) and 75% affordable rent, which is again in line with the requirements of Policy DP31. As the development is proposed to be phased, each phase must include 30% affordable housing, split 25% First Homes/75% social rented or affordable rented housing.

Should the maximum number of 1,450 homes be provided as part of future reserved matters application, this would mean a total of 435 affordable homes; 109 of these would be affordable ownership and 326 would be affordable rented tenure.

Specialist Housing

In terms of specialist housing, the proposals include up to 90 residential care units. The need for specialist housing for older people is recognised in the Council's Strategic Housing Market Assessment (SHMA), where it is identified that there is a particular need for specialist housing for those aged over 75. The inclusion of the proposed residential care units is therefore supported – further details will be required as part of any future reserved matters applications.

Self-Build Dwellings

Policy DP30 of the MSDP deals with housing mix and states:

'To support sustainable communities, housing development will:

- Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;
- Meet the current and future needs of different groups in the community.

This could include the provision of bungalows and other forms of suitable

accommodation, and the provision of serviced self-build plots

Policy DP30 identifies that development will need to meet the current and future needs of different groups within the district, including those who wish to build their own homes. This reflects the requirements of paragraph 63 of the NPPF of ensuring that local policies meet the established need within an area. Moreover, paragraph 73(b) of the NPPF that local planning authorities should: 'b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing.'

The application proposes to provide up to 30 self-build units, as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must grant "suitable development permissions" in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

The Council are required to keep a Self and Custom-Build Register and as of 24th October 2024 (date of last publication) there were 23 applicants on the 'MSDC Self and Custom Build Register of Interest', of whom 21 had an evidenced local connection to Mid Sussex. Nine of the applicants out of the 23 has listed Cuckfield in their top 10 location choices for a plot and a further three have listed Ansty. The nearby towns of Haywards Heath (13) and Burgess Hill (7) also appear prominently in terms of preferred location.

The proposal's provision of up to 30 self/custom build dwellings is a material consideration in the determination of the application, which is supported by planning policy. This provides a positive benefit to the proposed development.

How the Contributions will be Used

The Contributions relating to affordable housing, residential care and self-build dwellings accord with Mid Sussex District Plan policies DP30 and DP31 and up to 435 affordable homes, together with 90 residential care units and 30 self-build units will be delivered within the boundary of the site, thus promoting sustainable development.

Statutory Tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI2010/948) and endorsed in Paragraph 56 in the NPPF (2018) in the following ways:

1) Necessary to make the development acceptable in planning terms- the provision of on-site affordable housing , care units and self-build units accords with planning policy and will provide for the extra demand from an increasing population for this infrastructure.

2) Directly related to the development – the provision of this infrastructure is on-site, and therefore directly related to the development

3) Fairly and reasonably related in scale and kind to the development – as the proposed provision is in accordance with adopted planning policy, it is considered that it is fairly and reasonably related in scale and kind.

2) Leisure and Community Provision

Policy Requirements

Policy DP24 of the MSDP deals with the provision of leisure and cultural facilities, including allotments, all formal leisure provision, open space and play areas, and states, in part;

“Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose.

Planning conditions and/or planning obligations will be used to secure such facilities. “

Policy DP25 deals with community facilities, including education facilities, healthcare facilities, shops and community centres, and states, in part;

‘The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported...

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure onsite facilities.

Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document. Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.’

Planning Application/ Legal Agreement

i) Sports

In terms of sports provision, the application proposes on-site delivery of:

- a) Pavilion Building
- b) All weather floodlit hockey pitches (x2)
- c) Floodlit Tennis/ netball courts (x4)
- d) Floodlit covered padel courts (x4)
- e) Indoor tennis courts (x4)

The applicant is also proposing an off-site sports financial contribution to improve the condition and capacity of the pitches at Beech Farm Field. This is a sum of £1,260,000 (index linked) towards a) pitch drainage improvement works to Beech Farm field pitches.

Or, if this is not delivered within 5 years from the date of permission, to support sports facilities development at Cuckfield Recreation ground, and/ or Whitemans Green and /or Ansty Recreation Ground.

Paragraph 3.52/ Appendix 2 of the “Development Infrastructure and Contributions” SPD (July 2018) was used to calculate contributions towards leisure/ formal sports provision at Beech Farm field.

ii) Neighbourhood Centre

In terms of Community Provision, the appellant is providing a Neighbourhood Centre. This neighbourhood centre will include a) at least 200 sqm of Use Class E b) a health facility (up to 600 sqm) and c) a community building (up to 400sqm). Current Primary Healthcare Provision near the Ansty area.

NHS Sussex have stated there are no premises sites in the Ansty locality for providing NHS services for these new 1,450 homes. As per the planning outline planning application – a health hub is required. Premises of 600m Net Internal Area with parking and transport access adjacent to main doors are required. Alternatively, using the NHS S106 calculator, NHS Sussex have said that an off-site contribution of circa £4,500,000 would be required. The legal agreement provides for on-site provision of a health hub of up to 600 sqm. It also provides for an alternative off-site contribution of £4,500,000 to be paid to NHS Sussex should on-site provision not be able to be provided.

iii) Community Building

The appellant has agreed to transfer the Community Building, once complete, to the District Council. A commuted maintenance sum is included in the draft legal agreement. This is based on the maintenance provisions in Appendix 2 of the “Development infrastructure and Contributions” SPD. The commuted maintenance sum included in the legal agreement between the District Council and Homes England for the development of Brookleigh in Burgess Hill (3,500 dwellings) (Planning App Reference DM/18/5114) is £131,232. On a pro-rata basis, this equates to £104,985 for Land East of Ansty.

iv) Open Space

The appellant is providing public open space and play space (3 Local Equipped Areas of Play) as part of the application. They have agreed to transfer the open space and play space to the District Council. This transfer will include a commuted maintenance contribution for each piece of open space/play space transferred. The calculation is based on Appendix 2 of the "Development Infrastructure and Contributions" SPD and is £33,403.31 for each piece of open space/ play space.

Taking into account these comments, the sports and leisure provision proposed is acceptable and in accordance with Policies DP24 and DP25. The details of the facilities, including on-site play and off-site sports contributions, will be secured through the s106 Legal Agreement and planning conditions.

v) Recycling

The appellant is providing a contribution towards new recycling bins (£30 per bin per dwelling). This is in line with paragraph 3.108 of the "Development Infrastructure and Contributions" SPD.

How the Contributions will be Used

There will be on-site delivery of a range of sports facilities, as indicated above, together with on-site delivery of the neighbourhood centre (Use Class E; health hub; and community building). There will also be on-site delivery of open space and play space, and recycling bins. Together, this on-site provision of infrastructure is in accordance with planning policy and will promote sustainable development at the site. The off-site contribution of £1,260,00 will, in the first instance, be used for pitch drainage improvements at an adjacent sports pitch site in Cuckfield (Beech Farm field). This location is adjacent to the location of the Parkland Reserve application from the appellants (Ref: XXXXX).

Statutory Tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI2010/948) and endorsed in Paragraph 56 in the NPPF (2018) in the following ways:

- 1) Necessary to make the development acceptable in planning terms- the provision of on-site sports provision/ off-site sports provision, neighbourhood centre (comprising a health hub, Use Class E and a community building) and open /play space will provide for the extra demand from an increasing population for this infrastructure.
- 2) Directly related to the development – Aside from the off-side sports pitch improvements to Beech Farm field (which is located in close proximity to this application site- approx. 800m to the north west) the provision of this infrastructure is on-site, and therefore directly related to the development

3) Fairly and reasonably related in scale and kind to the development – as the proposed provision is in accordance with adopted planning policy, it is considered that it is fairly and reasonably related in scale and kind.

3. Financial contributions towards Gypsy & Traveller Pitches and additional Sussex Police capacity

Policy requirements

i) Gypsies & Travellers

Policies DP30 and DP33 refers to the provision for development on strategic sites to contribute towards the provision of permanent pitches for Gypsy and Travellers to meet the identified need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment (GTAA). Policy DP30 makes it clear that development on strategic sites can meet the policy requirements by either on-site provision or via a financial contribution (in certain circumstances). The level to be provided by the site will be commensurate with the overall scale of the residential development proposed by the strategic development.

Based on the Council's 2022 Gypsy and Traveller Accommodation Assessment (GTAA) there is a residual need for 3 permanent pitches to meet the Council's need between 2021 to 2038, taking into account existing commitments.

The applicants have accepted that their development generates a need to contribute towards Gypsy and Traveller pitches, but do not consider that there is sufficient capacity within the development site to accommodate the pitches required to achieve the wider policy compliance and requirements of both the District and County Councils. In particular, they highlight the challenges they have experienced in trying to achieve an optimal layout that allows for appropriate access into the site, along with the provision of on-site facilities such as the school, local centre, sports facilities, and allotments, along with the necessary quantum of dwellings, commercial space, and public open space.

It is clear that the policy does not require Gypsy and Traveller provision on site and providing there are other sites which can be delivered in an appropriate timescale, and a contribution is taken towards them, the officers are content that the policy is satisfied.

ii) Sussex Police and Crime Commissioner

Sussex Police have argued that this development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. The Police request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development e.g. additional staff and officers and to equip them. The Police argue that this position is aligned with national best practice and has been upheld in recent appeal decisions.

Planning Application/ Legal Agreement

i) Gypsy and Traveller Contributions

Based on Section 3 of the “Development infrastructure and Contributions” SPD (July 2018), a contribution of £450,000 is required. The appellants have included this off-site contribution in the draft legal agreement.

The appellant has included this contribution in the draft legal agreement.

ii) Sussex Police and Crime Commissioner

Sussex Police have requested a contribution of £232,142.10 for officer recruitment, training , equipment , premises and fleet.

The appellant has included this contribution in the draft legal agreement.

How the Contributions will be Used

These two off-site contributions of £450,000 for gypsy and traveller provision and £232,142.10 will be used to provide gypsy and traveller sites in the vicinity of the development site and infrastructure requested by the Sussex Police and Crime Commissioner, within the vicinity of the development site.

Statutory Tests

This methodology satisfies the three statutory tests in the Community Infrastructure Levy Regulations (SI2010/948) and endorsed in Paragraph 56 in the NPPF (2018) in the following ways:

1) Necessary to make the development acceptable in planning terms- the provision of an off-site contribution for gypsy and traveller provision is required to address the Gypsy and Traveller needs identified in the Council’s 2022 Gypsy and Traveller Accommodation Assessment (GTAA). The provision of an off-site contribution for the Sussex Police and Crime Commissioner is needed to meet local needs arising from the development.

Sussex Police have argued that the cost can be broken down as:

- Premises £133,519
- Vehicles £51,000
- Staffing £47,623

Total £232,142

2) Directly related to the development – The off-site contribution towards gypsy and travellers will assist in providing pitches for an identified gypsy and traveller need in the District, in line with the 2022 Gypsy and Traveller Accommodation Assessment. The off-site

contribution for the Sussex Police and Crime Commissioner will help meet policing requirements within the vicinity of the site, as set out in the Sussex and Police & Crime Commissioner's representation to the planning application consultation.

3) Fairly and reasonably related in scale and kind to the development – the gypsy and traveller off-site contribution is in line Policies DP30 and 33 in the Mid Sussex District Plan and the section "Securing Gypsy and Traveller Sites P.23 of the Development and Infrastructure Contributions SPD (July 2018). The Sussex and Police and Crime Commissioner has set out the justification for seeking infrastructure contributions from this development towards new premises, vehicles and staffing in the vicinity of the development. Both contributions are therefore considered to fairly and reasonably relate in scale and kind to the development.

4. The provision of a primary school and land for a SEND school

Please see Appendix 1 – "Written CIL Justification by West Sussex County Council"

5. Financial contributions towards secondary and sixth form education

Please see Appendix 1 – "Written CIL Justification by West Sussex County Council"

6. Public transport, active travel and highway works contributions

Please see Appendix 1 – "Written CIL Justification by West Sussex County Council"

7. The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission.

These are included as part of the Parkland Reserve planning permission.

4.0 Conclusion

The planning obligations contained within the draft Section 106 Agreement are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The obligations address the impacts arising from the proposed Community and secure infrastructure, services and mitigation measures necessary to support the development.

Accordingly, the obligations comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and may properly be taken into account in the determination of the appeal.