

Landscape Proof of Evidence

In Respect of Outline Planning Application with all Matters Reserved Except for Access, for up to 80 Dwellings with Associated Landscaping, Open Space, Infrastructure and Vehicular and Pedestrian Accesses

At Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex

On behalf of Miller Homes Limited

Date: 29 June 2026 | Pegasus Ref: P25-2536

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1. Witness Particulars

- 1.1. My name is Andrew Cook, and I hold a Bachelor of Arts degree in Geography (BA Hons) and a Masters Degree in Landscape Design (MLD). I am a Chartered Landscape Architect, Chartered Member of the Landscape Institute (CMLI), Chartered Environmentalist (C Env) and Member of the Institute of Sustainability & Environmental Professionals (MISEP) (formerly known as IEMA). I am one of the founding Executive Directors of Pegasus Group, which was established in 2003, and I am also the National Head of Environment team. Since then, the company has grown, establishing sixteen offices across the UK, employing approximately 600 planning and environmental planning professionals and staff. The company is a corporate member of the Institute of Sustainability & Environmental Professionals (MISEP) (formerly known as IEMA) and was a founding member of IEMA's Quality Mark scheme, under my direction.
- 1.2. I have gained over 40 years of landscape planning consultancy experience. Prior to Pegasus, I was an Environmental Director at RPS (formerly Chapman Warren Planning Consultants) where I specialised in addressing landscape planning issues related to a wide range of projects. I have had considerable experience and involvement in a wide range of residential projects throughout the UK, many of which have involved appeal sites in Green Belts as well as statutory protected landscapes, including National Parks (NP), National Landscapes as well as non- statutory landscape designations such as Special Landscape Areas (SLAs), as 'valued landscapes'. I have presented evidence at Public Inquiries on many occasions to address various landscape planning, design and visual issues, and how these relate to landscape character and appearance.
- 1.3. I am based in the Cirencester office of Pegasus, where I manage a team of Environmental Planners and Landscape Architects. The Landscape Architects within my team at Pegasus and I undertake our work in compliance with the Landscape Institute's Code of Standards of Conduct and Practice for Landscape Professionals.
- 1.4. This Landscape Proof of Evidence is based on my own professional judgement and is presented in accordance with the guidance of my professional institution, the content of which is true to the best of my knowledge and belief and is presented irrespective of by whom I am instructed.

2. Introduction and Scope of Evidence

Introduction

- 2.1. I am instructed on behalf of Miller Homes Limited, thereafter referred to as the appellant, to present evidence relating to landscape and visual matters in respect of the appeal, submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning development of Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex ("the site" or "appeal site"). This evidence should be read in conjunction with the proofs prepared by Nick Billington regarding Planning (CD9.1), Julian Forbes-Laird regarding Arboriculture (CD9.3), Lyndsey Barrett regarding Ecology (CD9.8) and Jonathan Smith regarding Heritage (CD9.5) matters to gain an understanding of landscape and visual matters in the round.
- 2.2. I was not instructed to consider this matter until after the application was refused. I was specifically asked to advise whether I could professionally support the proposed scheme, and if so, whether I would be willing to provide evidence to the inquiry. I can confirm that before accepting the instructions I reviewed the papers, visited the site, and specifically considered all the relevant work submitted on behalf of the appellant in support of the application as well as the views of the officers of the Council, and where relevant, the views of third parties – I thereafter confirmed that I was willing to act, and accepted instructions in this matter.

Background to the Appeal

- 2.3. A full summary of the background to the appeal is set out within the appellant's Planning Statement of Case (CD9.9).
- 2.4. The site consists of 3 small agricultural fields.
- 2.5. A comprehensive suite of technical reports and plans were submitted with the application in line with Council's validation requirements. The documents submitted during the course of the application are in the Core Documents List.
- 2.6. The outline planning application for the site was received, validated and given the planning application reference DM/25/O445. The Planning Case Officer prepared a report for the Planning Committee (CD3.3) and recommended that the application be approved.
- 2.7. This appeal follows the refusal (CD3.2) by Mid Sussex District Council (MSDC) Planning Committee with regard to the application for planning permission for the following Proposed Development ("the appeal scheme"):

"In Respect of Outline Planning Application with all Matters Reserved Except for Access, for up to 80 Dwellings with Associated Landscaping, Open Space, Infrastructure and Vehicular and Pedestrian Accesses"

- 2.8. The Decision Notice was issued on 10th September 2025 and included five Reasons for Refusal. I address the first Reason in my evidence which states that:

"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. ...”

2.9. In light of this first Reason for Refusal, this Proof addresses the specific points raised as alleged harm:

1. That proposed development is located within the countryside outside Haywards Heath
2. That development would be out of keeping with the rural character
3. Development fails to protect the local distinctiveness of the area by extending the settlement boundary
4. Eroding the rural nature of the site

2.10. The second Reason for Refusal is concerned with sustainability in terms of the location of the site and the proposed residential scheme. The third Reason is concerned with Heritage matters and specifically listed buildings and undesignated heritage assets. These matters are addressed by others. The fourth Reason relates to the loss of trees to facilitate the scheme which is addressed by Julian Forbes-Laird, whilst the fifth Reason is concerned with affordable housing and infrastructure contributions, addressed by the Planning witness, Nick Billington.

2.11. Subsequent to starting to draft my Proof, I understand that the Council have now withdrawn their first Reason for Refusal with regard to alleged harm to the rural character of the area. I also note that the Rule 6 Party do not allege any unacceptable harm with regard to landscape character from a visual appearance or residential visual amenity. Notwithstanding their positions with regard to these matters, I am aware that this is a Public Inquiry that is now scheduled to be heard before a Planning Inspector and accordingly I have proceeded to address matters relating to landscape character and landscape and visual matters to enable to Inspector to be fully informed in coming to a decision with regard to the proposed scheme.

Statement of Common Ground with the MSDC

2.12. The appellant and the Council have an agreed Statement of Common Ground as an addendum (CD8.2), dated 16th June 2026 to which I refer.

2.13. Internal para. 1.2 of this document notes that:

“By a letter dated 2nd June 2026 from MSDC’s Head of Development Management, the Council communicated that (1) it would no longer be defending any of the Reasons for Refusal and (2) would not be submitting any evidence to the inquiry. A copy of the letter is appended to this MSoCGA.”

2.14. It is also noted at internal para. 3.6 that it is agreed that the location of the proposed development lies outside the settlement boundary, and that any conflict with Policy DP12 is not a basis for refusal.

2.15. The Reason for Refusal 1 specifically refers to character and in this context, the SoCG confirms the following:

“It is agreed that any impact on local character (or any landscape and visual amenity matter) is not sufficient to outweigh the benefits of granting permission.

It is agreed that the Council is unable to meet housing needs without allocating and granting permission for development on sites which are outside the existing built-up urban area boundaries.

The Officer’s Report recommending the grant of permission identified no conflict with Policies E5 and E9 in this respect. To the extent that there was a conflict with DP12, this was not considered a basis for refusal within the Officers report as a result of the benefits arising from the scheme.

The Appellant considers that the Appeal Proposal accords with Policies DP12, E5 and E9 in respect of any landscape matters and will cover this in its Planning and Landscape Proofs of Evidence.

It is agreed that even if any conflict were to be identified with any of the above development plan policies, this would not form a basis for refusal, having regard to the overall planning balance.”

Statement of Common Ground with Rule 6 Party

2.16. The Rule 6 Party is calling no evidence regarding landscape character and visual appearance matters.

2.17. It is agreed that the site is not a ‘Valued Landscape’ and is not subject to any statutory or non-statutory landscape protection designation.

2.18. It is agreed that the LVIA provides comprehensive analysis and is in accordance with GLVIA3 (CD17.1) best practice.

2.19. It is therefore agreed that the site is well-screened with no views from public viewpoints.

2.20. It is further agreed that there is no right to a view, and accordingly, private views from neighbouring properties into the site are not a basis for refusal in terms of residential visual amenity.

Scope of Evidence

2.21. Notwithstanding the Council withdrawing their objection and case, my Proof of Evidence addresses the first reason and notes that this is solely concerned with harm to the landscape character of the area. There is no reference to harm to the visual amenity and appearance of the area. Accordingly, my Proof particularly focuses on matters relating to landscape character. I also make reference to the local gap.

2.22. I rely upon the two Statement of Common Ground (SoCGs) (**CD8.1 & CD8.2**) where the parties have reached agreement. In preparing my evidence, I have additionally reviewed the following documents to inform my professional judgement:

- Decision Notice (**CD3.2**);
- Case Officer's Committee Report (**CD3.3**);
- Landscape and Visual Impact Assessment (**CD1.25**);
- Lighting Strategy (**CD1.27**);
- Ecological Impact Assessment (**CD1.14**);
- Arboricultural Report (**CD1.29**);
- Heritage Statement (**CD1.18**);
- Application Drawings;
- Relevant published landscape reports;
- Design and Access Statement (**CD1.5**);
- Planning Statement (**CD1.4**);
- Relevant planning policies; and
- Other Relevant Published Documents

2.23. Where appropriate, I draw upon relevant information from these documents. However, in presenting my evidence and in the interests of brevity, I do not unnecessarily state detailed amounts of information where this has been previously documented. I have reviewed the application LVIA (**CD1.25**). I have also reviewed the scheme with reference to the application LVIA viewpoints (**CD1.25**) surrounding the appeal site. I have set out my own analysis with regard to the scheme in this Proof of Evidence. Whilst I, as an independent professional expert witness, note that an LVIA was prepared for the application, in preparing for this Inquiry, as best practice, have undertaken my own independent analysis, which has assisted me in informing my professional judgements.

Representative Viewpoints and Visualisations

2.24. I consider the LVIA (**CD1.25**) photographs to be suitably representative viewpoints in the landscape surrounding the appeal site. It is anticipated that the Inspector would visit these representative viewpoints that have been provided as an aide memoire.

2.25. It should be recognised that it is not practical to include viewpoints from every possible location. I consider that the viewpoints which have been selected illustrate an appropriate range of visual receptors at different distances and directions from the appeal site. Given the nature of the proposal, I also note that the viewpoints are largely representative of moving through the landscape and should not be considered to amount to static viewpoints. I consider that the locations of the viewpoints have been carefully considered, and the

photography was undertaken when atmospheric conditions and visibility were acceptable. I also consider that the type of photography is appropriate given the type and scale of development. The representative viewpoints and visualisations have been prepared mindful of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) (CD17.1) and its Clarification Note (CD17.5), however, it is recognised that there is no substitute for visiting the viewpoints in the field to gain a first-hand appreciation of the viewing context, which will be appreciated by the Inspector.

Professional Judgement

2.26. With regard to professional judgement, GLVIA3 (CD17.1) notes in para. 2.24 that:

“In all cases, there is a need for the judgements that are made to be reasonable and based on clear and transparent methods so the reasoning applied at different stages can be traced and examined by others.”

2.27. It goes on to note at para. 2.25 that even with qualified and experienced professionals there can be differences in judgements made. This may result from using different criteria or from variation in judgements based on the same approach and criteria. Ideally, and especially for complex projects, more than one person should be involved in the assessment to provide checks and balances, especially in identifying the likely significant effects. If, for example, the professional judgements made on behalf of different interested parties vary wildly, it is the decision makers who will ultimately need to weigh up the evidence and reach a conclusion.

2.28. Mindful of the Landscape Institute Technical Guidance Note (LITGN) 2024-01 (August 2024) “Notes and Clarifications on Aspects” (CD17.5) and the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) (CD17.1), I have reviewed the refused application documentation visited the viewpoints as part of my field work and site visits. This has allowed me to ascertain both the landscape and visual effects and to make informed professional judgements concerning these matters and establish the level and nature of change from both a landscape and visual perspective. My assessment was based on spring views; however, I am mindful of winter views representing the worst-case scenario in terms of visibility, which I have assumed for my analysis.

2.29. The degree of landscape or visual effect is identified by means of a descriptive scale as per the GLVIA3 guidance (CD17.1). However, it is also necessary to consider the nature of the landscape and visual effects. GLVIA3 (CD17.1), assists with regard to landscape effects, and paragraph 5.37 states that:

“One of the more challenging issues is deciding whether the landscape effects should be categorised as positive or negative. It is also possible for effects to be neutral in their consequences for the landscape. An informed professional judgement should be made about this and the criteria used in reaching the judgement should be clearly stated. They might include, but should not be restricted to:

The degree to which the proposal fits with existing character.

The contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character.

The importance of perceptions of landscape is emphasised by the European Landscape Convention, and others may of course hold different opinions on whether the effects are positive or negative, but this is not a reason to avoid making this judgement, which will ultimately be weighed against the opinions of others in the decision-making process.” (my emphasis)

2.30. With regard to visual effects, paragraph 6.29 (CD17.1) states that:

“As with landscape effects an informed professional judgement should be made as to whether the visual effects can be described as positive or negative (or in some cases neutral) in their consequences for views and visual amenity. This will need to be based on a judgement about whether the changes will affect the quality of the visual experience for those groups of people who will see the changes, given the nature of the existing views.”

2.31. The effects upon the landscape are specifically considered in terms of effect upon landscape elements which collectively define landscape character and reflect the specific combinations of landscape elements. The statement also sets out how the proposal would have a bearing upon the visual amenity associated with the site and locality.

2.32. Whilst the scheme is an outline one with only the means of access into the site for detailed determination at this stage, nonetheless, I have carefully reviewed the illustrative masterplan and proposed green infrastructure proposals with care, as the Appellant’s assessment of one suitable basis upon which the scheme could be satisfactorily delivered. To assist in this matter, I have prepared an Illustrative Landscape and Ecological Plan (Appendix 2) with the ecologist.

2.33. This proposed design (Appendix 2 – based on the application drawings) includes green infrastructure, which would be in character and in keeping with the rural area. I am aware that people on the whole generally adopt an adverse reaction to change, particularly with regard to their local environments with which they are very familiar, irrespective of whether harmful or indeed beneficial (in whole or part). I have therefore adopted a precautionary approach here, and as such, I consider that the proposed scheme would be adverse in terms of nature of effect in landscape character and visual terms unless otherwise stated. However, I note that there would also be beneficial effects for some landscape elements.

Rule 6 Parties

2.34. There is a Rule 6 Party with regard to this Public Inquiry, though note they do not allege harm regarding landscape and visual matters.

2.35. I am aware of third-party objections made regarding the appeal scheme from members of the public and therefore, matters raised, where relevant, are addressed in my evidence.

Case Officer’s Committee Report

2.36. The Case Officer prepared a report to Planning Committee dated 21st August 2025 (CD3.3) and recommended for planning permission. This report is not paginated but has the benefit of paragraph numbers to which I refer. Internal section 2 sets out an executive summary for the report. At internal para. 2.11, landscape matters are addressed, noting that:

“In respect of its landscape impact, it is accepted that there will be a significant change in the site’s character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. However, the site is well enclosed and would not be visible in wider viewpoints. To meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.”

2.37. Section 4 provides a summary of representations and interestingly, whilst referencing many specialist areas, does not cite character and appearance per se.

2.38. Section 5 provides a summary of consultee responses noting that the Landscape Consultant has concerns regarding the impacts of the development, specifically with regard to local landscape character, however, given that the Case Officer is minded to approve, the consultant makes a number of recommendations.

2.39. At internal para. 12.11 the Case Officer (CO) notes that:

“As set out further within this report, it is considered that the proposal would not unduly erode the landscape character of the area, would not harm the setting of the town and would retain the separate identity of communities. As such it is considered that the proposal would comply with this policy.”

2.40. Landscape is addressed by the Case Officer from internal para. 12.65 onwards. The CO notes that the site falls outside the built up area and is therefore within the countryside. It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. It goes on to note that Policy DP12, in part, requires proposals to maintain or where possible enhance the quality of the rural and landscape character of the district. It goes on to note the application has been supported by an LVIA, and a letter response provided by the Council’s Landscape Consultant. It is noted that the site comprises 3 fields located adjacent to ancient woodland. The extent of the hedgerows and trees that shape the 3 fields indicates the site comprises assart fields which are very characteristic of the LCA. The report goes on to note at internal para. 12.74 that the Council’s Landscape Consultant notes the proposed development is unlikely to experience the visual effects regarding users on the A272, and notes at para. 12.77 that with regards to the overall impact of the proposal, the Landscape Consultant has concerns regarding the impact of the development on local character only. The Case Officer goes on to note in para. 12.81 that:

“It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.”

As set out above, the applicant's supporting information has been assessed by the Council's Landscape Consultant, and their comments are summarised at the start of the report and set out in full in the appendix. Your Planning Officer agrees with the comments of the Council's Landscape Consultant. It is considered that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP.

Notwithstanding this general conflict with policy DP12, the illustrative layout plan shows the development set away from the boundaries of the site with landscaping retained and areas of open space within the site. The development would be set away from the western boundary of the site and the nearby public right of way, with sufficient space for landscaping. The plans also show a large area of open space on the western side and southern end of the site.

For the reasons set out in paras 12.23 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12."

- 2.41. The Case Officer proceeds to address Policy DP13 which is concerned with the separate identity of settlements and the prevention of coalescence between settlements, noting at internal para. 12.86 that:

"Policy DP13 in the MSDP seeks to retain the separate identity of settlements and to prevent coalescence between towns and villages. Whilst not a housing supply policy in itself, policy DP13 does impact on the delivery of housing. As such, in light of the Council not being able to demonstrate a five- year housing land supply, it is considered that this policy attracts moderate weight at present.

Policy E5 in the HHNP has similar aims and relates to local gaps. It seeks to retain and enhance the separate identity of communities. As this is not a housing policy in itself, but it does impact on the delivery of housing. For the same reasons as set out above, it is considered that this policy attracts moderate weight at present.

The proposed development would be located in between the current gap between Haywards Heath and Scaynes Hill. The site is well enclosed and there would still be a clear impression of leaving one settlement and then arriving in the next. There would be a gap of some 0.9km as the crow flies between the edge of the site and the built-up area of Scaynes Hill. It is your Planning Officer's view that the development would not result in coalescence between these settlements."

3. Description of the Proposal

Planning Policy Context

- 3.1. I note that the Council have, in May of this year, produced a SSP7 document (**CD6.4**) regarding a post-hearings site selection review with initial conclusions, and that land unit reference 844, referred to as Land at North Colwell Farm, forms the same discrete parcel of land as the appeal site itself. The document identifies a number of aspects such as the High Weald AONB and making efficient use of land, as well as growth in existing sustainable settlements as part of the analysis to identify sites considered suitable for housing. Table 5 of the document identifies Haywards Heath as a category 1 settlement and notes the housing supply and demand figures.
- 3.2. Further related documentation looks at the various specific land parcels the analysis of which is summarised in a table referred to as “sites for further in-combination testing”. Parcel 844 is identified on internal pg. 113. In summary it notes that the site is contiguous to the settlement and is suitable for further testing as a potential residential allocation. This is in context of recognising there would be a need for a new vehicular access point. That any development would impact on only a small part of the adjacent conservation area. The site is recognised as being able to accommodate approximately 80 dwellings and that this scale of development would have the potential to contribute to the 5 year land supply position and therefore is considered a site suitable for further analysis.
- 3.3. The district plan site selection on housing identifies the site as ID 844 noting it extends just 6.3 hectares and assessed for 80 dwellings. With regard to landscape, it notes that it has a low to low/medium potential for change in landscape terms. However, there is no further analysis with regard to landscape to evidence this position. With regard to trees, it notes that development of the site may result in some harm but mitigation could be achieved to address this matter. In terms of biodiversity, its rated very positive with no constraints and also in terms of availability is ranked as being very positive as the site is available for development within the next 5 years. Regarding access, it notes that this could be achieved. There is no further analysis with regard to landscape parameters. The concluding position is that the site is considered appropriate for further analysis which I consider as being evidenced from a landscape perspective by means of the application and in particular the supporting LVIA (**CD1.25**).

Introduction

- 3.4. A detailed description of the proposals is set out in the application documentation, including the Planning Statement (**CD1.4**) and the Design and Access Statement (DAS) (**CD1.5**). It is also set out at the start of the Officer’s Report to Committee (**CD3.3**) and addresses the landscape matters in particular. I rely upon these detailed descriptions rather than repeating this information. Fully conversant with the proposals, I have set out my analysis and professional judgement. In this section of my Proof, I proceed to comment upon some aspects of the proposal that are particularly pertinent to landscape character and appearance.

Site and Surroundings

- 3.5. The site of the planning application lies to the south of North Colwell Farmhouse and comprises of three small fields, which are separated by hedges and trees.
- 3.6. The proposed access lies within the built-up area of Haywards Heath, with the wider application site for the dwellings within the countryside as defined in the District and Neighbourhood Plan.
- 3.7. The site benefits from extensive woodland around the boundaries with trees and hedges also within the site. Beyond the southern boundary is Ancient Woodland. To the north of the site are some residential properties and their gardens which form linear ribbon development along Lewes Road. These are comprised of large, detached dwellings.
- 3.8. The site is designated as countryside as a local gap within the Haywards Heath Neighbourhood Plan (HHNP) (CD5.5).
- 3.9. Further to the west of the site is a public right of way (HAH/29CU/2) which runs north to south. This is separated from the site by the neighbouring garden and other land outside of the application site. The site is well screened and there is no intervisibility.

Proposed Residential Scheme

- 3.10. This application seeks outline planning permission for the erection of up to 80 dwellings, with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses, on land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex. It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.
- 3.11. The application is supported by parameter plans (CD1.9), an illustrative masterplan (CD1.6) and an indicative open space proposal (CD1.26). These show how the internal layout of the site could be configured to accommodate the development. The plans show a new vehicular point of access onto the Lewes Road, which is to be fixed and determined at the outline stage.
- 3.12. The plans (CD1.21) show a new access point onto Lewes Road that would serve the whole development. This access would be located within the eastern side garden of North Colwell Farmhouse between this property and no. 90 Lewes Road. Further highway plans (CD1.22) have been submitted which show that there would be the provision of a dropped kerb crossing with tactile paving to the west of the proposed access and that the existing telegraph pole would be re-sited. This would allow pedestrians to cross Lewes Road to access the existing footway on the northern side of the highway. These works are included within the red line of the application site.
- 3.13. Plans have been provided to show off-site highway works to include a further uncontrolled pedestrian crossing with dropped kerbs and tactile paving and the existing northern footpath widened at the eastern side of the entrance to Birch Close to allow pedestrians to cross the highway to access the footpath which then extends to the southern side of Lewes Road.
- 3.14. The Parameters Plan (CD1.9) (which forms part of the consideration of the application) and the Masterplan (CD1.6) (which is an indicative plan) show that there would be a single spine road within the site serving the development with housing provided within the three parcels

of land separated by the retained vegetation on the internal boundaries of the site. This plan also shows an indicative play area location in the west of the site and the creation of a pond in the south of the site. There would also be public open space provided across the site to the boundaries and pathways around the site. Details of this would however come forward at any subsequent reserved matters stage.

- 3.15. The Illustrative Masterplan (Appendix 2) shows a centrally located access road, with houses arranged in permitter blocks off this access road. Houses are shown as facing outwards towards the landscaping and open areas as well as the access roads.

Proposed Green Infrastructure

- 3.16. The design for the residential scheme includes green infrastructure that would provide a network of green spaces to reinforce the character of the local farmed landscape and would accord with the National Design Guide.

- 3.17. At a macro level, the proposed green infrastructure would ensure that the development would:

- Conserve and reinforce local landscape character;
- Protect and enhance existing green infrastructure assets, namely the trees and hedgerows, so that they can be appreciated and valued by everyone for future generations;
- Protect and create habitats to enable biodiversity habitats and flora and fauna species to thrive;
- Provide a resilient and adaptive environment in the face of climate change; and
- Protecting and enhancing landscape character and biodiversity by using land improvements and management to deliver biodiversity gain and overall landscape enhancement.

Access Road

- 3.18. It is proposed that the access road to service the scheme would be by means of a new access road off the south side of Lewes Road (A272). On this road there would be provision for a pedestrian crossing point to link the pavements either side of this road, all of which falls within the red line area, as shown on the application drawings.

- 3.19. The access would be formed by creating a new highway corridor which would run through the eastern side of an existing curtilage associated with North Colwell Farmhouse. The area of land which would accommodate the access road is currently managed as part of the eastern section of the garden and curtilage to this residential property. Construction of the access road would require removal of a number of trees which form part of the frontage landscape associated with the south side of Lewes Road and reads as part of the curtilage to North Colwell Farmhouse. The access road would include a narrow grass verge, whilst the west/southern side of the access road would accommodate a roadside pavement running alongside the access road between the proposed residential area and the Lewes Road to the north.

Northern Boundary Treatment

- 3.20. The northern boundary is contiguous with a series of residential curtilages associated with large houses set within generous plots, whilst the eastern part of the northern boundary is contiguous with some adjacent small fields. The boundary is defined by a belt of mature trees together with understorey shrubbery. All of this existing vegetation would be retained and set within a generous landscape corridor which would wrap around the northern boundaries of the site. It would be integrated into new green infrastructure which would be complemented with additional tree and shrub planting and would merge into adjacent grassland. With the existing mature tree cover shrubbery together with new planting proposed, this vegetation would collectively form a substantial landscape framework to the boundary providing a high degree of physical and visual containment for the proposed residential area.

Eastern Boundary Treatment

- 3.21. The eastern boundary is contiguous with an extensive area of woodland. In many respects the western edge of this woodland forms the framework and eastern boundary to the site and proposed residential area. It is defined by a tree belt at the northern end of the eastern boundary with the rest of the eastern boundary forming the edge to a woodland. All the existing mature trees and shrubs would be retained. The proposed built form would be set some distance back from this vegetation to ensure its retention and future healthy growth. This vegetation would also be supplemented with additional tree and shrub planting, all of which would be set within a generous landscape corridor wrapping around the eastern part of the site providing an attractive framework and context for the proposed dwellings.

Southern Boundary Treatment

- 3.22. The southern boundary is contiguous with an extensive area of woodland. In many respects this woodland forms the framework to the site and proposed residential area. All the existing mature trees and shrubs would be retained. The proposed built form would be set some distance back from this vegetation to ensure its retention and future healthy growth. This vegetation would also be supplemented with additional tree and shrub planting, all of which would be set within a generous landscape corridor wrapping around the southern part of the site providing an attractive framework and context for the proposed dwellings.
- 3.23. The south-eastern part of the site would accommodate a surface water attenuation basin balancing pond to sustainably manage surface water within the boundaries of the site. This new water feature would be set within a landscape framework to create a naturalistic setting for the pond and would have the added advantage of being a wildlife habitat.

Western Boundary Treatment

- 3.24. The western boundary is contiguous with a treed hedge. All the existing mature trees and shrubs would be retained. The proposed built form would be set some distance back from this vegetation to ensure its retention and future healthy growth. This vegetation would also be supplemented with additional tree and shrub planting, all of which would be set within a generous landscape corridor wrapping around the western part of the site providing an attractive framework and context for the proposed dwellings.

- 3.25. The mature boundary tree cover would form an attractive framework for an area of public open space which would accommodate a play area. This open space would be punctuated with trees and shrubs set within grassland to ensure that it has a naturalistic appearance as well as ecological value.

Central Open Spaces

- 3.26. Within the central part of the site there are two lines of mature hedgerows which are broadly orientated north-south and sub-divide the site into three parts, with a western field, a central field and an eastern field. These two hedgerows reflect old hedgerows that have matured and been allowed to grow in a free-form habit without the hedges being faced and topped, and consequently over the years have grown into a line of mature trees to which I would refer to as a tree hedge. Both lines of tree hedges would form landscape corridors within and as part of the proposed residential scheme. The vast majority of this tree cover and understorey shrubbery would be retained and form an integral part of the green infrastructure of the proposals as shown on the Landscape and Ecological Design Plan (Appendix 2). Two short sections would be breached to accommodate the internal roads and would be located where there are already existing gaps in the hedgerow at these locations. The two hedgerow lines would also accommodate two pedestrian paths that would cut through this vegetation, again capitalising on locations where there are already narrow gaps in the existing vegetation.

Summary

- 3.27. The residential scheme includes a comprehensive landscaping scheme comprised of planting which would deliver a net gain in in terms of trees and hedges, more than offsetting the minimal loss of tree cover to accommodate access to the site. The proposed green infrastructure is designed to help soften the appearance of the residential scheme within the landscape, and the benefits of this would increase over time, commensurate with vegetation growth rates. The proposed planting would mitigate some of the adverse landscape and visual effects associated with the residential scheme. I consider that the green infrastructure per se proposed would be beneficial rather than adverse.

4. Effect on Landscape Elements

Introduction

- 4.1. This section of my proof assesses the effects on those landscape elements (features) that currently characterise the site itself. It particularly considers the introduction of the new elements that make up the scheme and how these would physically affect the existing features present within the site. It also explains why the scheme would, in overall terms, result in some beneficial effects as far as some landscape elements are concerned.

Topography

- 4.2. The proposed development is residential in nature with green infrastructure. The footprints of the houses would be modest in size. Given the gentle, undulating nature of the site, the degree of cut and fill would be modest to accommodate the proposed layout, together with the surface water balancing area proposed. I consider that the overall **magnitude of change** to the ground profile of the site would be **low**. With a **medium sensitivity (medium value and susceptibility)** combined with a **low magnitude of change**, the overall degree of effect on the topography would be **minor (adverse)**.

Trees/Tree Cover

- 4.3. As illustrated in the Landscape Masterplan (Appendix 2), there is significant tree cover in and around the site, a number of hedgerow trees within the internal hedgerows and small tree groups which would be retained as part of the green infrastructure (Appendix 2). This would, however, be reinforced with new tree planting primarily comprised of native trees. A Detailed Planting Plan can be secured by means of a suitably worded condition. Overall, the **magnitude of change** is assessed as **low (gain)**, which, when combined with a **high sensitivity (high value and susceptibility)**, results in a **moderate (beneficial)** effect on the tree resource of the site.
- 4.4. The surrounding ancient woodland and protected trees would be physically unaffected by the proposals. I defer to the evidence of Julian Forbes-Laird, the appellant's Arboricultural witness, who considers this topic in greater detail, rather than myself.
- 4.5. I note a number of trees are proposed for removal, particularly to facilitate the access. Across the site, some category B trees and some category C trees are proposed for removal. However, replacement trees are proposed across the scheme which would more than compensate for those removed. The development takes into account protecting and avoiding root protection areas of all trees within and surrounding the site. Hard landscaping proposed within the RPA's of existing trees would utilise no-dig surface solutions and tree protection measures proposed to be used during construction would be agreed with the Council. The predominance of one species or variety would be avoided to minimise risk of widespread biotic threats to the urban forest and to increase species diversity. Tree species specified would be native and indigenous to the area to add biodiversity value and habitat. The introduction of extensive new tree planting would bring about greater species and age diversity than would otherwise be the case. This is particularly important mindful that some existing ash trees on site are succumbing to ash dieback disease and some juvenile oaks are showing some canopy dieback.

Hedgerows

- 4.6. The scheme would involve minimal loss of hedgerows. The Landscape Masterplan (Appendix 2) shows that the scheme would deliver a clear 'net gain' of hedgerows within the landscape areas, landscape corridors, areas of public open space and residential curtilages.
- 4.7. To accommodate the proposed site access, there would be, as a result, a loss of a short section of the hedgerow along Lewes Road. There would be minimal loss of hedgerow within the site itself.
- 4.8. Additional hedgerow planting across the proposal (Appendix 2) would present the opportunity to introduce new native hedgerows throughout the development both within areas of public open space and associated with individual residential curtilages. The Landscape Masterplan (Appendix 2) prepared by Pegasus illustrates how new hedgerows could be accommodated within the site resulting in an overall net gain in the hedgerow resource and beneficial effects with regard to the hedgerow resource on the site, with a **medium** level of **susceptibility, value** and **sensitivity** combined with a **high magnitude of change** would result in a **major beneficial effect**.
- 4.9. It is proposed that hedgerows would be planted in double staggered rows at 5 plants per linear metre. There would not be equal numbers of each species. The hedgerows would comprise native species including hawthorn, field maple and hazel, along with holly, spindle, crab-apple, dogwood, blackthorn and guelder rose, as per the recommendation in the officers report.

Land Use/Land Cover

- 4.10. The site currently comprises permanent pastureland. Whilst the proposed development would result in the loss of this pasture to accommodate the development area, the proposed scheme would create some areas of naturalistic grassland including species rich grassland, wetland wet meadow associated with the surface water attenuation areas, native rich grasslands which are proposed across the areas of open space (Appendix 2). The scheme would inevitably result in the loss of some permanent pasture. Given a **medium susceptibility, value** and **sensitivity**, combined with a **medium magnitude of change**, the proposal would result in a **moderate (adverse) degree of effect** regarding the site itself. However, this needs to be balanced against the fact that a significant proportion of the proposal would introduce wildflower meadow areas with a condition to ensure their retention.

Public Rights of Way (Recreational Resource)

- 4.11. There are a number of Public Rights of Way (PRoWs) and footpaths in the locality and all those beyond the site would be physically unaffected with the scheme in place. There are no public rights of way within the site itself and forms private land. There is no formal open access land and there are no permissive access agreements in place for members of the public to use the 3 existing fields. Consequently, no diversions of any footpaths are required in order to facilitate the proposed scheme with the existing route retained on its current alignment. PRoWs are considered to be of **high susceptibility, value**, and **sensitivity** which when combined with no magnitude of change, result in no physical degree of effect on the public routes as a resource and facility. The proposed scheme would introduce significant areas of public open space that would provide new opportunities for members of the public

to enjoy this landscape and to be able to appreciate the adjacent landscape character. With a **high susceptibility, value, and sensitivity**, which when combined with a **low magnitude of change**, would result in a **moderate (beneficial)** degree of effect with regard to the recreational resource.

Water Features

- 4.12. The proposed scheme would include one surface water attenuation area within the southern part of the site, which would be formed from the creation of a basin and be managed as seasonally wet grassland designed to be naturalistic in character and would provide sustainable blue infrastructure for the proposal (Appendix 2). Based on a **medium susceptibility, value, sensitivity**, and a **medium magnitude of change**, this would result in a **moderate beneficial degree of effect**.

Effects on Landscape Elements and Landscape Character of the Site

- 4.13. In overall terms, whilst significant parts of the site would change from an undeveloped character to a residential neighbourhood, it is important to note that the scheme would result in some beneficial effects with regard to the landscape elements that currently define the landscape character of the site. The site would change from pastoral fields to a high-quality design residential neighbourhood set within an attractive landscape framework. The elements that currently contribute to defining the character of the site, namely trees, shrubbery and hedgerows, would all be strengthened and form more prominent elements in the medium and longer term, but I recognise this would be in the context of a new residential neighbourhood.
- 4.14. Collectively, if one draws the different elements of the site together, it defines the overall character of the site itself. In summary, the site is characterised by field boundaries but is influenced visually by the adjacent dwellings and Lewes Road. The site is framed to the north by residential areas and by the highway, Lewes Road which introduces substantial urbanising influences. The site, in terms of its character, appears as an urban fringe environment of Haywards Heath settlement environment.
- 4.15. The scheme would introduce a high-quality residential built environment which would be in keeping with the local settlement and character area, in particular, the local Conservation Area, and therefore, would not be at odds or out of character or appearance with its context. However, adopting a precautionary approach, the proposals would result in an overall adverse effect in landscape character terms. The proposal would however accommodate extensive new green infrastructure which would replace several pastoral fields and again change this character of the site to be more representative of the local urban area.
- 4.16. The boundaries of the site are, on the whole, framed by a combination of built form and mature vegetation, providing a strong sense of visual containment and enclosure associated with the site. Indeed, the extent of enclosure is notable.
- 4.17. Some existing residential curtilages are close to the site's northern boundary which creates some sense of physical and visual connection between the current settlement edge of Haywards Heath and adjacent northern parts of the site.

- 4.18. Regarding the site itself, with a **medium susceptibility** (given its urban fringe character), **value** and **sensitivity** combined with a **high magnitude of change** would result in an overall **major (adverse)** effect in landscape character terms which would be highly localised to the site and it's immediate visual environs; quickly diminishing to **negligible** beyond the site due to no physical or visual influence.

5. Effect on Landscape Character

Introduction

- 5.1. This section of my Proof explains how the scheme would have a bearing upon the landscape character of the surrounding area beyond the immediate visual environs of the site. As defined in the GLVIA3 glossary (CD17.1), landscape character is defined as:

“A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different to another...”

- 5.2. To further clarify a distinction in the use of terms, Landscape Character Areas (LCAs) are discrete, place-specific geographical areas of a particular area, as opposed to Landscape Character Typologies or Types (LCTs), which are defined in GLVIA, page 157 as follows:

“These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical lands use and settlement pattern, and perceptual and aesthetic attributes.”

- 5.3. A number of landscape character assessments have been undertaken in recent years to identify both **Landscape Character Types (LCTs)** and **Landscape Character Areas (LCAs)** as defined above and have been published to assist professionals in understanding how decisions can affect landscape character.
- 5.4. I have provided some narrative here in this section to explain the extent to which the proposed scheme would have a bearing upon the wider landscape character of the area beyond the immediate visual environs of the site.

National Level – National Character Area 122: High Weald and 121: Low Weald

- 5.5. The northern half of the site and the surrounding area of Haywards Heath is located within the National Character Area 122 High Weald. The southern half of the site and the area to its south are located within the National Character Area 121 Low Weald. Both these NCAs form part of an assessment of the character of England’s landscape. NCA profiles are guidance documents which help inform decision-making regarding development. These profiles help to inform choices about how land is managed and can change. Statements of Environmental Opportunity (SEOs) also offer guidance on the critical issues which could help to achieve sustainable growth and a more secure environmental future.
- 5.6. Internal pg. 4 notes the High Weald provides many services to communities living within the area’s towns and villages and adjacent urban populations. Future challenges include continuing high demands for housing in south-east England and rural areas in particular, resulting in strong pressure for development within the NCA and pressure to bring forward land for housing in and around larger villages which threaten the dispersed settlement character of the landscape.

- 5.7. It goes on to note on pg. 10 that towns such as Tunbridge Wells and villages are sited on ridges, i.e. on local higher ground.

NCA 122: High Weald

- 5.8. This document on internal pg. 8 provides a summary of this NCA and identifies the defining key characteristics of the landscape as follows:

- ***"A faulted landform of clays, sand and soft sandstones with outcrops of fissured sandrock and ridges running east–west, deeply incised and intersected with numerous gill streams forming the headwaters of a number of the major rivers – the Rother, Brede, Ouse and Medway – which flow in broad valleys.***
- ***High density of extraction pits, quarries and ponds, in part a consequence of diverse geology and highly variable soils over short distances.***
- ***A dispersed settlement pattern of hamlets and scattered farmsteads and medieval ridgetop villages founded on trade and non-agricultural rural industries, with a dominance of timber– framed buildings with steep roofs often hipped or half-hipped, and an extremely high survival rate of farm buildings dating from the 17th century or earlier.***
- ***Ancient routeways in the form of ridgetop roads and a dense system of radiating droveways, often narrow, deeply sunken and edged with trees and wild flower-rich verges and boundary banks. Church towers and spires on the ridges are an important local landmark. There is a dense network of small, narrow and winding lanes, often sunken and enclosed by high hedgerows or woodland strips. The area includes several large towns such as Tunbridge Wells, Crowborough, Battle and Heathfield and is closely bordered by others such as Crawley, East Grinstead, Hastings and Horsham.***
- ***An intimate, hidden and small-scale landscape with glimpses of far reaching views, giving a sense of remoteness and tranquillity yet concealing the highest density of timber-framed buildings anywhere in Europe amidst lanes and paths.***
- ***Strong feeling of remoteness due to very rural, wooded character. A great extent of interconnected ancient woods, steep-sided gill woodlands, wooded heaths and shaws in generally small holdings with extensive archaeology and evidence of long-term management.***
- ***Extensive broadleaved woodland cover with a very high proportion of ancient woodland with high forest, small woods and shaws, plus steep valleys with gill woodland.***
- ***Small and medium-sized irregularly shaped fields enclosed by a network of hedgerows and wooded shaws, predominantly of medieval origin and managed historically as a mosaic of small agricultural holdings typically used for livestock grazing.***
- ***A predominantly grassland agricultural landscape grazed mainly with sheep and some cattle.***

- *There is a strong influence of the Wealden iron industry which started in Roman times, until coke fuel replaced wood and charcoal. There are features such as a notably high number of small hammer ponds surviving today.*
- *Ashdown Forest, in contrast to the more intimate green woods and pastures elsewhere, is a high, rolling and open heathland lying on the sandstone ridges to the west of the area.*
- *An essentially medieval landscape reflected in the patterns of settlement, fields and woodland.*
- *High-quality vernacular architecture with distinct local variation using local materials. Horsham Slate is used on mainly timber structures and timber-framed barns are a particularly notable Wealden characteristic feature of the High Weald.” (my emphasis)*

5.9. All of these key defining characteristics would continue to remain and prevail beyond the immediate visual environs of the site where effects would effectively be negligible. It is accepted 3 small fields would be lost to accommodate the proposal.

5.10. With regards to the Statement of Environmental Opportunity SEO3 provides guidance regarding landscape advice and states the following:

“Maintain and enhance the distinctive dispersed settlement pattern, parkland and historic pattern and features of the routeways of the High Weald, encouraging the use of locally characteristic material and Wealden practices to ensure that any development recognises and retains the distinctiveness, biodiversity, geodiversity and heritage assets present, reaffirm sense of place and enhance the ecological function...” (my emphasis)

5.11. The SEO3 is supported by a number of examples to illustrate how this objective can be realised. Examples include encouraging new development to follow the vernacular of the area using locally sourced materials and adhering to the principles of the High Weald AONB Design Guide.

5.12. This evidence base provided within the NCA description provides a useful contextual overview of the wider landscape character and the SEOs provide a framework for design considerations for the site.

5.13. The scheme would accord with these broad strategies. With regard to this, the proposal would protect and maintain general views of the settlement as seen from the surrounding countryside as well as general panoramic views across the NCA locally. The proposal would also retain and enhance the strong hedgerow field pattern. It would maintain the character and views from and into the settlement in general terms and the design would ensure that the locally distinctive vernacular is respected and reflected in the proposed scheme as set out in the DAS.

5.14. The overall key characteristics reveal a settled and farmed landscape with many specific references to built infrastructure and individual settlements. This NE document is inevitably a high-level character assessment, which provides a useful overview by which to understand the character of the local landscape and its surroundings. At this higher level, it is considered that the scheme would bring about negligible change (medium sensitivity combined with

negligible magnitude) to the key characteristics of this NCA beyond the site. At this National Character Area level, this landscape would have a medium susceptibility and a medium value resulting in a medium sensitivity, which combined with a negligible change of magnitude, would result in a negligible degree of effect as a consequence of the scheme being in place. The proposal would be in-keeping with the character of the adjacent settlement and would be in accordance with this Natural England landscape strategy.

NCA 121: Low Weald

- 5.15. This document provides guidance to inform decision making. Internal pg.6 of the document lists the key characteristics as follows:

"Broad, low-lying, gently undulating clay vales with outcrops of limestone or sandstone providing local variation.

The underlying geology has provided materials for industries including iron working, brick and glass making, leaving pits, lime kilns and quarries. Many of the resulting exposures are critical to our understanding of the Wealden environment.

A generally pastoral landscape with arable farming associated with lighter soils on higher ground and areas of fruit cultivation in Kent. Land use is predominantly agricultural but with urban influences, particularly around Gatwick, Horley and Crawley.

Field boundaries of hedgerows and shaws (remnant strips of cleared woodland) enclosing small, irregular fields and linking into small and scattered linear settlements along roadsides or centred on greens or commons. Rural lanes and tracks with wide grass verges and ditches.

Small towns and villages are scattered among areas of woodland, permanent grassland and hedgerows on the heavy clay soils where larger 20th-century villages have grown around major transport routes.

Frequent north-south routeways and lanes, many originating as drove roads, along which livestock were moved to downland grazing or to forests to feed on acorns.

Small areas of heathland particularly associated with commons such as Ditchling and Chailey. Also, significant historic houses often in parkland or other designed landscapes.

The Low Weald boasts an intricate mix of woodlands, much of it ancient, including extensive broadleaved oak over hazel and hornbeam coppice, shaws, small field copses and tree groups, and lines of riparian trees along watercourses. Veteran trees are a feature of hedgerows and in fields.

Many small rivers, streams and watercourses with associated water meadows and wet woodland.

Abundance of ponds, some from brick making and quarrying, and hammer and furnace ponds, legacies of the Wealden iron industry.

Traditional rural vernacular of local brick, weatherboard and tile-hung buildings plus local use of distinctive Horsham slabs as a roofing material. Weatherboard barns are a feature. Oast houses occur in the east and use of flint is notable in the south towards the South Downs.” (my emphasis)

- 5.16. All of these key defining characteristics would continue to remain and prevail beyond the immediate visual environs of the site where effects would effectively be negligible. It is accepted 3 small fields would be lost to accommodate the proposals.

Mid Sussex Landscape Character Assessment (2005)

- 5.17. The Mid Sussex District Council published a Landscape Character Assessment for the district in November 2005. The forward to the document provides a guide to the assessment with Part 1 setting out an introduction which provides a technical approach and methodology. Part 2 of the document concerned with the Mid Sussex landscape focuses on how the landscape has changed over time and considers forces for change in the landscape. Part 3 identifies 10 Landscape Character Areas (LCAs) defined in the district and the descriptions are followed by an evaluation based on key issues for change and landscape and visual sensitivities, and the evaluation concludes with a management objective and land management guidelines for each area.

- 5.18. These Landscape Character Areas are illustrated on the Landscape Character Plan at Appendix 3. The site and its immediate surrounding environs fall within the High Weald Fringes (LCA ref no. 10).

- 5.19. The High Weald Fringes LCA 10 starts on internal pg. 106 and provides a summary of the character of the area within which the site and environs lies along with the key defining characteristics of the landscape.

- 5.20. The area is described as:

“Densely-wooded southern flanks of the High Weald Forest Ridge, dissected gentle gill streams draining west to the River Adur and east to the River Ouse. Includes the settlements of Cuckfield, Haywards Heath and Lindfield.” (my emphasis)

- 5.21. This general description for the character of the area would not change with the proposed scheme in place, mindful that the proposal would reinforce the presence of Haywards Heath as a settlement which is one of the defining elements for this local area.

- 5.22. The key characteristics for this area are defined as follows:

“• Wooded, often confined rural landscape of intimacy and complexity partly within the High Weald Area of Outstanding Natural Beauty (AONB).

• South and east-draining gills and broad ridges sweeping gently down to the Low Weald.

• Western part drained by the headwaters of the River Arun, eastern part around Scaynes Hill by the River Ouse.

• Long views over the Low Weald to the downs.

- **Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.**
- **Pattern of small, irregular-shaped assart fields and larger fields, and small pockets of remnant heathland.**
- **Orchards and horticulture on lower slopes, particularly to the west.**
- **Biodiversity concentrated in the valleys, heathland, and woodland.**
- **Network of lanes, droveways, tracks and footpaths.**
- **Dispersed historic settlement pattern, close to Horsham, the principal settlements Cuckfield, Haywards Heath and Lindfield and a few villages and hamlets.**
- **Some busy lanes and roads including A and B roads bounding the area to the west, and other roads crossing north to south, including the A23 Trunk Road.**
- **London to Brighton Railway Line crosses the area at Haywards Heath.**
- **Mill sites, hammerponds and ornamental lakes and ponds.**
- **Varied traditional rural buildings built with diverse materials including timberframing, Horsham Stone roofing, Wealden stone and varieties of local brick and tile-hanging.**
- **Designed landscapes and exotic treescapes associated with large country houses.**
- **Major gill woodland garden and visitor attraction at Leonardslee.” (my emphasis)**

5.23. All of these key defining characteristics would continue to remain and prevail beyond the immediate visual environs of the site where effects would effectively be negligible. The document goes on to specifically address the settlement of Haywards Heath and its landscape context, and notes the following:

“Haywards Heath is a pleasant Victorian suburban town and quite leafy, the residential developments of varying ages deriving amenity from the built quality of many of the residential estates and from the remnant oaks and pines at home on the heathy land upon which the town was built. The topography of the town is complex, the main portion lying on high ground fringed by the Ouse Valley and, in the east, tilted into it at the broad embayment of the valley at Walstead. All but the western side of the town rises to higher ground. On the whole, the wooded setting screens the town well, particularly along the edges of the Ouse Valley. Only to the south are new housing and the hospitals on the high ridge at Rocky Lane and below Hurstwood Lane highly visible in the landscape, easily seen from the downs at Clayton. Haywards Heath was first joined to the medieval market town of Lindfield by inter-war suburban development, a link that is now solid and complete.

Like Burgess Hill, Haywards Heath originated as a railway town on the London to Brighton Railway, a now disused branch line linking through Horsted Keynes to East Grinstead. Today, the town is the third biggest in the District with a population of 22,800 (including Lindfield). By 1900 the present town centre was fully in being

(although parts of it were redeveloped before the Great War) with isolated strings of ribbon development to the south east and west and along New England Road. This pattern was lightly consolidated by 1918 with Edwardian terraces all around the town centre, in the vicinity of Lindfield, and out-of-town at Snowdrop Lane.

Interwar development was extensive, not only consolidating development in the core areas of the town, but also pushing the town northwards and eastwards, linking with Lindfield. The Fox Hill suburb to the south and land to the north near Sunte House was developed in this period. The town was now set on a pattern of development largely to the east of the railway line, relatively little in the interwar period being built west of it apart from new ribbons of housing to the south of Penland Wood and to the east of Penland Farm.

Before 1970, there was the expected consolidation, the town pushing eastwards once again to the edge of the Ouse Valley, and into it at Lindfield and to the south of the Scrase Valley. Franklands Village was built to the south. The hitherto open land between Fox Hill and the town centre was developed and residential areas to the west of the railway pushed as far as Paige's and Penlands Woods and north of the hospital site on the Cuckfield Road (A272).

After 1970, smaller developments completed the process of consolidation throughout the urban area. A large new estate was built east of Franklands Village and smaller ones added to many parts of the urban edge, notably east of Hurstwood Lane and up to the edge of Blunts Wood. More recently, development has taken place on the southern edge of the town at Sandrock Lane and on the land south of the long and exposed ridge-top frontage of the former St Francis Hospital, now the Colwood and Royal Princess Hospitals. The old hospital and the development surrounding it are visible from the South Downs. Most recently the town has begun again a westward expansion with a large new housing development incorporating a south-western relief road centred on the parkland at Bolnore (the new and well designed Bolnore Village) including a portion of the extensive woodland at Catts Wood.

The parish church of St Wilfrid (1863–5) is in Wealden stone with a fine oblong central tower. Also of note is the Victorian Holy Cross Convent on Bolnore Road with a brick chapel of 1902–6. The St Francis Hospital, flamboyantly situated on the ridgetop, is vivid, in yellow brick with red-brick bands and round arches. Beneath it, within the new development, lies an old house of 1660 in brick with stone dressings. The town contains a range of suburban late Victorian, Edwardian and 20th Century properties of interest.” (my emphasis)

- 5.24. Development on the southern edge of the town has formed its recent growth.
- 5.25. The document goes on to note under the heading ‘Evaluation: Landscape and Visual Sensitivities’ and notes the following:
 - “• Woodland cover limits the visual sensitivity of the landscape and confers a sense of intimacy, seclusion and tranquillity.
 - Unobtrusive settlement pattern in many parts.
 - Older, small assart pastures contribute to the intimacy of the landscape.

- *Important pockets of rich biodiversity are vulnerable to loss and change.*
- *Network of lanes, droveways, tracks and footpaths provides a rich terrain for horse-riding, cycling and walking and for the appreciation of nature.*
- *Long views from open ground have a high sensitivity to the impact of new urban development, modern farm buildings, masts and pylons and new roads.*
- *Settlement pattern currently sits well within the rural landscape although there is a danger of the visual impact of new development, particularly on the south side of Haywards Heath, unless appropriate steps are taken to integrate new development into the landscape.*
- *Legacy of designed landscapes and treescapes.” (my emphasis)*

- 5.26. The proposal would benefit from substantial surrounding woodland which would limit the visual sensitivity of the site. Furthermore, it would sit well within the rural landscape adjacent to the settlement and integrate into the surrounding adjacent countryside, as well as the settlement itself.
- 5.27. Internal pg. 113 sets out management objectives where the principal aim is to conserve the rich mosaic of woodland as well as the intimate nature of the agricultural landscape as well as the unobtrusive settlement pattern of much of the area. I note the proposed scheme would accord with this overall objective.
- 5.28. The proposal would maintain the pattern of the agricultural landscape beyond the boundaries of the site. It would also protect exist views in the area and avoid skyline development. The green infrastructure proposals would introduce further new tree planting and appropriate management for the various trees, hedges and grassland areas. The surrounding woodland tree cover would fully screen the proposed development on the southern fringes of Haywards Heath. Existing hedgerows and hedgerow trees would be conserved, strengthened and managed. The proposal would minimise the effects of adverse incremental change by ensuring the proposal of high quality would sit well within the landscape and reflect local distinctiveness. Mindful of these aspects, the proposal would accord with management objectives as set out in the guidance.

Effect on Landscape Character

- 5.29. As previously described, the character of the site is formed by gently sloping pastures, mature trees and field boundary hedgerows. The site is strongly enclosed by woodland and native hedgerows on all boundaries, which provide some visual separation between the site and surrounding countryside. The southern boundary is slightly more open, where some existing residences at the edge of Haywards Heath are afforded views over the site and to the far side of the valley. The character of the site is influenced by adjacent residential development to the north.
- 5.30. The site is not covered by any designation that recognises a specific landscape or scenic importance. The site contains some elements of value, namely the boundary hedgerows and trees which provide some physical connectivity to the wider landscape beyond its boundaries. It is considered therefore, that the landscape value of the site is medium.

- 5.31. Overall, as an area of settlement fringe agricultural pastureland type with a medium value and medium susceptibility, the character of the site is therefore considered to be of medium sensitivity.
- 5.32. The proposed development would result in an inevitable change to the character of the site. Effects relate to a change in the current land use from undeveloped fields to residential development with associated green infrastructure. It is acknowledged, however, that the proposed layout means that the site would retain most of its valuable features in the form of boundary woodland and hedgerows and individually important trees. Overall, as stated previously, the magnitude of change within the site is assessed as high, resulting in major adverse effects overall, noting that this effect would be highly localised and would diminish rapidly to negligible beyond the immediate visual environs of the site.
- 5.33. As far as landscape character is concerned, I acknowledge that the site itself would see some considerable change from several pastoral fields. However, the baseline that needs to be taken into account here is that the proposed scheme is framed by housing to the north. No significant off-site works are proposed, and as such, the character of the local landscape beyond the site in both physical and experiential terms would remain materially unchanged with the scheme in place.
- 5.34. I recognise that the scheme would bring about an inevitable change to the character of the application site itself, however, such a change would, in physical terms, be confined within the application site boundaries. Off site, the pattern of the land cover, woodland and hedge cover and agricultural mix, undulating topography, and Haywards Heath's settlement pattern as identified in the various published reports, would all continue and prevail with the scheme in place. Consequently, it is considered that those key characteristics of the wider landscape and settlement beyond the application site boundary as identified above would be physically unaffected with the scheme in place. It is only the experiential factors of character, both visual and audible elements that would be influenced to some limited degree within the visual environs of the site. The scheme would not change the broad character of the wider area as the 'settled agricultural scene', which would continue to prevail with the scheme in place. The sensitive design of the proposed scheme would reflect the local settlement character of Haywards Heath. Any such effects would be highly localised, therefore.
- 5.35. With regard to the site itself, it is currently pastoral land. The boundary of the site is framed by a combination of mature hedgerows and woodland, which provides a strong sense of visual containment and enclosure associated with the site. The site does accommodate some features such as trees and hedgerows, which contribute to the defining characteristics of the locality, but all of these elements would be retained, and their presence reinforced with the green infrastructure proposals forming an integral part of the scheme.

6. Effect on Countryside Local Gap

6.1. I note the Reason for Refusal does not specifically refer to local gap, but rather Policy E5 which does refer to a 'local gap'. In this context, I address the matter in this section of my Proof.

6.2. Policy E5 is concerned with rural setting and relates to Objective 6C, which seeks to:

“To retain and enhance the rural setting of the town through the protection and enhancement of biodiversity in and around the Town, through retention of, and additional, Green Infrastructure.”

6.3. The maps produced as part of this Neighbourhood Plan (see Appendix 12) show the designations of the landscape in and around Haywards Heath. This, in part, reflects the setting of the town in close proximity to the High Weald National Landscape (AONB). Landscape capacity planning policy work undertaken by MSDC in the past also confirms the importance of the green infrastructure which makes a major contribution to the quality of the environment enjoyed by residents and visitors to the town. It notes maintaining an inter-connected network of green spaces is essential to enhancing biodiversity by providing important green linkages and corridors for species, thus helping to protect against habitat fragmentation.

6.4. The DP notes Haywards Heath benefits from its rural location with attractive countryside on its doorstep and from within the town there are extensive views of the surrounding countryside. These attributes help to provide a high class local environment and makes a major contribution to the character of the town. The surrounding countryside ensures the separate identity of nearby communities is maintained.

6.5. The Development Plan identifies the built up area boundary for the town. This boundary is based on the Plan produced by MSDC as part of their planning policies, takes into account developments already permitted on the edge of the Town and suggests some minor revisions and takes into account the proposed housing allocations.

6.6. The DP notes to help maintain the rural setting of the town, to prevent key local gaps being urbanised and to safeguard important natural areas, the land outside the built up area boundary is shown as a local gap. The local gaps will provide the opportunity to:

- link existing publicly accessible green spaces
- improve access to the countryside adjacent to the Town.
- help maintain the rural setting of the town and safeguard the separate identities of communities

6.7. In light of objective 6C and explanatory text, **Policy E5** states that:

“The land outside the proposed built up area is designated as a local gap between Haywards Heath and neighbouring Town/Parishes, to create a landscape buffer that will support and enhance ecological connectivity, maintain the landscape character of the areas and individual settlements. New development outside the built up area will only be permitted if it:

- *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.” (my emphasis)*

- 6.8. **Comment:** I note that Policy E5 refers to land outside the built up area that has been designated as a local gap between Haywards Heath and neighbouring towns in order to create a landscape buffer. The purpose of this buffer is to support and enhance ecological connectivity, to maintain the landscape character of the area, and to maintain the individual settlements. I would note the proposed scheme would continue to support and provide the opportunity to enhance ecological connectivity through the site and neighbouring area. The proposal would also maintain the landscape character of the area beyond the site itself and it would maintain the individual identity of Haywards Heath as being separate and distinct from other neighbouring settlements. Furthermore, the proposed scheme would not unduly erode the landscape character of the area. Neither would it harm the setting of the town.
- 6.9. I note that the concept of setting has to be capable of being appreciated in a landscape and visual context. The site is not capable of being appreciated from either the public areas within the town and settlement itself, nor from the adjacent countryside, as it is completely contained and framed by woodland, tree cover and vegetation, so would not have a bearing upon the perceived setting of the town of Haywards Heath. Furthermore, the proposal would retain and enhance the separate identities of the neighbouring settlements.
- 6.10. The site is located on the south-eastern edge of Haywards Heath. In this location, the countryside is designated as a Green Corridor, as well as Countryside Area of Development Restraint, as shown in Appendix 12. These designations extend across the site and neighbouring administrations, particularly to the south as far as the district boundary. The district boundary in this location follows a small watercourse through Cains Wood. South of this watercourse lies Lewes District. In the Lewes District Local Plan (2020), all of the countryside in the northern part of the district in the vicinity of the site is designated as countryside policies which includes an array of policies related to this rural area, as set out and illustrated in Appendix 12. The countryside policies in both district authorities are not specifically referenced as Local Gap Policies, but the references to Local Gap in Policy E5 is used in the context of common parlance rather than a specific designation. The countryside designation in the Lewes district extends far and wide as an extensive policy washing over the whole of its northern district.
- 6.11. Approximately 1km to the east of the site and Haywards Heath lies the village of Scaynes Hill. The separation between this settlement and Haywards Heath is approximately 1km and the physical and perceived sense of separation between these two settlements would not change the proposed scheme in place. Due south of the site and Haywards Heath at an approximate distance of 3km lies the villages of Wivelsfield, alongside Wivelsfield Green. Given the substantial separation of 3km, the proposal would not materially affect the physical and perceived sense of separation between Haywards Heath and these two villages with the proposed scheme in place.
- 6.12. South-west of Haywards Heath lies Burgess Hill, a neighbouring town and these two settlements are separated by countryside extending over approximately 1km. The physical distance between these two settlements and the associated perceived sense of separation would not change with the proposed scheme in place. Given this analysis, it is evident that

the proposed scheme would be able to be implemented and form part of Haywards Heath settlement whilst ensuring and maintaining that the actual and perceived visual sense of separation between Haywards Heath and neighbouring settlements would be maintained to ensure that their separate identities continue to prevail with the proposed scheme in place.

- 6.13. I consider that the proposed scheme would not conflict with Policy E5 of the Neighbourhood Plan when read in the round, in light of my analysis.

7. Effect on General Visual Amenity

- 7.1. To reiterate, character and appearance are two different aspects. The physical character of the surrounding landscape beyond the site would remain physically unaltered with the scheme in place.
- 7.2. I note the Reason for Refusal does not cite visual appearance. However, I have addressed this matter for completeness. In order to gain a better understanding of the extent and nature of the change brought about by the scheme on the appearance of the local landscape, I examine the effect of the proposed scheme on the general visual amenity of the landscape and the perception of those visual receptors (people) in the landscape and townscape.
- 7.3. My assessment relates to the representative LVIA viewpoints (CD1.25).
- 7.4. Visual amenity is defined on page 158 in the Glossary of Guidelines for Landscape and Visual Impact Assessment – Third Edition (April 2013) (CD17.1) as:
- “The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.”***
- 7.5. The LVIA analysis demonstrated that much of the landscape within the locality would be visually unaffected by the proposed scheme. In reality, the actual visual envelope from where the proposed scheme would be seen would be very limited and highly localised owing to the layering effect of vegetation, principally the extensive woodlands and tree cover in the intervening landscape between the visual receptor (person) and the site boundary. Detailed analysis is set out in the LVIA (CD1.25), which I do not repeat in my proof. Notwithstanding this analysis, I have undertaken my own analysis to provide further context to this LVIA analysis.
- 7.6. The appreciation of views from the countryside is mainly gained from vantage points accessible to the public. The two main ways in which members of the public can gain an appreciation of views when in the countryside are primarily from public highways and by using the various rights of way that pass through the landscape, as well as publicly accessible land.

Views from Haywards Heath to the North

- 7.7. Immediately to the north of the site and framing much of the red line are a number of residential properties set within generous curtilages together with a few small fields. The visual effect on these residential properties is addressed in section 8 of my Proof as I regard these as private views. These properties are located on the south side and front onto Lewes Road. There would be no opportunity to observe the proposed scheme from this local residential highway due to tree cover, vegetation and built form in the intervening landscape, and as such would be visually unaffected by the proposal.
- 7.8. North of this road is a wider residential area, Lyoth Common which comprises a number of residential roads. All of this residential area and these highways and adjacent pavements would be visually unaffected by the proposal due to vegetation, topography and built form. There is a public footpath that is broadly orientated north-south which extends from Lewes

Road in the south which passes through Lyoth Common as a narrow footpath framed by adjacent residential properties, and as such, would be visually unaffected by the proposed scheme. North of Lyoth Common residential area lies several unclassified lanes including Snowdrop Lane and Lyoth Lane. Again, these highways would be visually unaffected by the proposal. In reality, the opportunity to observe the proposed scheme from locations north of the site would only extend as far north and to the few residential properties associated with Lewes Road, and even with these, given the separation distance, viewing context and degree of vegetation screening, visual effects would be limited in terms of degree of effect for these residential properties.

Views from the Countryside to the East

- 7.9. A short distance to the east of the site is an unclassified lane broadly orientated north-south linking Lewes Road to the north and extending southward to Wivelsfield village and is known as Slugwash Lane. This route is framed by mature hedgerows and tree cover which, in combination with topography, would limit and restrict any viewing opportunity associated with this highway. As such, it would be visually unaffected by the proposal.
- 7.10. In terms of PROWs to the east, there are none immediately to the east, nor in the vicinity of Slugwash Lane. Indeed, the nearest footpath is located approximately 1km to the east and forms a long distance, way-marked trail known as the Sussex Border Path, which passes through the village of Scaynes Hill and extends south-westward towards Wivelsfield along green lanes. Given the proposal is surrounded by woodland, this public footpath would be visually unaffected by the proposal. This would also be the case for other public footpaths to the south of Scaynes Hill, which are located alongside field boundaries defined by hedgerows and tree cover. None of these routes would be visually affected by the proposal.

Views from the Countryside to the South

- 7.11. In terms of highways, there is only one highway located south of the site, which is orientated north-south and known as Slugwash Lane. This is framed by woodland and mature hedgerows and would be visually unaffected by the proposal. There are no other public highways in the vicinity to the south of the site for several kilometres.
- 7.12. In terms of PROWs, the Sussex Border Path broadly orientated north-south extends southwards towards Wivelsfield and connects into the Slugwash Lane at its southern end north of this village. It too would also be visually unaffected by the proposal given the site's high degree of physical containment.

Views from the Countryside to the West

- 7.13. To the west of the site lies a residential district which accommodates a number of residential roads such as Greenhill Way. None of these residential roads would be visually affected by the proposal due to woodland, topography and built form itself. There is an unclassified green lane which forms a BOAT known as Colwell Lane which extends from Lewes Road to the north to connect into the southern part of Haywards Heath. This green lane is framed substantially by hedgerows and tree cover and as such would be visually unaffected by the proposal. None of the highways to the west of the site would be visually affected by the proposed scheme.

- 7.14. A short distance to the west of the site lies a public footpath which extends southward from Lewes Road and passes through several woods to connect into Slugwash Lane and is broadly orientated north-south. Much of this passes through woodland, though sections are located within wood pasture. The tree cover combined with topography would restrict any viewing opportunity of the proposal, such that this public footpath would be visually unaffected by the proposal.

Summary of Visual Effects

- 7.15. It is evident from the general conclusions of the LVIA (**CD1.25**) and the visual analysis I have undertaken for this proof that the proposed development would be visually well screened due to surrounding woodland, tree cover and the settlement of Haywards Heath to the north. The proposed development would be set within 3 existing fields where field boundaries are demarcated by established and mature hedges, tree hedges and woodland. As such, substantial tree cover frames the whole of the site. Based on the agreed viewpoints, it is evident that the proposed scheme would be well contained as a result of topographical variation in the local landscape, vegetation screening including hedgerows, woodland and tree cover, roadside vegetation, as well as existing residential areas framing the site to the north. The only views of the proposal would be from a few residential properties on the south side of Lewes Road. More distant views across the wider landscape towards the site would not be possible. The majority of the identified and assessed viewpoints and receptors would not be subject to any visual effect.

8. Effect on Residential Visual Amenity

- 8.1. I note that residential visual amenity is not cited as a Reason for Refusal, though I address the matter for completeness.
- 8.2. It is right to make a distinction between residential and general visual amenity. The latter term from a planning policy perspective, usually relates to the public realm and the wider landscape, whilst the former is concerned with the private visual amenity of an individual residential property.
- 8.3. Planning decisions proceed on the basis that no individual has the right to a particular view and that an unwelcome change in that view is not of itself a concern of the planning system. Nonetheless, past decisions make it clear that there does come a point where, by virtue of the proximity, size and scale of a given development, a residential property or properties would be rendered so unattractive as a place in which to live that planning permission should justifiably be refused. The test relates to the position which would pertain with the proposed scheme in situ, irrespective of the position beforehand. In other words, the test is not whether, in relative terms, a property would become a substantially less attractive place to live, the test is whether, viewed objectively and in the public interest, a property would become an unattractive place in which to live¹. Such a situation, if left unchecked, would lead clearly to undesirable consequences. It is useful to pose the question:

“Would the proposal affect the outlook of these residences to such an extent, i.e., be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?”
- 8.4. The test of what change would be unacceptably impactful to residential amenity to become a matter of land use concern to a decision maker should be an objective test, albeit that professional judgement is required in its application to the circumstances of each particular case. There needs to be a degree of harm over and above an identified substantial adverse visual effect on a private interest to take a case into the category of refusal in the public interest. It follows that such a change, to amount to a determinative issue in a planning decision, would be a rare eventuality. Mere change in the outlook from within a property is patently not sufficient; indeed, even a fundamental change in outlook is not necessarily unacceptable.
- 8.5. It is worthy of note that the visual component of residential amenity should be addressed “in the round” taking into account factors such as distance, the direction of the view, the size of the residential scheme and its layout, the layout of particular dwellings in terms of their floor plans, their garden environment, and the lines of sight towards the scheme.
- 8.6. I have visited the site and noted that there are some residential properties relatively close to the edge of the appeal site and reviewed these on maps, aerial photography and mapping to gain an understanding of their individual context.

¹ The so called “Lavender Test” from North Dover (Enifer Downs) Public Inquiry, PINS Appeal Reference APP/X2220/08/2071880. Decision Letter dated 16 March 2009

Officer's Report (OR)

- 8.7. The Case Officer addresses residential amenity at internal para. 12.146 onwards in the Committee Report (CD3.3). The Officer notes the following:

“Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is no policy which relates to residential amenity for new housing outside of the development boundary within the Neighbourhood Plan.

If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.

Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information including the indicative cross sections that has been submitted.

North Colwell Barn and North Colwell Farmhouse are some 33 metres and some 26 metres respectively from the boundary of the site. The illustrative masterplan shows that there would be a landscaped area within the site separating the development from the boundaries of these properties. At these distances, it is not considered that the development would cause a significant loss of residential amenity to the occupiers of these dwellings in respect of being overly obtrusive or an impact on privacy.

The access road is to be sited to the east of North Colwell Farmhouse and to the west of 90 Lewes Road. This is to be set some 16 metres from the side elevation of North Colwell Farmhouse with a side garden area between and some 20 metres from the side elevation of 90 Lewes Road. The detailed landscaping of this would need to come forward at the reserved matters stage to mitigate the visual impact of this. Whilst there would be the introduction of vehicular movements to the side of the dwelling, vehicle speeds would be low as they would be entering and exiting the development. Whilst there would be some noise disturbance from vehicles, these properties already face onto Lewes Road where there is noise and disturbance from traffic. Due to the distances between and planning to minimise the impact, which would be brought forward at a reserved matters stage, it is considered that access road would not result in a significant loss of residential amenity to the occupiers of these two dwellings in respect of noise, being overly obtrusive or an impact on privacy.

Numbers 90, 92 and 94 Lewes Road have long rear gardens which back onto the application site. These measure some 36 to 56 metres in depth with vegetation screening on the boundaries with the site. Beyond this the illustrative masterplan shows that the access road and dwellings would be located. At this distance, it is not considered that the access road would cause a significant loss of residential amenity to the occupiers of no's 90, 92 and 94 Lewes Road in respect of noise or being overly obtrusive.

Colwell House is some 71 metres from the boundary of the site with a field between the garden of this property and the application site. Due to this distance with the intervening field and the boundary vegetation, it is not considered that it would cause a significant loss of residential amenity in respect of noise or being overly obtrusive.

Concerns have been raised in respect of cars turning out of the access road at night causing light pollution to the house opposite. No. 41 Lewes Road lies opposite the proposed access road and is sited close to the highway with a number of ground and first floor windows facing onto the highway. Whilst these concerns are noted, the access is set slightly to the west of this house where lights from vehicles turning right towards Scaynes Hill at night may cause some impact. The submitted Transport Assessment sets out that trip generation out of the site during peak hours of 5 – 6 pm would be 12 vehicles. Whilst it does not provide later evening hours, it is considered that vehicles leaving the site in hours of darkness would be lower than 12. As such it is considered that there would not be significant detriment to the amenities of occupiers of this property through light pollution.”

Summary

- 8.8. The Case Officer considered that the proposed development could be accommodated on the site without undue visual impacts on the existing neighbouring properties, subject to appropriate house types, appropriate land levels and scale, appropriate design, and distances to the northern boundary and to the individual residential units within the site. I have undertaken a site visit and assessed the properties adjacent to the site and reviewed these in the context of the proposed scheme and consider that the proposed scheme would not breach the public interest test with regard to this proposed scheme and is common ground with the Case Officer’s Report (CD3.3) as set out in this section of my Proof. There would be no unacceptable visual effects on neighbouring properties.

9. Landscape Planning Policy Context

Introduction

- 9.1. Prior to the Council withdrawing their case, the LPA's Reason for Refusal alleges harm to the rural character of the area and would erode the rural nature of the site and considers that the proposal would be contrary to policy DP12 of the Mid Sussex District Plan 2014-2031 (CD5.3) and policies E5 and E9 of the Haywards Heath Neighbourhood Plan. However, it is noted that the MSDC no longer contests the appeal and considers that the proposals are in compliance with the policies referred to in the Reason for Refusal. I agreed and is common ground.
- 9.2. This section of my Proof of Evidence addresses only those policies relevant to landscape and visual matters that are cited in the first Reason for Refusal.
- 9.3. This section of my Proof of Evidence proceeds to review these policies and comments upon them from a landscape planning perspective. This analysis should be considered in the context of the overarching Statement of Case (CD9.9) prepared by the appellant and the Planning Witness, Nick Billington, which also addresses these policies, as well as the SoCG (CD8.1 & CD8.2).

Mid Sussex District Plan 2014-2031

Policy DP12: Protection & Enhancement of the Countryside

- 9.4. Policy DP12 is concerned with the protection and enhancement of the countryside and states that:

"The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or***
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.***

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded."

- 9.5. **Comment:** The countryside beyond the boundaries of the site and proposed development would be protected retaining its intrinsic character with the proposed scheme in place. This is because there would be no off-site works required beyond the boundary of the red line. Clearly, the proposal would be located within what is recognised as countryside currently and to enable the scheme to come forward and be implemented would inevitably change the character of the site from fields with a countryside character into a suburban residential neighbourhood. That is an inevitable consequence of developing on a greenfield site on the edge of a principal settlement. It is noted that the policy is permissive in that it notes development will be permitted in the countryside. I would note that many of the qualities associated with the site relate to the mature trees and hedgerows that define the site and these would be retained and enhanced. There would be a loss of agriculture land, another inevitable consequence of a residential scheme on a greenfield location. However, it is noted that this site is poorer quality land in terms of BMV grading.
- 9.6. References are made to the Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape and the Capacity of Mid Sussex District to Accommodate Development Study, as well as the Haywards Heath Neighbourhood Plan and these are to be taken into account with regard to potential development on the quality of the rural and landscape character. In the evolution of this proposal, these documents have been taken into account and I have been mindful of these in my analysis and drawing conclusions. In light of this Policy DP12 which is concerned with the protection and enhancement of the countryside, I consider that the proposal would be generally in accord with this policy when read in the round, given the development proposed.

Haywards Heath Town Council Neighbourhood Plan (Made Version, Dec 2016)

Policy E5: Rural Setting

- 9.7. Policy E5 is concerned with rural setting and relates to Objective 6C, which seeks to:
- "To retain and enhance the rural setting of the town through the protection and enhancement of biodiversity in and around the Town, through retention of, and additional, Green Infrastructure."***
- 9.8. The constraints maps produced as part of the Plan show the designation of the landscape in and around Haywards Heath. This, in part, reflects the setting of the Town in close proximity to the High Weald AONB. Landscape capacity planning policy work undertaken by MSDC in the past also confirms the importance of the green infrastructure which makes a major contribution to the quality of the environment enjoyed by residents and visitors to the Town. Maintaining an inter-connected network of green spaces is essential to enhancing biodiversity by providing important green linkages and corridors for species, thus helping to protect against habitat fragmentation.
- 9.9. Haywards Heath benefits from its rural location with attractive countryside on its doorstep and from within the town there are extensive views of the surrounding countryside. These

attributes help to provide a high class local environment and makes a major contribution to the character of the town. The surrounding countryside ensures the separate identity of nearby communities is maintained.

9.10. The Neighbourhood Plan (NP) (**CD5.5**) identifies the built up area boundary for the town. This boundary is based on the Plan produced by MSDC as part of their planning policies, takes into account developments already permitted on the edge of the Town and suggests some minor revisions and takes into account the proposed housing allocations.

9.11. The NP (**CD5.5**) notes that to help maintain the rural setting of the Town, to prevent key local gaps being urbanised and to safeguard important natural areas, the land outside the built up area boundary is shown as a local gap. The local gaps will provide the opportunity to:

- link existing publicly accessible green spaces
- improve access to the countryside adjacent to the Town.
- help maintain the rural setting of the town and safeguard the separate identities of communities

9.12. In light of objective 6C and explanatory text, **Policy E5** states that:

“The land outside the proposed built up area is designated as a local gap between Haywards Heath and neighbouring Town/Parishes, see figure 4, to create a landscape buffer that will support and enhance ecological connectivity, maintain the landscape character of the areas and individual settlements. New development outside the built up area will only be permitted if it:

- ***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.”***

9.13. **Comment:** I note that Policy E5 refers to land outside the built up area that has been designated as a local gap between Haywards Heath and neighbouring towns in order to create a landscape buffer. The purpose of this buffer is to support and enhance ecological connectivity, to maintain the landscape character of the area, and to maintain the individual settlements. I would note the proposed scheme would continue to support and provide the opportunity to enhance ecological connectivity through the site and neighbouring area. The proposal would also maintain the landscape character of the area beyond the site itself and it would maintain the individual identity of Haywards Heath as being separate and distinct from other neighbouring settlements. Furthermore, the proposed scheme would not unduly erode the landscape character of the area. Neither would it harm the setting of the town.

9.14. I note that the concept of setting has to be capable of being appreciated in a landscape and visual context. The site is not capable of being appreciated from either the public areas within the town and settlement itself, nor from the adjacent countryside, as it is completely contained and framed by woodland, tree cover and vegetation, so would not have a bearing upon the perceived setting of the town of Haywards Heath. Furthermore, the proposal would retain and enhance the separate identities of the neighbouring settlements. The site is located on the south-eastern edge of Haywards Heath. In this location, the countryside is

designated as a Green Corridor, as well as Countryside Area of Development Restraint, as shown in Appendix 12. These designations extend across the site and neighbouring administrations, particularly to the south as far as the district boundary. The district boundary in this location follows a small watercourse through Cains Wood. South of this watercourse lies Lewes District. In the Lewes District Local Plan (2020), all of the countryside in the northern part of the district in the vicinity of the site is designated as countryside policies which includes an array of policies related to this rural area, as set out and illustrated in Appendix 12. The countryside policies in both district authorities are not specifically referenced as Local Gap Policies, but the references to Local Gap in Policy E5 is used in the context of common parlance rather than a specific designation. The countryside designation in the Lewes district extends far and wide as an extensive policy washing over the whole of its northern district.

- 9.15. Approximately 1km to the east of the site and Haywards Heath lies the village of Scaynes Hill. The separation between this settlement and Haywards Heath is approximately 1km and the physical and perceived sense of separation between these two settlements would not change the proposed scheme in place. Due south of the site and Haywards Heath at an approximate distance of 3km lies the villages of Wivelsfield, alongside Wivelsfield Green. Given the substantial separation of 3km, the proposal would not materially affect the physical and perceived sense of separation between Haywards Heath and these two villages with the proposed scheme in place.
- 9.16. South-west of Haywards Heath lies Burgess Hill, a neighbouring town and these two settlements are separated by countryside extending over approximately 1km. The physical distance between these two settlements and the associated perceived sense of separation would not change with the proposed scheme in place. Given this analysis, it is evident that the proposed scheme would be able to be implemented and form part of Haywards Heath settlement whilst ensuring and maintaining that the actual and perceived visual sense of separation between Haywards Heath and neighbouring settlements would be maintained to ensure that their separate identities continue to prevail with the proposed scheme in place.
- 9.17. I consider that the proposed scheme would not conflict with Policy E5 of the Neighbourhood Plan when read in the round, in light of my analysis.

Policy E9: Design

- 9.18. Objective 6F is concerned with development reinforcing the character and quality of the locality of the scheme. The explanatory text notes the following:
- 9.19. The NP (CD5.5) notes developers must demonstrate how their proposed development will enhance the character of locality and address the following topics.
- Context and character
 - Connection with the countryside
 - Quality for pedestrians and cyclists
 - Development quality
 - Car parking

- Community engagement

- 9.20. The NP (**CD5.5**) notes the amount of car parking and the way it is designed into new residential development will have a major effect on the quality of the development. There are two principles to designing parking:
- 9.21. Firstly, cars parked on the street and in front of dwellings can seriously detract from the character and quality of a place. Minimising the visual impact of parked cars can let the buildings and landscape dominate instead
- 9.22. Secondly, residents must be provided with safe and convenient access to their cars. Hiding cars away in rear courtyards can lead to problems of crime and lack of personal security. Residents like to be able to see their parked car.
- 9.23. The NP (**CD5.5**) notes that this policy does not seek to impose a particular architectural style. Instead, it aims to ensure that new development relates to the specific local character of the location of the proposed development. Proposals for new housing in the Plan area should ensure that the new homes are of high quality and well-integrated with the existing town. This integration could be achieved by a number of means including:
- good quality design that responds to the character of the locality of the site
 - provide new facilities that can be shared with adjacent areas – e.g. open space – so connecting new and old together
 - provide a good mix of housing types
 - early community consultation
 - good connections
- 9.24. The NP (**CD5.5**) notes good quality design is not just about what buildings look like, but it is also how buildings relate to the street, how new development is designed to relate to nearby buildings, the sustainability of the scheme and fostering good neighbour relations and access to public open spaces.
- 9.25. Furthermore, there are a number of listed buildings in the Town which are protected by Listed Building legislation. Any development proposals that may affect a listed building or its setting should be discussed with HHTC and MSDC at an early stage of the design process. In addition, the Town benefits from 6 areas which have the statutory status as Conservation Areas and these are shown on Figure 4. The Conservation Areas in Haywards Heath are rich and varied reflecting the incremental development of them over time. The Haywards Heath Society has produced a list of cherished buildings as presented in appendix 6.
- 9.26. The NP (**CD5.5**) notes that the Mid Sussex Local Plan 2004 identified 8 areas of Townscape Character in Haywards Heath which HHTC continues to support. The character of each of them is derived from a mix of building layouts, styles, landscape and periods, which together combine to form a particular townscape. Local residents value this character, which gives their area an individual identity with which they can associate. HHTC considers these areas remain an important characteristic of the Town.

9.27. Policy E9 states that:

“Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- ***height, scale, spacing, layout, orientation, design and materials of buildings,***
- ***the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,***
- ***respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,***
- ***creates safe, accessible and well-connected environments that meet the needs of users,***
- ***Will not result in unacceptable levels of light, noise, air or water pollution,***
- ***Makes best use of the site to accommodate development,***
- ***Car parking is designed and located so that it fits in with the character of the proposed development.***

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.”

9.28. **Comment:** The proposal would protect and reinforce the character within the locality of the site, particularly when taking into account the physical parameters of the dwellings and the proposed building materials and design of the residential units, as stated in the DAS (CD1.5). The proposal has taken the contours of the site into account and the design and layout of the proposed residential neighbourhood would ensure that there would be minimal earthworks required across the site to accommodate the proposed scheme. The layout includes substantial green infrastructure as an integral part of the proposals to ensure that the scheme has sensitively incorporated the natural features on the site including trees and hedges that lie within the site itself.

9.29. The proposal would create a safe, accessible and well connected environment for the new residents and would not result in unacceptable levels of light, noise and air pollution., whilst ensuring the scheme makes best use of the site, mindful of the requirement of the NPPF to make efficient use of land. Car parking provision has been designed into the scheme and would form an element of the scheme. With regard to the Conservation Area and Listed Buildings, these are matters that are addressed by Jonathan Smith (CD9.5). However, putting that matter to one side, in all other respects I consider that the proposal would not offend Policy E9 when read in the round.

Summary

9.30. Having reviewed the policies that are set out in the Reason for Refusal insofar that they relate to landscape and visual matters, namely the following:

- **Policy DP12:** Protection & Enhancement of Countryside
- **Policy E5:** Rural Setting
- **Policy E9:** Design

9.31. When these policies are read "in the round", I consider that the proposal would broadly accord with them. This is now common ground with the Council (MSDC) who have now sought to withdraw their Reason no. 1 with regard to landscape character matters as the Council now considers that there would be no material harm to landscape character or conflict with the above policies in the Development Plan and Neighbourhood Plan (**CD5.5**). My conclusion is common ground with the Case Officer's Report (**CD3.3**) and the Council's new position regarding withdrawing its objection.

10. Summary and Conclusions

Introduction

- 10.1. I am instructed on behalf of Miller Homes Limited, thereafter referred to as the appellant, to present evidence relating to landscape and visual matters in respect of the appeal, submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning development of Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex ("the site" or "appeal site"). This evidence should be read in conjunction with the proofs prepared by Nick Billington regarding Planning (CD9.1), Julian Forbes-Laird regarding Arboriculture (CD9.3), Lyndsey Barrett regarding Ecology (CD9.8) and Jonathan Smith regarding Heritage (CD9.5) matters to gain an understanding of landscape and visual matters in the round.
- 10.2. I was not instructed to consider this matter until after the application was refused. I was specifically asked to advise whether I could professionally support the proposed scheme, and if so, whether I would be willing to provide evidence to the inquiry. I can confirm that before accepting the instructions I considered the papers, visited the site, and specifically considered of the relevant the work submitted on behalf of the appellant in support of the application as well as the views of the officers of the Council, and where relevant, the views of third parties – I thereafter confirmed that I was willing to act, and accepted instructions in this matter.
- 10.3. Subsequent to starting to draft my Proof, I understand that the Council have now withdrawn their first Reason for Refusal with regard to alleged harm to the rural character of the area. I also note that the Rule 6 Party do not allege any unacceptable harm with regard to landscape character from a visual appearance or residential visual amenity. Notwithstanding their positions with regard to these matters, I am aware that this is a Public Inquiry that is now scheduled to be heard before a Planning Inspector and accordingly I have proceeded to address matters relating to landscape character and landscape and visual matters to enable to Inspector to be fully informed in coming to a decision with regard to the proposed scheme.

Description of the Proposals

- 10.4. A detailed description of the proposals is set out in the application documentation, including the Planning Statement (CD1.4) and the Design and Access Statement (DAS) (CD1.5). It is also set out at the start of the Officer's Report to Committee (CD3.3) and addresses the landscape matters in particular. I rely upon these detailed descriptions rather than repeating this information. Fully conversant with the proposals, I have set out my analysis and professional judgement.
- 10.5. The site of the planning application lies to the south of North Colwell Farmhouse and comprises of three irregular open greenfield parcels, which are separated by belts of hedges and woodland.
- 10.6. The proposed access lies within the built-up area of Haywards Heath, with the wider application site for the dwellings within the countryside as defined in the District and Neighbourhood Plan.
- 10.7. The site benefits from extensive woodland around the boundaries with trees and hedges also within the site. Beyond the southern boundary is Ancient Woodland. To the north of the site

are residential properties and their gardens which form linear ribbon development along Lewes Road. These are comprised of large, detached dwellings. To the north is the Lewes Road Conservation Area. In addition, there is a Grade II listed property of Colwell House

- 10.8. The site is allocated as a local gap within the Haywards Heath Neighbourhood Plan (HHNP) (CD5.5).
- 10.9. Further to the west is a public right of way (HAH/29CU/2) which runs north to south. This is separated from the site by the neighbouring garden and other land outside of the application site. This footpath is well screened and there is no intervisibility.
- 10.10. This application seeks outline planning permission for the erection of up to 80 dwellings, with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses, on land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex. It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.
- 10.11. The application is supported by parameter plans, an illustrative masterplan and an indicative landscape proposal (Appendix 2). These show how the internal layout of the site could be configured to accommodate the development that has been applied for. The plans show a new vehicular point of access onto the Lewes Road, which is to be fixed and determined at the outline stage.
- 10.12. The residential scheme includes a comprehensive landscaping scheme (Appendix 2) comprised of planting which would deliver a net gain in overall vegetation, more than offsetting the limited loss of tree cover to accommodate access to the site. The proposed green infrastructure is designed to help soften the appearance of the residential scheme within the landscape, and the benefits of this would increase over time, commensurate with vegetation growth rates. The proposed planting would mitigate some of the adverse landscape and visual effects associated with the residential scheme. I consider that the green infrastructure proposed would be beneficial.

Effects on Landscape Elements and Landscape Character of the Site

- 10.13. Whilst significant parts of the site would change from being undeveloped to developed, it is important to note that the scheme would result in some beneficial effects with regard to the landscape elements that currently define the landscape character of the site. The site would change from pastoral fields to a high-quality design residential neighbourhood set within an attractive, substantial landscape framework. The elements that currently contribute to defining the character of the site, namely trees, shrubbery and hedgerows, would all be strengthened and form more prominent elements in the medium and longer term, but I recognise this would be in the context of a new residential neighbourhood.
- 10.14. Collectively, if one draws the different elements of the site together, it defines the overall character of the site itself. In summary, the site is characterised by field boundaries but is influenced visually by the adjacent dwellings and Lewes Road. The site is framed to the north by residential areas and by the highway, Lewes Road which introduces substantial urbanising influences. The site, in terms of its character, forms an urban fringe of Haywards Heath settlement environment.

- 10.15. The scheme would introduce a high-quality residential built environment which would be in keeping with the local settlement and character area, in particular, the local Conservation Area, and therefore, would not be at odds or out of character or appearance with its context. However, adopting a precautionary approach, the proposals would result in an overall adverse effect in landscape character terms. The proposal would however accommodate extensive new green infrastructure which would replace several pastoral fields and again change this character of the site to be more representative of the local landscape character area and therefore would result in some beneficial effects at the site level.
- 10.16. The boundaries of the site are on the whole, framed by a combination of built form and mature vegetation, which provide a sense of visual containment and enclosure associated with the site. Indeed, the strong extent of enclosure is notable.
- 10.17. Some existing residential curtilages are close to the site's northern boundary which creates a sense of physical and visual connection between the current settlement edge of Haywards Heath and adjacent northern parts of the site.
- 10.18. At the site level, with a **medium susceptibility** (given its urban fringe character), **value** and **sensitivity** combined with a **high magnitude of change** would result in an overall **major (adverse)** effect in landscape character terms which would be highly localised to the site and it's immediate visual environs; quickly diminishing to **negligible** beyond this extent.

Effect on Landscape Character

- 10.19. The northern half of the site and the surrounding area of Haywards Heath is located within the National Character Area 122 High Weald. The southern half of the site and the area to its south are located within the National Character Area 121 Low Weald.
- 10.20. The overall key characteristics reveal a settled and farmed landscape with many specific references to built infrastructure and individual settlements. This NE document is inevitably a high-level character assessment, which provides a useful overview by which to understand the character of the local landscape and its surroundings. At this higher level, it is considered that the scheme would bring about negligible change (medium sensitivity combined with negligible magnitude) to the key characteristics of this NCA beyond the site. At this National Character Area level, this landscape would have a medium susceptibility and a medium value resulting in a medium sensitivity, which combined with a negligible change of magnitude, would result in a negligible degree of effect as a consequence of the scheme being in place. The proposal would be in-keeping with the character of the adjacent settlement and would be in accordance with this Natural England landscape strategy.
- 10.21. All of these key defining characteristics would continue to remain and prevail beyond the immediate visual environs of the site where effects would effectively be negligible. It is accepted 3 small fields would be lost to accommodate the proposals.
- 10.22. The Mid Sussex District Council published a Landscape Character Assessment for the district in November 2005. Part 3 identifies 10 Landscape Character Areas (LCAs) defined in the district and the descriptions are followed by an evaluation based on key issues for change and landscape and visual sensitivities, and the evaluation concludes with a management objective and land management guidelines for each area.

- 10.23. These Landscape Character Areas are illustrated on the Landscape Character Plan at Appendix 3. The site and its immediate surrounding environs fall within the High Weald Fringes (LCA ref no. 10).
- 10.24. The High Weald Fringes LCA 10 starts on internal pg. 106 and provides a summary of the character of the area within which the site and environs lies along with the key defining characteristics of the landscape.
- 10.25. All of these key defining characteristics would continue to remain and prevail beyond the immediate visual environs of the site where effects would effectively be negligible.
- 10.26. As previously described, the character of the site is formed by gently sloping pastures, mature trees and field boundary hedgerows. The site is strongly enclosed by woodland and native hedgerows on all boundaries, which provide some visual separation between the site and surrounding countryside. The southern boundary is slightly more open, where some existing residences at the edge of Haywards Heath are afforded views over the site and to the far side of the valley. The character of the site is influenced by adjacent residential development to the north.
- 10.27. The site is not covered by any designation that recognises a specific landscape or scenic importance. The site contains some elements of value, namely the boundary hedgerows and trees which provide some physical connectivity to the wider landscape beyond its boundaries. It is considered therefore, that the landscape value of the site is medium.
- 10.28. Overall, as an area of settlement fringe agricultural pastureland type with a medium value and medium susceptibility, the character of the site is therefore considered to be of medium sensitivity.
- 10.29. The proposed development would result in an inevitable change to the character of the site. Effects relate to a change in the current land use from undeveloped fields to residential development with associated green infrastructure. It is acknowledged, however, that the proposed layout means that the site would retain most of its valuable features in the form of boundary woodland and hedgerows and individually important trees. Overall, as stated previously, the magnitude of change within the site is assessed as high, resulting in major adverse effects overall, noting that this effect would be highly localised and would diminish rapidly to negligible beyond the immediate visual environs of the site.
- 10.30. As far as landscape character is concerned, I acknowledge that the site itself would see some considerable change from several pastoral fields. However, the baseline that needs to be taken into account here is that the proposed scheme is framed by housing to the north. No significant off-site works are proposed, and as such, the character of the local landscape beyond the site in both physical and experiential terms would remain materially unchanged with the scheme in place.
- 10.31. I recognise that the scheme would bring about an inevitable change to the character of the application site itself, however, such a change would, in physical terms, be confined within the application site boundaries. Off site, the pattern of the land cover, woodland and hedge cover and agricultural mix, undulating topography, and Haywards Heath's settlement pattern as identified in the various published reports, would all continue and prevail with the scheme in place. Consequently, it is considered that those key characteristics of the wider landscape and settlement beyond the application site boundary as identified above would be physically unaffected with the scheme in place. It is only the experiential factors of character, both

visual and audible elements that would be influenced to some limited degree within the visual environs of the site. The scheme would not change the broad character of the wider area as the 'settled agricultural scene', which would continue to prevail with the scheme in place. The sensitive design of the proposed scheme would reflect the local settlement character of Haywards Heath. Any such effects would be highly localised, therefore.

- 10.32. With regard to the site itself, it is currently pastoral land. The boundary of the site is framed by a combination of mature hedgerows and woodland, which provides a strong sense of visual containment and enclosure associated with the site. The site does accommodate some features such as trees and hedgerows, which contribute to the defining characteristics of the locality, but all of these elements would be retained, and their presence reinforced with the green infrastructure proposals forming an integral part of the scheme.

Effect on Countryside Local Gap

- 10.33. I note that Policy E5 refers to land outside the built up area that has been designated as a local gap between Haywards Heath and neighbouring towns in order to create a landscape buffer. The purpose of this buffer is to support and enhance ecological connectivity, to maintain the landscape character of the area, and to maintain the individual settlements. I would note the proposed scheme would continue to support and provide the opportunity to enhance ecological connectivity through the site and neighbouring area. The proposal would also maintain the landscape character of the area beyond the site itself and it would maintain the individual identity of Haywards Heath as being separate and distinct from other neighbouring settlements. Furthermore, the proposed scheme would not unduly erode the landscape character of the area. Neither would it harm the setting of the town.
- 10.34. I note that the concept of setting has to be capable of being appreciated in a landscape and visual context. The site is not capable of being appreciated from either the public areas within the town and settlement itself, nor from the adjacent countryside, as it is completely contained and framed by woodland, tree cover and vegetation, so would not have a bearing upon the perceived setting of the town of Haywards Heath. Furthermore, the proposal would retain and enhance the separate identities of the neighbouring settlements.
- 10.35. The site is located on the south-eastern edge of Haywards Heath. In this location, the countryside is designated as a Green Corridor, as well as Countryside Area of Development Restraint, as shown in Appendix 12. These designations extend across the site and neighbouring administrations, particularly to the south as far as the district boundary. The district boundary in this location follows a small watercourse through Cains Wood. South of this watercourse lies Lewes District. In the Lewes District Local Plan (2020), all of the countryside in the northern part of the district in the vicinity of the site is designated as countryside policies which includes an array of policies related to this rural area, as set out and illustrated in Appendix 12. The countryside policies in both district authorities are not specifically referenced as Local Gap Policies, but the references to Local Gap in Policy E5 is used in the context of common parlance rather than a specific designation. The countryside designation in the Lewes district extends far and wide as an extensive policy washing over the whole of its northern district.
- 10.36. Approximately 1km to the east of the site and Haywards Heath lies the village of Scaynes Hill. The separation between this settlement and Haywards Heath is approximately 1km and the physical and perceived sense of separation between these two settlements would not change the proposed scheme in place. Due south of the site and Haywards Heath at an

approximate distance of 3km lies the villages of Wivelsfield, alongside Wivelsfield Green. Given the substantial separation of 3km, the proposal would not materially affect the physical and perceived sense of separation between Haywards Heath and these two villages with the proposed scheme in place.

- 10.37. I consider that the proposed scheme would not conflict with Policy E5 of the Neighbourhood Plan when read in the round, in light of my analysis.

Effect on General Visual Amenity

- 10.38. To reiterate, character and appearance are two different aspects.
- 10.39. It is evident from the general conclusions of the LVIA and the visual analysis I have undertaken for this proof that the proposed development would be visually well screened due to surrounding woodland, tree cover and the settlement of Haywards Heath to the north. The proposed development would be set within 3 existing fields where field boundaries are demarcated by established and mature hedges, tree hedges and woodland. As such, substantial tree cover frames the whole of the site. Based on the agreed viewpoints, it is evident that the proposed scheme would be well contained as a result of topographical variation in the local landscape, vegetation screening including hedgerows, woodland and tree cover, roadside vegetation, as well as existing residential areas framing the site to the north. The only views of the proposal would be from a few residential properties on the south side of Lewes Road. More distant views across the wider landscape towards the site would not be possible. The majority of the identified and assessed viewpoints and receptors would not be subject to any visual effect.

Effect on Residential Visual Amenity

- 10.40. The Case Officer considered that the proposed development could be accommodated on the site without undue impacts on the existing neighbouring properties, subject to appropriate house types, appropriate land levels and scale, appropriate design, and distances to the northern boundary and to the individual residential units within the site. I have undertaken a site visit and looked at the properties adjacent to the site and reviewed these in the context of the proposed scheme and consider that the proposed scheme would not breach the public interest test with regard to this proposed scheme and is common ground with the Case Officer's Report as set out in this section of my Proof.

Conclusion

- 10.41. For the reasons stated above, it is my view that on landscape and visual grounds there are no substantive reasons for refusing planning permission for the proposed residential scheme on Land North of Colwell Farm, Haywards Heath. Therefore, the Inspector is respectfully requested to uphold the scheme and allow the grant of planning permission as far as landscape and visual issues are concerned as it relates to the appeal scheme.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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