Stage 2 Hearings (Week 4)

Mid Sussex District Plan 2021-2039 Examination

Matter 7 – Sites added by the Main Modifications

Wed 4 November 2026 – Pease Pottage and Handcross National Landscape

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Contents

Executive Summary 2
1. Context and Background 3
2. Sites added by the draft Main Modifications: Pease Pottage and Handcross 6

Executive Summary

Fairfax Strategic Acquisitions Ltd ("Fairfax") has a controlling interest in land east of Ansty (SHELAA Ref: 736) that should be allocated as a new garden community for up to 1,450 dwellings (and associated infrastructure) in helping to address the identified housing need during the plan period.

The Plan fails to plan for sufficient housing growth and places undue reliance upon the delivery of housing from major sites within the High Weald National Landscape. This strategy is unsound as it conflicts with the approach at paragraphs 174, 176 and 177 of the NPPF. It is also contrary to the four pillars and approach to restricting development in the High Weald AONB which form the the strategy for the Submitted Local Plan[1]. The Proposed Modifications do not result in a sound Local Plan.

The spatial distribution of sites does not adequately address the significant unmet need arising in the City of Brighton & Hove and where is immediate housing market area extends into the district.

Fairfax's representations may be summarised as follows:

- *The Plan is **not positively prepared** as it fails to deliver the identified housing need. It should plan for **at least 24,700 dwellings in the period 2021 to 2040** (comprising 19,243 in meeting needs within Mid Sussex District PLUS the provision of 5,457 dwellings in helping to address unmet needs from neighbouring authorities);*

- *The Plan is **not consistent with national** policy since the Plan fails to promote a sustainable pattern of development[2], does not meet the needs of neighbouring authorities[3] is not deliverable[4] nor has demonstrated that there was not scope for growth outside of the National Landscape[5].*

- *The Plan is **not justified** in relation to the allocation of sites for housing in that it is not supported by proportionate evidence. The Plan cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives particularly growth outside of the National Landscape.*

- *The Plan is **not effective** and will fail to provide a sufficient supply of deliverable and/or developable housing land in seeking to address the objectively assessed housing need over the plan period.*

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy under paragraph 60 of the NPPF which seeks to significantly boost the supply of housing to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (September 2023)[6].

[1] Paragraphs 32, 33, 34, 35, 37, 40, 41 and 92 of the Submitted Local Plan refer
[2] NPPF paragraph 11a

1. Context and Background

1.1. This Statement has been prepared by Woolf Bond Planning Ltd on behalf of Fairfax Acquisitions Limited ("Fairfax"), and addresses several of the topics listed in the Inspector's agenda for the Matter 7 Hearing Session scheduled for Wednesday 4th November 2026 as set out by the Inspector (**IDJB-14**).

1.2. The Local Plan is being examined for consistency against the September 2023 version of the NPPF. Accordingly, all references to the NPPF in this Statement relate to that version (unless otherwise stated).

1.3. Our answers to the topics listed in the agenda should be read in the context of our position that (i) the housing requirement is insufficient to meet identified needs (including those of neighbouring authorities), (ii) insufficient deliverable and developable land is identified in the submitted Local Plan to ensure adequate supply; (iii) the spatial strategy fails to achieve sustainable patterns of development, especially when compared to the areas with significant unmet need[7]; and (iv) the plan unjustifiably includes major development in the High Weald National Landscape as the exceptional circumstances for this has not been demonstrated, especially the scope for developing outside of the area.

1.4. It is noted that the Inspector has ruled that the hearings will not re-visit the issue of the housing requirement[8].

[3] NPPF paragraphs 11b and 61
[4] NPPF paragraphs 16, 68 and 73.
[5] NPPF paragraphs 176 and 177.
[6] Pursuant to the guidance in paragraph 8 in Annex A of the 'current' NPPF (Aug 2026), paragraph 234 of the NPPF (Dec 2024) and paragraph 230 of the NPPF (December 2023), as the Regulation 19 consultation on the Mid Sussex Local Plan commenced before 19th March 2024 the document is being examined for consistency with the September 2023 version.
[7] NPPF paragraphs 11b and 61
[8] **IDJB-13** paragraph 20

1.5. Following the Hearings in February and March, the Inspector issued **IDJB-12** in which he noted (at page 2) that the Plan's housing requirement should be within "**the range 1,200 to 1,300dpa, which will include a substantial component for the unmet needs of adjacent authorities**".

1.6. In May 2026 the Council issued **MS-TP4: Housing – Post Hearings** Update. Section 3 details the approach to determining the level and contribution towards unmet need from the City of Brighton & Hove.

1.7. The Council's approach as set out in **MS-TP4** has not been considered at the Hearings. Fairfax has addressed the point in their representations on the proposed modifications[9]; they consider the approach taken to be unsound and to fail to meet the policy requirement in paragraph 11(b) of the NPPF ("strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless …".

1.8. Fairfax relies upon its representations to the Main Modifications consultation, and welcomes the opportunity to appear and be heard on that matter.

1.9. Fairfax ask that the Inspector's written report should consider Fairfax representations to the Main Modifications concerning unmet need from the housing market associated with Brighton need and the reasoning for how it is consistent with the approach in NPPF paragraphs 11b, 35, 61 and 66. Whilst the City of Brighton & Hove[10] accept the contribution of 1,075 dwellings advanced by the Council, Lewes District which is also with the wider coastal housing market do not[11].

1.10. Consideration of unmet need from the coastal authorities is also highly relevant to whether the spatial distribution set out in the proposed modifications is an appropriate spatial response and whether it is justified. The representation[12] is clear that the southern part of the district lies within the housing market areas associated with Brighton whereas it is all within that for Crawley. Consequently, the southern part of the district is uniquely placed for contributing towards the

[9] Paragraphs 2.140 & 2.141
[10] Representation ref 17073748/7036/1
[11] Representation ref 17073748/7328/1
[12] Paragraph 2.110

resolution of housing needs arising from both Crawley and the coastal authorities.

1.11. As our representations explain, the MMs proposed by the Council do not make the Plan 'sound' in accordance with the requirements at paragraph 11 together with the greater detail in sections 3, 5, 9 and 15 of the NPPF.

1.4. The Plan would not be sound without modifications to include:

- Increasing the housing requirement to ***at least 24,700 dwellings in the period 2021 to 2040*** *(comprising 19,243 in meeting needs within Mid Sussex District PLUS the provision of 5,457 dwellings in helping to address unmet needs from neighbouring authorities).*
- Removal of the proposed major allocations in the National Landscape: MM88, MM89, MM90 and MM91 as their inclusion conflicts with NPPF paragraphs 176 & 177.
- The Council has not identified exceptional circumstances to justify the allocation of Sites for major development in the High Weald AONB.
- Fundamentally, the Council has not adequately considered the cost of, and scope for, developing outside of the designated area.
- As Fairfax's representations have consistently stated, the land east of Ansty (HELAA ref 736) is deliverable and developable within the Plan period and would contributes towards the achievement of a sustainable pattern of development in the district whilst avoiding land in the National Landscape. Ansty's location also facilitates the resolution of unmet needs from Crawley and the coastal authorities.

2. Sites added by the draft Main Modifications: Pease Pottage and Handcross

National landscape: General matters MM88, MM89 and MM90

a) National Landscape: Strategic-level exceptional circumstances and public interest

2.1. Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

2.2. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

2.3. Paragraph 177 of the NPPF states that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest

2.4. As paragraph 177 of the NPPF goes on to explain, consideration of such applications should include an assessment of(a) the need for development. (b) the cost of and scope for developing outside the designated area or meeting the need for it in some other way; and (c) any detrimental effect on the environment and the extent to which that could be moderated.

2.5. The Council's Paper ENV22 (Major Development in the High Weald National Landscape) (July 2026) purports to carry out the exceptional circumstances test.

2.6. Paragraph 4.6 and 5.9 of the Paper explain the need to assess exceptional circumstances at the plan-making stage.

2.7. However, a fundamental failing of the paper is to assess the scope for developing outside the designated area or meeting the need for it in some other way. ENV22 is silent on this assessment.

2.8. This is a fatal error in approach. The Sustainability Appraisal confirms the availability and suitability of sites beyond the national landscape that could otherwise contribute to a spatial strategy that provides for a sustainable pattern of growth; including in meeting unmet needs from neighbouring authorities.

2.9. Guidance in the PPG (ID Ref: 8-041-20190721) states as follows (Our emphasis underlined):

> **"How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?**
>
> The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.
>
> All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted."

2.10. The Main Modifications consultation proposes the allocation of nine sites totalling 1,169 dwellings within the High Weald AONB (National Landscape).

2.11. The Council's approach to the identification of major development in the National Landscape is:

- Contrary to the approach at paragraph 176 of the NPPF.
- In direct conflict with the submitted spatial strategy, pages 34 and 35 refer.
- Difficult to reconcile with s245 of the Levelling-Up and Regeneration Act 2023 which amends s85 of the Countryside and Rights of Way Act which requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of the AONB (National

Landscape)[13]

- Paragraphs 27 and 28 of the Council's Site Selection Paper SSP7 states that the Council is yet to justify and explain the exceptional circumstance as to why development of this scale is appropriate in the National Landscape.

2.12. The strategy is not justified, nor is it consistent with national policy.

2.13. The Council had not demonstrated how they had considered the requirements of criterion b with respect to the "**cost of, and scope for, developing outside of the designated area**," especially as there are sites such as the land east of Ansty which are deliverable and developable.

2.14. The Council's failure to consider the scope for land outside of the High Weald also resulted in the preparation of the Local Plan which results in a fundamentally different strategy to that originally advanced, with the four key principles underpinning it[14].

2.15. The Council relies upon the proximity of the proposed allocations in the National Landscape to Crawley as justification for their identification.

2.16. However, the southern part of the District, within which the omission site at Ansty is located (Site Ref: 736) is within both the Coastal and Gatwick Housing Market Area.

2.17. The omission site at Ansty is located within the Gatwick Diamond, which stretches from the border with London to the Brighton coastline. The Gatwick Diamond area is home to approximately 45,000 businesses and 500 international businesses, including many large multinationals. It is centred around Gatwick Airport and its key sectors include medical engineering, aerospace and service industries. It is the UK's seventh largest economy in terms of total output (source: investgatwickdiamond.co.uk).

2.18. Providing further support for the locational merits of the Ansty omission site, which is to be served by a high frequency bus service to Haywards Heath, with frequent connecting train services to Gatwick, is that the Government has recently announced that the second runway at Gatwick can

[13] See the objection to the High Weal Joint Advisory Committee to the Regulation 19 Local Plan (**CD17.24**)
[14] First principle as set out in the image on page 31 of the Submitted Local Plan is "Protection of the High Weald AONB"

be brought into full use after the Court of Appeal dismissed a legal challenge against the expansion.

2.19. The Government's Press Release 4 Aug 2026 states that the *'expansion will create 14,000 new jobs across the region and deliver an additional £1 billion in economic benefits every year, helping to drive growth across the South East and beyond through Gatwick's national supply chain'*.

2.20. As such, there is scope to meet identified needs at sustainable locations without recourse to providing for major development in the National Landscape, which strategy now advanced by the Council is not consistent with national policy.

2.21. Furthermore, the responses of the High Weald Joint Advisory Committee ("HWJAC") to the Main Modifications[15] regarding the three major residential development proposals are clear that they do not consider exceptional circumstances can be demonstrated to enable approval of these schemes.

2.22. Whilst the HWJAC representations reference the PPG advice[16] that National Landscapes "**are unlikely to be suitable areas for accommodating unmet need from adjoining (non-designated) areas**", indicating that unmet need does not justify development in the High Weald.

2.23. Fairfax's representations to the Main Modifications consultation referenced the approach of the Inspector examining the Vale of White Horse District's proposal to allocate major development at Harwell within the North Wessex Downs Area of Outstanding Natural Beauty (as then known)[17]. The Inspector in that instance was clear that sustainability was not of overwhelming importance to justify the major development from the proposed allocations in the AONB[18].

2.24. The Vale of White Horse Part 1 Local Plan Inspector was clear[19] that there was "**nothing to suggest that alternative sites for this housing, outside the AONB but within/close to Science Vale**

[15] ID ref 17073748/3822/2 (MM88), 17073748/3823/3 (MM89) and 17073748/3816/4 (MM90)
[16] "How should development within National Parks, the Borads and Areas of Outstanding Natural Beauty" (ID ref 8-041-20190721 in the "Natural Environment"
[17] See the Part 1 Local Plan Inspector's Report included as Appendix 3 to the representations
[18] See paragraphs 112-123
[19] Paragraph 119

could not be found if necessary" and this remained his view even when the potential of previously developed land in the AONB was considered[20].

2.25. The situation arising in Mid Sussex is similar.

2.26. Paragraphs 2.11 to 2,15 of Fairfax's representations upon the main Modifications consultation note that the Council relies upon MSTP05 in seeking to demonstrate exceptional circumstances. This is amplified in ENV22.

2.27. MS-TP05 references the following[21] as integral to the Council's consideration of exceptional circumstances for the allocations.

a) *The need to address the collective housing needs of the North West Sussex Housing Market in full.*

Whilst this is recognised, as explained, the whole District is within the North West Sussex Housing Market and therefore this does not provide justification for major development in the High Weald.

b) Proximity to Crawley is important for achieving sustainable development, especially as larger schemes provide increased community benefits.

Even if the major development sites were within walking/cycling[22] of employment and other opportunities in Crawley, the Vale of White Horse Inspector disputed locational proximity as a determining factor. The Council should have considered other locations where public transport opportunities exist and/or can be provided. For increased community benefits, there is very limited on-site provision associated with the proposed major sites. All the sites are expected to make contributions towards more general improvements which are not transformative in reflecting the Council's strategy[23]. The strategy does not contribute towards sustainable development. Furthermore, achievement of sustainable development also influenced by access to wider employment opportunities, including those to support the coastal authorities.

[20] Paragraph 122
[21] Paragraph 2.14
[22] Illustration of extended journey times (over 20 minutes) illustrated by the that assessed for site 603 (west of Woodhurst Farm) on page 603 of Appendix 1 of the Site Assessments (SSP8)
[23] Pillar 4 in the Draft Plan.

c) The minimisation of effects on the environment.

Fairfax note the clear objections to the major allocations from the HWJAC on this point[24].

2.28. For the reasons set out in Fairfax's representations to the main Modifications consultation, and expanded upon above, the Council's approach does not fulfil the requirements in NPPF paragraph 177.

2.29. Whilst the Council references the legal advice obtained by the South Downs National Park Authority[25] and how consideration of major developments undertaken at plan making stage can reduce the risk for allocations in national landscapes, since no thorough consideration of options outside of the designated areas has been undertaken, this means that the approach cannot be relied upon[26].

2.30. Consideration of the potential of land outside of the National Landscape should have been integral to the strategy, especially as this was the fundamental philosophy underpinning the Plan[27].

2.31. The major sites allocated through MM88-91 must be omitted from the Plan, with additional sites, in sustainable locations, beyond the High Weald National Landscape, allocated in their place.

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[24] ID ref 17073748/3822/2 (MM88), 17073748/3823/3 (MM89) and 17073748/3816/4 (MM90)
[25] Paragraph 2.12 of MS-TP05
[26] The Closing Submissions of the appellant (Fairfax) in the appeal for development at Ansty (included as Appendix to the Representations illustrates the acceptability of the site.
[27] First principle as set out in the image on page 31 of the Submitted Local Plan

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