DMH Stallard

Hearing Statement

Wednesday 4 November 2026

Recognised by:

MID SUSSEX DISTRICT PLAN 2021–2039 EXAMINATION

HEARING STATEMENT – WEEK 4

Matter 7 (continued): Sites added by the draft Main Modifications

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Wednesday 4 November 2026 (AM) – Pease Pottage and Handcross: National Landscape general matters (MM88, MM89 and MM90) and MM90 site-specific matters

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Representor: Haywards Heath Golf Club Ltd

Prepared by: Peter Rainier MRTPI DMH Stallard on behalf of the Representor

Original representations: Main Modifications consultation response (September 2026) and earlier submissions, including the March 2026 statement and fact-check response (Site ID 503)

Date: 16 October 2026

1. Introduction and scope

1.1. This statement is submitted on behalf of Haywards Heath Golf Club Ltd ("the Company") in accordance with the Inspector's Guidance Note (IDJB-13). It responds only to the issues identified in the draft Hearings Agenda (IDJB-18) for the Wednesday 4 November morning session, namely:

1.1.1. Item a – National Landscape: strategic-level exceptional circumstances and the public interest (MM88, MM89 and MM90); and

1.1.2. MM90 (Land to the West of Woodhurst Farm, Old Brighton Road South, Pease Pottage) – Item b (impact on the National Landscape) and Item d (site location, including in relation to Crawley).

1.2. The Company notes the Inspector's statements that housing need will not be re-opened, that site selection is the Council's task, and that there will be no discussion of the relative merits of omission sites (IDJB-13, paragraphs 20–21). This statement respects those limits. It does not seek to compare any omission site with the proposed allocations. It addresses a different and legitimate soundness question: whether the Council has properly tested the scope for meeting the need outside the designated area, which national policy requires before major development in a National Landscape can be justified.

1.3. The Company's position is unchanged from its representations: the allocation of major development within the High Weald National Landscape (HWNL) through MM88, MM89 and MM90 is not justified and is not consistent with national policy. Those allocations should be deleted. As explained below, this can be done without harming the plan's housing strategy or its five-year supply.

1.4. The Company supports the representations of the High Weald National Landscape Unit on MM90, and responds below to those of Thakeham Homes Ltd, the promoter of MM90.

1.5. The plan is examined against the September 2023 NPPF (IDJB-13, paragraph 4). All NPPF references in this statement are to that version, which refers to Areas of Outstanding Natural Beauty (now National Landscapes). Paragraphs 176 and 177 contain the protected landscape and major development policies, and paragraph 11(b)(i) and footnote 7 the plan-making presumption.

2. Item a – Strategic-level exceptional circumstances and the public interest

The policy framework

2.1. NPPF paragraph 176 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", and that "the scale and extent of development within all these designated areas should be limited". Paragraph 177 states that 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". Footnote 60 explains that whether a proposal is major development depends on its nature, scale and setting, and whether it could have a significant adverse impact on the purposes of the designation. Consideration should include an assessment of:

2.1.1. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

2.1.2. the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

2.1.3. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

2.2. The Council accepts that these tests apply at plan-making stage (MS-TP5, paragraph 2.12). The HWNL Unit cites examination precedent, including the Vale of White Horse Local Plan Part 1 (2016), where two AONB allocations for 550 and 850 dwellings were deleted because the need to locate them in the AONB had not been shown. It also cites legal advice to the South Downs National Park Authority that failing to apply the test at allocation stage risks allocating undeliverable land.

2.3. Planning Practice Guidance (Reference ID: 8-041-20190721) says the policies 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".

The reversal of the plan's spatial strategy

2.4. Protecting the HWNL is the first of the four principles ("pillars") of the submitted plan's strategy. The submitted plan says that "protection of the High Weald AONB was central to the site selection process". It also says allocations within the AONB would be "smaller in scale and only where any impacts on the AONB have been minimised". In the Council's earlier site selection work (SSP3), sites in the HWNL were treated as "showstoppers" and taken out of further assessment.

2.5. The Main Modifications now propose nine allocations in the HWNL, totalling around 1,192 dwellings. Three of these (MM88, MM89 and MM90, 1,001 dwellings in total) are accepted by the Council in ENV22 to be major development. Site 603 (MM90) had previously been rejected in SSP4 Appendix 4 on the basis that development "would cause detrimental impact to the AONB and should be avoided". This is a fundamental change of strategy. It has been introduced at the Main Modifications stage and has not been the subject of a hearing.

Criterion (a): need is not an exceptional circumstance

2.6. The Council's case (MS-TP5, paragraph 2.14(a)) rests mainly on the housing requirement and the Inspector's request that the Council seek to meet half of Crawley's unmet need.

2.7. The Company agrees with the HWNL Unit that this reasoning is circular. Under NPPF paragraph 11(b)(i), strategic policies should provide for needs, including those that cannot be met in neighbouring areas, unless "the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area". Footnote 7 expressly includes Areas of Outstanding Natural Beauty. The level of the housing requirement cannot also be the exceptional circumstance that overrides that protection. The Inspector's interim letter (IDJB-12) asked the Council to seek, "as far as possible", to identify sites for a requirement towards the upper end of the 1,200–1,300 dpa range. It did not direct that this be done by major development in the National Landscape.

2.8. A high housing need is common across the South East and is not in itself "exceptional". The HWNL Unit refers to a June 2026 appeal decision in Devon (APP/U1105/W/26/3377572). In that case the Inspector found that the Government's push for housing, and local need and shortfall, were "commonly found in numerous council areas across the country", and did not amount to exceptional circumstances. The Unit also refers to the Mevagissey judgment ([2013] EWHC 3684 (Admin)) on the same point.

2.9. The Council has also deferred the final judgement on exceptional circumstances to the planning application stage (MS-TP5, paragraph 2.12; ENV22, page 95). That is not a sound basis for allocation: allocation would establish the principle of major development before the test is met.

Criterion (b): the scope for developing outside the designated area has not been properly tested

2.10. This is the central point of the Company's case. Paragraph 177(b) requires an assessment of "the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way". The Council deals with this in one sentence (MS-TP5, paragraph 2.14(b)): "Whilst it would theoretically be possible to locate the development elsewhere in the District, the Council has judged that locating the development outside the National Landscape … will not result in the same level of community benefits a larger site can bring."

2.11. That is an admission, not an assessment. The Council accepts that development could be located outside the National Landscape. It then rejects that option because of a general preference for the community benefits of larger sites, not because of any evidence that alternatives are unavailable, undeliverable or unsustainable. No comparative work has been published to test the scope for meeting the 1,001 dwellings on land outside the designation. Indeed, such sites are available and have been promoted but overlooked by the Council.

2.12. The inference that there is no alternative to meet the unmet need identified is not supported by the Council's own evidence. The Council has acknowledged that development elsewhere is "theoretically" possible. Land outside the HWNL and the South Downs National Park has been promoted through the SHELAA and through representations to this examination, including land on the edge of Category 1 settlements, close to main-line rail services. None of this land has been tested against paragraph 177(b). The Company does not ask the Inspector to compare particular omission sites. It notes only that available land outside the designation exists and the Council has not explained why it cannot meet the need. The plan therefore fails the "justified" test in paragraph 35(b): "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

2.13. There is also an inconsistency. At Haywards Heath, the District's most sustainable Category 1 settlement, the reassessment added only four sites (152 dwellings) (SSP7), while sites the Council assessed as having a "very negative" landscape impact and a "high impact on the AONB" were taken forward in the National Landscape.

Proximity to Crawley does not justify major development in the HWNL

2.14. The Council's criterion (b) case relies on locating development "as close as possible" to Crawley (MS-TP5, paragraph 2.14(b)). However, the whole of Mid Sussex lies within the Northern West Sussex Housing Market Area with Crawley and Horsham (DPH1 supporting text, MM28). The plan already makes a substantial contribution close to Crawley through DPSC2 (Crabbet Park). Settlements outside the designation, such as Haywards Heath, have direct rail and road links to Crawley and Gatwick and can equally serve that need.

2.15. Horsham District is meeting the other half of Crawley's unmet need. Proximity to Crawley is not unusual or rare enough to be an exceptional circumstance.

Criterion (c) and the public interest

2.16. Turning to criterion (c), the Council relies on policy requirements to secure a landscape-led design informed by a future LVIA (MS-TP5, paragraph 2.14(c); MM88

criterion 5, MM89 criterion 2, MM90 criterion 3). The Company agrees with the HWNL Unit that this is "too late in the process". The landscape evidence should inform whether, and at what scale, a site is allocated. It should not follow the allocation. Policy criteria cannot mitigate harm which, as the Unit says, arises from "the principle of development" in these locations.

2.17. On the public interest, the main benefit relied on is housing delivery, together with site-specific community facilities. Those benefits could be achieved outside the designation. The plan also does not depend on these three sites, as explained in Section 4 below. The public interest test is therefore not met at strategic level.

2.18. The duty in section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling-up and Regeneration Act 2023) requires relevant authorities to "seek to further" the purpose of conserving and enhancing natural beauty of the National Landscape. Allocating major development that the Council's own evidence says will cause substantial harm is difficult, if not impossible to reconcile with that duty.

3. MM90 – Land to the West of Woodhurst Farm, Pease Pottage

Item b – Impact on the National Landscape

3.1. MM90 proposes 700 dwellings on 38.93 ha of mainly agricultural land south of Pease Pottage. The Council's own evidence is clear about the harm:

3.2. ENV22 (page 94) says that "A development of 700 dwellings on what is currently mainly greenfield and agricultural land will lead to a substantial adverse impact on the High Weald National Landscape", with possible harm to ancient woodland, the historic settlement pattern, the historic field pattern and historic routeways.

3.3. The SSP7 and SSP8 site assessment proformas for Site 603 record a "Very negative" landscape impact and a "High impact on the AONB". SSP7 also described it as "Likely major development in the AONB with no identified exceptional circumstances".

3.4. SSP4 Appendix 4 previously rejected the site as unsuitable because of its impact on the AONB.

3.4.1. Sense of enclosure and wider visibility: Thakeham's Landscape Technical Note (David Jarvis Associates, March 2026) argues the site is well enclosed by woodland. However, the same note accepts that the site displays landscape characteristics typical of the High Weald Plateau character area: a strong network of woodland, hedgerows and shaws, and ancient woodland. It records that the Council's Landscape Capacity Studies found the area to be of substantial sensitivity and low (2007) or low/medium (2014) capacity. Limited long views do not reduce the harm to the defining components of natural beauty set out in the High Weald AONB Management Plan. These include settlement pattern, field systems, routeways and woodland. The note is also not a full LVIA.

3.4.2. Existing urbanising influences: The presence of the A23 and existing development to the north does not justify extending built form further into the designated landscape. As the HWNL Unit explains, "The Hemsleys" forms a clear and tangible southern edge to Pease Pottage. MM90 would be a significant incursion beyond it, contrary to Management Plan Objectives S1, FH2 and PQ2.

3.4.3. Ancient woodland and wildlife: The site contains or adjoins ancient woodland at Finches Shaw, Furze Field Shaw and High Wood (MM90 criterion 7). It lies within the Weald to Waves wildlife corridor (criterion 29). Thakeham objects to

criterion 7 in so far as it requires an "appropriate buffer" to priority habitat. That suggests the protection of these features is not yet settled. The HWNL Unit considers the indirect effects of 700 homes on the ancient woodland would conflict with Management Plan Objective W2.

3.4.4. Land use arrangements and buffering: The AONB Management Plan seeks to deliver housing in the AONB "primarily through small-scale development consistent with AONB character" (Settlement Action h). A 700-dwelling urban extension is the opposite of this. The proposed open space, sports and community uses (criteria 21–28) do not overcome the harm in principle.

Item d – Site location, employment and Crawley infrastructure

3.5. The main locational justification for MM90 is that it is close to Crawley. For the reasons in paragraphs 2.14–2.15, that is not an exceptional circumstance. The policy itself requires substantial off-site and transport works to make the site sustainable. These include bus service improvements and possible re-routing (criterion 20), upgraded pedestrian and cycle links across the A23/M23 (criterion 18), and expansion of Woodgate Primary School to 2FE (criterion 21).

4. Housing supply: deleting the major sites would not undermine the plan

4.1. The Council may argue that the major sites are needed to meet the requirement. The Council's own figures show that the shortfall from deleting them is limited. The gap could be closed by sites outside the National Landscape.

4.2. In the Company's view, the plan needs more headroom than the 766 dwellings proposed. However, that headroom should come from land outside the National Landscape, not from major development within it. The scope for doing so has not been tested under paragraph 177(b).

5. Changes sought to make the plan sound

5.1. For these reasons, MM88, MM89 and MM90 are not justified and are not consistent with national policy (NPPF paragraphs 11(b)(i), 35(b) and (d), 176 and 177). To make the plan sound, the Company asks the Inspector to:

- delete MM88 (Land west of Truggers, Handcross), MM89 (Land at Pease Field, Pease Pottage) and MM90 (Land to the West of Woodhurst Farm, Pease Pottage) as allocations, with consequential changes to MM28 (Policy DPH1) and the trajectory in Appendix 4;
- require the Council to carry out, and consult on, a proper assessment of the scope for meeting the resulting 1,001 dwellings (and adequate headroom) on land outside the National Landscape, as paragraph 177(b) requires, and to bring forward further main modifications; and
- if the Inspector is minded to retain any of these allocations, require a full LVIA and a site-specific exceptional circumstances assessment, including a properly evidenced appraisal of alternatives outside the designation, to be completed and published before the allocation is confirmed, rather than deferred to the application stage.

5.2. The Company will attend the session to assist the Inspector on these matters.