



woolf bond
planning

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 (AS AMENDED)**

**LAND TO THE EAST OF ANSTY, CUCKFIELD BYPASS,
CUCKFIELD**

Appeal against the decision of Mid Sussex District Council (“the Council”) to refuse an outline application (“the Application”) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping.

PROOF OF EVIDENCE RELATING TO TOWN PLANNING MATTERS

**Prepared by:
Steven Brown BSc Hons DipTP MRTPI**

On behalf of:

Fairfax Acquisitions Ltd and the Norris Family

PINS Ref: 6002030

LPA Ref: DM/23/2866

WBP Ref: SB/9161

May 2026



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SB1 Future Affordable Housing Supply

QUALIFICATIONS AND EXPERIENCE

Steven Brown will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am the Managing Director of Woolf Bond Planning Ltd – Chartered Town Planning Consultants. I have been engaged in town planning with more than 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. Housebuilder clients include Bloor Homes, Bargate Homes, Barwood Land, Bellway, City & Country, Croudace Homes, Dandara, Foreman Homes, Griggs Homes, Persimmon Homes, Redrow Homes and Taylor Wimpey, as well as strategic land promoters, including CEG and Fairfax ("the Appellant").

I am an expert planning witness, having appeared at numerous S.78 inquiries, Hearings and Local Plan Examinations.

I am well versed in the planning policy position in Mid Sussex, including the emerging Local Plan process, as well as numerous schemes that have been determined by the Council and at Appeal.

I have visited the Appeal Site and its surroundings on numerous occasions and I have examined the relevant plans and documents for the purpose of the Appeal.

The evidence which I have prepared and provide for the Appeal is true and has been prepared, and is given, in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

1. INTRODUCTION AND EXECUTIVE SUMMARY

The Scope of My Evidence

- 1.1. This Appeal is made by Fairfax Acquisitions Ltd and The Norris Family (the “Appellant”) against the decision by Mid Sussex District Council (“MSDC”) (the “Council”) to refuse an outline planning application for development of the Appeal Scheme (LPA Ref: DM/23/2866).
- 1.2. The Appeal Scheme is in outline and proposes a new Garden Community, comprising the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 1.3. My evidence addresses the s38(6) planning balance, and considers the acceptability of the Appeal Scheme in the context of the overarching planning policy context, drawing upon the evidence from the expert witnesses on the topic-specific considerations I reference below.

Pre-application Engagement and officer Recommendation

- 1.4. This is a case where the Appeal Scheme was informed by a considered pre-application engagement process with the Local Planning Authority (“LPA”) and Statutory Consultees, which dialogue continued throughout the Application process.
- 1.5. The collaborative approach to the Appeal Scheme design reflects the requirements at paragraphs 40 to 47 of the NPPF, with the positive engagement and front-loading resulting in the clear and unambiguous officer recommendation to grant planning permission (**CD3.1** and **CD3.2**).

Development Plan

- 1.6. Although the Appeal Site falls beyond the settlement policy boundary for Ansty and Cuckfield, as defined in the adopted District Plan (2018) (**CD5.1**), the Site Allocations and Development Management Policies DPD (2016) (**CD5.2**), the Ansty, Staplefield and Brook Street Neighbourhood Plan (**CD5.7**), and the Cuckfield Neighbourhood Plan (**CD5.6**), such that I find that the Appeal Scheme conflicts with the Development Plan as a whole, the settlement boundaries were not drawn to meet current needs.
- 1.7. It is my position that the Development Plan is manifestly out of date on account of (i) the failure of the Development Plan to meet housing needs, resulting in a need to breach the settlement boundaries to meet identified housing needs; and (ii) the demonstrable lack of a five year supply of deliverable housing land.
- 1.8. The Appeal Site is located in the countryside, beyond a defined settlement boundary. Although the Site is located adjacent to and is within the setting of the High Weald National Landscape, the Site is not subject to any landscape designations. It is also agreed with the Council that the Site is not within a valued landscape. In the circumstances, it is agreed with the Council that the NPPF test to be applied in assessing the landscape effects of the Appeal Scheme relate largely to the wording in the last part of paragraph 189 of the NPPF, which requires development within the setting of National Landscapes to be sensitively located and designed to avoid or minimise adverse impact on the designated area. This is a matter addressed by Mrs Brockhurst for the Appellant, on which evidence I rely in coming to my conclusion as to the acceptability of the Appeal Scheme (**CD8.3**).

Locational Sustainability

- 1.9. It has been agreed with the Council in the Planning Statement of Common Ground "SoCG" (**CD7.1**) and the Highways SoCG agreed with County Highways (**CD7.2**) that the Appeal Scheme satisfies the considerations at paragraph 110 of the NPPF in relation to locating development in sustainable locations.

The District Plan Review

- 1.10. The suitability of the Appeal Site for the development of a new sustainable community, was initially identified by the Council in Policy DPH5 of a draft Regulation 18 Local Plan that was reported to Committee in January 2022 (**CD5.10**, pages 90-92 refer), which proposed the allocation of the Site as a sustainable extension to Ansty, to provide 1,600 dwellings and new community facilities.
- 1.11. The subsequent versions of the Local Plan (**CD5.17** and **CD5.18**) did not propose to retain the Appeal Site as a housing allocation (which decision was made purely on highways grounds, which matter was subsequently resolved, with County Highways raising no objection to the Appeal Scheme).
- 1.12. The emerging Local Plan is currently at examination. Hearing sessions were held in February and March. During the Hearings, the Local Plan Inspector made it clear that the Submission Local Plan (**CD5.18**) failed to plan for an appropriate housing requirement, with additional housing allocations being required (**CD5.34** refers) to meet an overall housing target in the range of 1,200 to 1,300dpa.
- 1.13. At the Hearings, MSDC agreed to produce a 'long list' of additional sites that would be required to meet the Inspector's 1,200-1,300dpa target housing requirement range. As MSDC's identifies on its website for the District Plan Examination, Sites on the long list will be subject to in-combination testing (such as transport modelling and Sustainability Appraisal) before the Council finalises any additional proposed allocations and consults on them.
- 1.14. The Council published its methodology for selecting the sites for the 'long list' (MS-12: Post Hearings - Site Selection Methodology Review' (March 2026)) (**CD5.36**) which the Local Plan Inspector has agreed (**CD5.35**).
- 1.15. Paragraph 8 of **CD5.36** refers to reviewing sites in the SHELAA that were previously rejected at stage 2(b) of the SHELAA process, where, essentially, on-site constraints were found to severely impact the suitability of a site for development. These issues were previously termed as

‘showstoppers’ by MSDC¹. This includes sites in the National Landscape, where paragraph 189 of the NPPF directs that development in these locations should be limited. I pause to note here that the Appeal Site is not subject to this constraint. Moreover, the Appeal Site was positively assessed in MSDC’s SHELAA (**CD5.19**, Site Ref: 736). Unsurprisingly, given the positive assessment of the Appeal Scheme by Officers and the Statutory Consultees through the application process (**CD3.1** and **CD3.2** refer), no ‘showstoppers’ were identified by MSDC for the Appeal Site in the SHELAA (**CD5.19**) or the Site Selection Assessment Papers (**CD5.22** and **CD5.23**).

1.16. MSDC subsequently published ‘MS-TP4: Housing – Post Hearings Update’ (**CD5.40**), which includes a ‘long list of 35 additional sites’ on pages 14 and 15, for a total of 4,063 dwellings. The Appeal Site is not on the list of additional sites. This has resulted in MSDC’s letter of 20 May 2026 (**CD3.5**) which now contends that the Appeal Scheme would be premature in the context of paragraph 50 of the NPPF. I disagree with the Council’s contention, and I address this issue in my evidence.

1.17. I note here that the ‘list’ includes a total of 9 sites for 1,192 dwellings on sites in the National Landscape (**CD5.44**, Table 2 refers). This approach is contrary to the spatial strategy in the submission plan, which seeks to protect the High Weald National Landscape from major development (**CD5.18**, pages 34 and 35 refer). It is also contrary to the approach at paragraph 189 of the NPPF. This reversal in the Council’s approach has not yet even been considered, still less has it been endorsed, by the Local Plan Inspector. For these reasons, informed by the findings of Mr Stevens and Mrs Brockhurst, I give only limited weight to the fact that the Appeal Site is not (yet) identified in the list of sites in the emerging Local Plan. I expand upon my findings in section 4 of my evidence below.

Technical Matters and Professional Officers’ Assessment

1.18. Importantly for the determination of this Appeal, all technical matters have been agreed with MSDC and the County Council. This includes in relation to drainage/flood risk, ecology, heritage,

¹ The term ‘showstoppers’ is used by MSDC in its Site Selection Papers (**CD5.22** and **CD5.23**) to define ‘environmental constraints and deliverability considerations for which the site assessment can result in very negative impact against the site assessment criteria (e.g. see page 5 of **CD5.23A**).

highways and trees, with no objections to these matters from the statutory consultees (**CD7.1** refers).

- 1.19. This position informed the clear and unambiguous recommendation to grant planning permission as set out in the Officer Report to Planning Committee upon the Appeal Application (**CD3.1**), with paragraph 13.38 concluding as follows:

"It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent (many of which will in any event be mitigated for as far as is possible) would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme."

- 1.20. This clear recommendation was expanded upon in the Update Report to Committee (**CD3.2**), which included further consideration of the impact of the Appeal Scheme upon the setting of the High Weald National Landscape, with page 3 stating as follows:

"...Your officers are satisfied that the development complies with the final part of the paragraph 189 of the NPPF, as set out in the assessment section of the report, and in light of this it would not provide a strong reason for refusal, meaning that the tilted balance in paragraph 11(d)(ii) of the NPPF should be applied."

- 1.21. Contrary to the advice of the Council's professional officers, the Council refused planning permission and is now making the case that the Appeal Scheme would fail to avoid and minimise adverse impact upon the High Weald National Landscape such that, in its opinion, it provides a strong reason for refusal under paragraph 11(d)(i) of the NPPF.
- 1.22. For the reasons I explain, I disagree with this finding and I consider that the Council's professional officers' assessment as set out in **CD3.1** and **CD3.2** represents an objective and conclusive assessment of the acceptability of the Appeal Scheme under the approach to be carried out at paragraph 11(d)(ii) of the NPPF.
- 1.23. Accordingly, it is my evidence for this Appeal that the Appeal Scheme should be positively determined in accordance with the presumption in favour for sustainable development at paragraph 11(d)(ii) of the NPPF.

My Position

- 1.24. At the outset, I conclude that the Appeal Scheme should be allowed through this Appeal process, because the harms identified relating to (i) conflict with the Development Plan (with the Site located in the countryside), (ii) localised landscape impacts, (iii) loss of 13.2ha of BMV agricultural land; and (iv) the less than substantial harm to designated heritage assets, do not come anywhere near to significantly and demonstrably outweighing the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 1.25. In this scenario, the Appeal Scheme should be positively determined under the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 1.26. Since the Appeal was lodged, the Government published a draft NPPF for consultation (Dec 2025) (**CD6.2**), accompanied by a Ministerial Statement (**CD12.6**).
- 1.27. The consultation draft NPPF reaffirms the Government's commitment to addressing the national housing crisis.
- 1.28. As I explain in section 2 below, it is agreed between the Appellant, MSDC and the County Council that the Appeal Site is located in a sustainable location (on the basis that the proposed infrastructure is delivered on Site) and will improve the economic and social conditions of the area.
- 1.29. As the draft NPPF is a consultation document, it carries only limited weight. I will doubtless need to return to this matter during the inquiry, whether in oral submissions and/or in the form of a joint note to be prepared by the parties, should that be requested by the Inspector.

Accompanying Evidence

1.30. Evidence has been prepared by the following witnesses on behalf of the Appellant:

- Ms Annie Gingell – Affordable Housing (**CD8.2**)
- Mrs Clare Brockhurst – Landscape (**CD8.3**)
- Mr Matthew Stevens – Highways and Locational Sustainability (**CD8.4**)
- Mr Iain Warner – Need for C2 Older Persons Accommodation (**CD8.5**)
- Mr Andy Moger – Need for Custom/Self Build Accommodation (**CD8.6**)
- Mrs Gail Stoten – Heritage (**CD8.7**)

1.31. I have adopted the findings and conclusions of the witnesses for the Appellant in coming to my judgment as to the overall merits of the Appeal Scheme.

Statements of Common Ground

1.32. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant, MSDC and West Sussex County Council (“WSCC”) as the Local Highway Authority (“LHA”) have sought, where possible, to agree a position on relevant matters.

1.33. The Planning Statement of Common Ground (“SoCG”) agreed between the Appellant and MSDC is at **CD7.1**.

1.34. The Highways SoCG is at **CD7.2**. This has been agreed between the Appellant and HCC Highways.

1.35. Additional topic-based SoCGs have been prepared between the Appellant and MSDC covering the following topics (i) Landscape (**CD7.3**); and (ii) Heritage (**CD7.4**). I also expect a Housing Land Supply SoCG to be agreed with MSDC prior to the inquiry.

Areas of Agreement

1.36. As explained in section 5 of the Planning SoCG (**CD7.1**), the matters now agreed between the Appellant and MSDC are extensive, comprising as follows:

1. It is accepted that the Council is not able to demonstrate a five-year supply of deliverable housing land against the Standard Method.
2. The Development Plan policies for the supply of housing are out of date.
3. It is agreed that paragraph 11(d) of the NPPF is engaged.
4. It is agreed that the Appeal Site, subject to a suitable s106 Agreement to secure the delivery of the appropriate on-site infrastructure, can be considered to be a sustainable location.
5. It is agreed that the significant public benefits outweigh the less than substantial harm to designated assets.
6. It is agreed that the Appeal Site does not comprise a valued landscape for the purposes of paragraph 187 of the NPPF.
7. It is agreed that the Appeal Site is within the setting of the High Weald National Landscape, engaging the considerations in the last sentence at paragraph 189 of the NPPF.
8. It is agreed that there are no ecological issues that would prevent development, subject to suitable conditions being applied.
9. It is agreed that there are no land contamination, noise pollution, air pollution or light pollution issues that would prevent development, subject to suitable conditions being applied.
10. It is agreed that there are no flooding, surface water drainage or foul water drainage issues that would prevent development, subject to suitable conditions being applied.
11. It is agreed that at the site level there are no highway network or road safety issues that prevent development, subject to suitable conditions being applied, however, there could be in-combination effects with site allocations in the emerging District Plan that are not known at this stage.

- 1.37. Section 5 also sets out the weight to be attributed to the identified benefits.
- 1.38. The Appellant and MSDC agree as to the range of benefits to be derived from the Appeal Scheme, as well as the weight to be attributed, which will save a significant amount of resources and inquiry time.
- 1.39. This includes substantial weight to the delivery of market, affordable, custom/self-build and C2 accommodation from the Appeal Scheme.
- 1.40. As recorded at paragraph 5.11 of the Planning SoCG (**CD7.1**), a number of benefits derived from the Appeal Scheme are agreed to attract significant weight. This includes the provision of land for education purposes and sports facilities.
- 1.41. Separate from the Planning SoCG, the Highways SoCG (**CD7.2**), confirms that the Appeal Scheme accords with paragraphs 110, 115 and 116 of the NPPF. It is also agreed that the Scheme will provide safe and suitable access.
- 1.42. Importantly, there is no objection to the Scheme from the Local Highway Authority (“LHA”) (including locational sustainability) and safety terms. Importantly, it is also agreed that the Appeal Scheme adopts a vision-led approach to transport planning. This provides for sustainable linkages to Ansty, Cuckfield and Haywards Heath, whilst also enhancing the sustainable travel options for existing residents of Ansty and Cuckfield, both to and from Haywards Heath.

Areas of Disagreement

- 1.43. As set out in section 6 of the Planning SoCG (**CD7.1**), the issues that remain in dispute between the Appellant and MSDC relate only to the following considerations:
1. The degree of harm the development will have on the general landscape character of the area and, in particular, whether there is an impact on the setting of the High Weald National Landscape.

2. The extent of any impact the development has on the perceived coalescence between Ansty and Cuckfield.
 3. Whether any impact on the High Weald National Landscape, and its setting, constitutes a strong reason for refusal (footnote 7 NPPF paragraph 11d (i)), which means permission should be refused. I note that the Officer assessment of the Appeal Scheme as set out in **CD3.1** and **CD3.2** confirms that it would not.
 4. Whether the cumulative adverse impacts identified by the Council significantly and demonstrably outweigh the benefits of the Appeal Scheme in the context of paragraph 11d(ii) of the NPPF. Again, I note that the Officer assessment of the Appeal Scheme as set out in **CD3.1** and **CD3.2** confirms that they would not.
 5. The weight to be given to the emerging Local Plan and the extent to which the Appeal Scheme could be said to represent premature development in respect of paragraphs 50 and 51 of the NPPF, which is not yet a matter for evidence at this stage of the Appeal. The parties may need to address this question subject to the stage reached in the emerging Local Plan process.
- 1.44. As explained at paragraph 1.16 above, MSDC now contends that the Appeal Scheme would be premature in the context of paragraph 50 of the NPPF (**CD3.5** refers). I disagree with the Council's contention, and I address this issue in my evidence.
- 1.45. Essentially, and until such time as the emerging Local Plan is further advanced, which matter I address in section 4 below, the determinative issues are whether (i) the purported coalescence; and (ii) the purported impact on the setting of the NL, means that planning permission should be refused. In my opinion, informed by the evidence of the witnesses for the Appellant, they do not.

Rule 6 Party Representations

- 1.46. Notwithstanding the extensive list of matters that have been agreed between the Appellant and MSDC (as well as the LHA on highways) Ansty & Staplefield Parish Council and Cuckfield Parish

Council ("the R6P") raise the following main issues in their Statement of Case (**CD15.3**)

- The Unsustainable Location of the Proposed Development
- The Landscape and Visual Impact from the Proposals
- The Planning Balance

1.47. These issues are expanded upon in the evidence prepared on their behalf, which can be found at **CD10.1, CD10.2** and **CD10.3**.

1.48. The matters raised by the R6P are comprehensively addressed in the Officer Report and Update Report to Planning Committee upon the Appeal Application (**CD3.1** and **CD3.2**).

1.49. However, and to assist the Inspector, landscape and visual matters are addressed in the evidence prepared by Mrs Brockhurst (**CD8.3**), locational sustainability matters are addressed by Mr Stevens (**CD8.4**), whilst I deal with the overall planning balance.

2. THE CONTEXT OF MID SUSSEX AND THE APPEAL SITE

General

2.1. This section of my evidence explains the planning context in Mid Sussex as it relates to the consideration of the merits of the Appeal Scheme at a macro (spatial) and micro (Site-specific) level.

Mid Sussex District

2.2. As recorded at page 8 of the Regulation 19 MSDC Local Plan (**CD5.18**), “Mid Sussex is a rural district in the southeast of England, situated within the county of West Sussex. The district contains three towns – Burgess Hill, East Grinstead and Haywards Heath which account for around two thirds of the population. It also contains a number of large villages, small villages and hamlets, each with their own heritage, characteristics and aspirations for the future.”

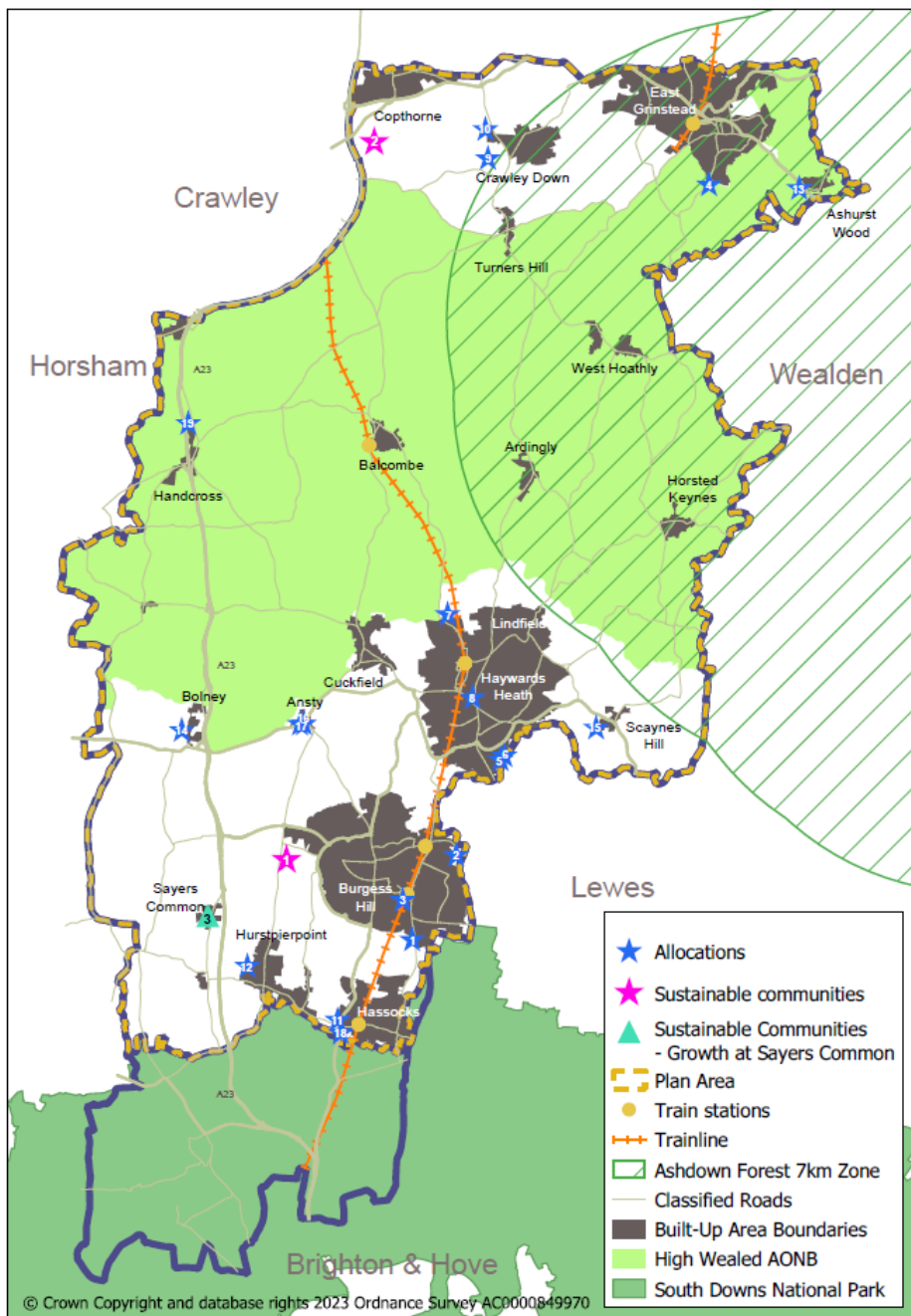
2.3. It is further added that “Nearly 50% of the district is within the High Weald Area of Outstanding Natural Beauty, and over 10% is within the South Downs National Park. The Mid Sussex District Plan covers the area outside the National Park; the South Downs National Park Authority are the local planning authority for that area and have adopted their own Local Plan(2019).”

2.4. A settlement hierarchy is included on page 40 of **CD5.18**, which identifies five settlement categories as follows (where the category 1 settlements are the most sustainable):

- Category 1- Town: Burgess Hill, East Grinstead and Haywards Heath
- Category 2 – Larger Villages: including Cuckfield
- Category 3 – Medium Villages
- Category 4 – Small Villages: including Ansty
- Category 5 - Hamlets

- 2.5. The built up area boundaries of these settlements are shown on the Key Diagram at page 42 of the Regulation 19 Local Plan (**CD5.18**).
- 2.6. The extent of the High Weald National Landscape designation is shown in light green, whilst the South Downs National Park is shown in darker green, extending the south of the District. I have reproduced the Key Diagram in **Figure 1** below.

Figure 1: The Key Diagram



- 2.7. Paragraph 189 of the NPPF makes it clear that the scale and extent of development within these designated areas should be limited.
- 2.8. The current MSDC Local Plan was adopted in March 2018 (**CD5.1**). It covers the 17-year period 2014 to 2031, providing for 16,390 dwellings at an average of 964dpa.
- 2.9. As I explain in section 4 below, because the Local Plan was adopted 8 years ago, and no formal review has since been adopted, it is unsurprising that the Local Plan is manifestly out of date in terms of its lack of consistency with the NPPF.
- 2.10. There is also an acute affordable housing need (**CD8.2**), whilst there is also an unmet need for older persons' accommodation (**CD8.5**), as well as a demonstrable shortfall in the Council's five year supply of deliverable housing land (**CD7.1**).
- 2.11. Paragraph 2.26 of the Council's Paper MS02 (**CD5.32**) claims a 5,632 dwelling supply at 1st April 2025 for the five year period to 31st March 2030. Applying this figure to the Standard Method-derived housing requirement of 6,967 dwellings (including a 5% buffer) results in a shortfall of 1,335 dwellings and a supply of only 4.04 years. This represents a significant shortage of homes².
- 2.12. The MHCLG Statement 'Building the Homes we Need' (**CD12.1**) that was published alongside the new NPPF (December 2024) sets out the Government's agenda to increase house building in the right places. The Appeal Site satisfies that requirement.
- 2.13. The following extracts from the 'Building the Homes we Need' Statement (**CD12.2**) are plainly applicable in the Mid Sussex context (My emphasis underlined):
- *This Government has inherited an acute and entrenched housing crisis. The average new home is out of reach for the average worker, housing costs consume a third of private renters' income, and the number of children in temporary accommodation now stands at a historic high of nearly*

² I included these figures in a draft Housing Land Supply SoCG which I issued to the LPA for their review on 11 May. At the time of writing my evidence, agreement on the extent of the shortfall remains outstanding.

160,000. Yet just 220,000 new homes were built last year and the number of homes granted planning permission has fallen to its lowest in a decade.

- *Rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. This is necessary if we are to see the scale of delivery we need to meet our commitment to 1.5 million homes. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth.*

2.14. I am aware that MSDC is at Examination with its emerging Local Plan (**CD5.18**). Indeed, I attend a number of the Hearing Sessions. Accordingly, I am well-versed in the issues that were discussed at the Hearings, as well as the need for MSDC to find sites to accommodate an additional circa 3-4,000 dwellings during the proposed plan period (2021 to 2040). I expand upon the status of the emerging Local Plan in section 4 of my evidence below.

The Appeal Site

2.15. Given the constrained nature of Mid Sussex, it is important to maximise development opportunities, such as that afforded by the Appeal Site, on land not constrained by landscape or environmental designations.

2.16. As set out in the Highways SoCG (**CD7.2**), the locational merits of the Appeal Site are agreed as follows:

1. In accordance with 109, 110 and 115(a) of the Framework, the vision-led approach to the Appeal Site proposals ensures that it is sustainable, and through a comprehensive package of interventions, facilitates limiting the need to travel and enables a genuine choice of transport modes.
2. In accordance with 115(b) of the Framework, the three vehicular points of access to the Appeal Site, in the form of 3-arm roundabouts, make provisions for all road users, are safe and can accommodate background traffic demand on the network as well as the additional movements generated by the Appeal Site proposals.

3. The vision-led off-site package of works, agreed with WSCC and with input from other consultees including the PRow team, ATE and NH, and secured either by way of S106 or S278 Agreement, means that all capacity, congestion and highway safety impacts on the transport network arising from the Appeal Site have been comprehensively and cost-effectively mitigated to an acceptable degree, in accordance with 115(d) of the Framework.
 4. There are no highways and transportation matters that remain in dispute between the Appellant and WSCC.
- 2.17. A package of highway measures is to be agreed with MSDC and the LHA, which will include appropriate phasing triggers to ensure the timely delivery of supporting infrastructure and bus services.
- 2.18. The masterplan proposes connective routes throughout the Site that will provide walking and cycle access to Ansty, Cuckfield and Haywards Heath.
- 2.19. The Appeal Site will include the provision of a primary school that will be within easy walking distance for all new residents.
- 2.20. The Appeal Scheme also includes a local centre and community centre. The provision of local facilities will create a sustainable and walkable neighbourhood.
- 2.21. The provision of the local centre and local facilities within the Site will reduce the need to travel and will encourage internal trips.
- 2.22. The provision of a comprehensive internal footway network, and major investment in bus services, will enable internal and external trips to be undertaken by active travel modes.
- 2.23. Including on account of the Transport Assessment submitted with the Appeal Scheme (**CD1.50**), the assessment of the acceptability of the Appeal Scheme in locational and highway terms as set out in **CD3.1** and **CD3.2** as well as the agreement reached in **CD7.2**, I conclude that the Appeal Site represents a sustainable location in seeking to meet identified housing needs.
- 2.24. Mr Stevens expands upon the locational and sustainability merits of the Appeal Scheme in his Highways and Locational Sustainability Proof of Evidence (CD8.4).

- 2.25. In coming to my conclusion as to the acceptability of the Appeal Scheme in highway (capacity and safety) and locational terms, I rely upon the evidence of Mr Stevens, as well as the agreements reached with MSDC (**CD7.1**) and the LHA (**CD7.2**) where there is no dispute as to the acceptability of the Appeal Scheme in relation to the objectives of the NPPF in seeking to use a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places (paragraph 109 of the NPPF refers).
- 2.26. The Appeal Scheme also satisfies the requirement at paragraph 110 of the NPPF for development to be focused on locations which are or can be made sustainable.

3. THE DEVELOPMENT PLAN

GENERAL

- 3.1. This section of my evidence summarises the Development Plan position, against which the acceptability of the Appeal Scheme falls to be determined.
- 3.2. It should be read alongside the agreement reached with MSDC in the Planning SoG (**CD7.1**) which confirms the Development Plan policies for the supply of housing are out of date; and the agreement that paragraph 11(d) of the NPPF is engaged.

THE SECTION 38(6) TEST

- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.

THE DEVELOPMENT PLAN

General

- 3.4. For the purposes of s38(6), the Development Plan comprises the following adopted plans.
- Mid Sussex District Plan ("MSDP") 2014-2031 (adopted March 2018) (**CD5.1**)
 - Mid Sussex Site Allocations Development Plan Document ("SADPD") (adopted June 2022) (**CD5.2**)
 - The Cuckfield Neighbourhood Plan ("CNP") (made May 2014) (**CD5.6**)
 - The Ansty, Staplefield and Brook Street Neighbourhood Plan ("ASNP") (made February 2017) (**CD5.7**)
- 3.5. The MSDP was adopted in March 2018 and sets out the overarching strategy in seeking to meet development needs in the period 2014 to 2031.

- 3.6. The SADPD was prepared to be in general conformity with the MSDP.
- 3.7. The Neighbourhood Plans are more than five years old, such that the provisions at paragraph 14 of the NPPF are not engaged in the consideration of the Appeal Scheme. This position is agreed with MSDC (**CD7.1**, paragraph 4.13 refers).
- 3.8. The applicable development plan policies from the MSDP, SADPD, the CNP and the ASNP are listed below.
- 3.9. My policy schedule adopts the following 'rules':
1. The policies referenced in the Council's Decision Notice are underlined.
 2. The policies I consider to be 'most important' (for the purpose of paragraph 11(d) of the NPPF) are highlighted in bold.
 3. The policies marked with an asterisk comprise those that I consider the Appeal Scheme conflicts with.

Mid Sussex District Plan ("MSDP") 2018 (**CD5.1**)

- SP1 - Creating sustainable development
- DP4: Housing
- DP6: Settlement Hierarchy*
- **DP12: Protecting and Enhancement of Countryside***
- **DP13: Preventing Coalescence**
- **DP16: High Weald Area of Outstanding Natural Beauty**
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20: Securing Infrastructure
- DP21: Transport
- DP22: Rights of Way and other Recreational Routes
- DP23: Communication Infrastructure
- DP24: Leisure and Cultural facilities and Activities
- DP25: Community Facilities and Local Services
- DP26: Character and Design
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- DP31: Affordable Housing
- DP33: Gypsies, Travellers and Travelling Showpeople
- DP34: Listed Buildings and other Heritage Assets
- DP35: Conservation Areas

- DP37: Trees, Woodland and Hedgerows
- DP38: Biodiversity
- DP39: Sustainable Design and Construction
- DP41: Flood Risk and Drainage
- DP42: Water Infrastructure and the Water Environment

3.10. **I have identified a conflict between the Appeal Scheme and Policies DP6 and DP12**, on account of the Site comprising countryside, beyond a defined settlement boundary. However, and for the reasons I explain, I attach only limited weight to the conflict with DP6 on account of the policies are derived from settlement boundaries that have been established to meet a housing requirement that does not meet current needs. I give moderate weight to the conflict with DP12.

3.11. It is my position that the Appeal Scheme accords with all of the other MSDP policies. This includes policy DP16 which relates to the High Weald AONB (National Landscape).

3.12. Policy DP16 states that “Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.”

3.13. For the reasons explained in Mrs Brockhurst's evidence, it is the case for the Appellant that the Appeal Scheme, whilst visible from a few locations in proximity to the Appeal Site, will not significantly affect the views into and out of the National Landscape, the scenic qualities of the National Landscape will be unaffected by the proposals. Accordingly, I find that the Appeal Scheme accords with this policy.

Mid Sussex Site Allocations and Development Management DPD 2022 (CD5.2)

- SA38 – Air Quality

3.14. I identify no conflict with this Policy, on account of mitigation being secured through the S106.

Ansty, Staplefield and Brook Street Neighbourhood Plan (CD5.7)

- AS1: New Housing Development*
- AS2: Preventing Coalescence
- AS4: Housing Mix
- AS8: Improvement of Community Facilities
- AS11: High Speed Broadband
- AS14: Walking and Cycling Routes

3.15. **I have identified a conflict between the Appeal Scheme and Policy AS1**, on account of the Appeal Site's location beyond the defined settlement boundary for Ansty.

3.16. I find no conflict with Policy AS2, as the Appeal Scheme would not result in the perception of openness being "unacceptably eroded" (the test in the Policy) between Ansty and Cuckfield.

Cuckfield Neighbourhood Plan (CD5.6)

- CNP3: Preventing Coalescence between Cuckfield and Haywards Heath
- CNP4: Protect and Enhance Biodiversity
- CNP5: Protect and Enhance the Countryside*
- CNP8: Affordable Housing
- CNP9: Small Scale Dwellings
- CNP16: Transport Impact of Development
- CNP21: Securing Infrastructure

3.17. It is my position that the Appeal Scheme would **conflict with Policy CNP5** on account of built form being proposed in the countryside.

3.18. However, and although the Council alleges conflict with Policy CNP3, Coalescence, I come to a different conclusion.

- 3.19. The Appeal Site is not located in the gap cited in the NP between Cuckfield and Haywards Heath. This specific gap lies to the east of Cuckfield. There is no evidence provided in the CNP that indicates that the land between Ansty and Cuckfield, within which the Appeal Site is located, contributes to any gap.
- 3.20. In coming to this view, I note here that the Haywards Heath and Cuckfield gap was identified in Policy C2 of the saved Local Plan from 2004 (**CD3.7**, internal page 20).
- 3.21. The policy designation was shown on the Proposals Map that was updated in 2008 to show the allocations from the Small Scale Housing Allocations DPD (**CD5.8**).
- 3.22. I have included this information as it is relevant to understanding the role and purpose of the gap between Cuckfield and Haywards Heath.
- 3.23. The gap between Cuckfield and Haywards Heath is identified in **CD5.39** by the pink hatched annotation. It covers the land to the east of Cuckfield and west of Haywards Heath, north of Broad Street and the B2272. I have provided an extract from the Proposals Map in my **Figure 2 below**, on which I have marked the Appeal Site with a red star, and the Policy C2 gap referenced in a red box.
- 3.24. Policy CNP3 of the made CNP (**CD5.6**) post-dates **CD5.39** and states in relation to ‘preventing coalescence between Cuckfield and Haywards Heath’ as follows:

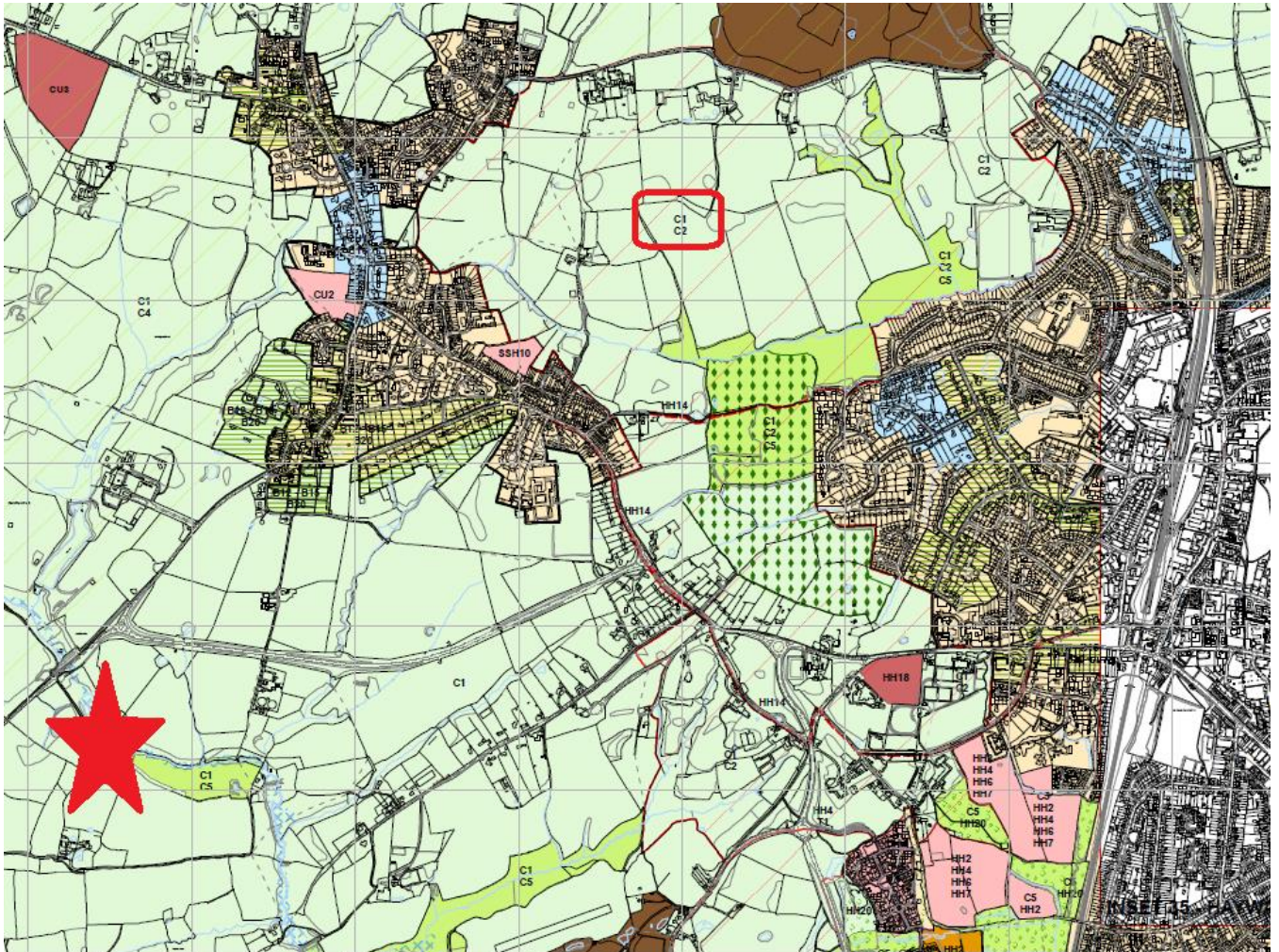
“Development will not be permitted outside the Built Up Area Boundary, as defined on Map 2 – Cuckfield Built Up Area Boundary, if individually or cumulatively it would result in increasing the coalescence between Cuckfield and Haywards Heath or reducing their separate identity by:

- a) Reducing the gap between Cuckfield and Haywards Heath or,*
- b) Increasing the density of development within existing curtilages”*

- 3.25. The supporting text adds that *“Any intensification of development beyond the defined Built Up Area Boundary which would have the effect of reducing the separate identity of the two distinct settlements and increasing the coalescence between them would be inappropriate.”*

3.26. Although the Appeal Site is located outside the Built Up Area Boundary as defined on Map 2 of the CNP, it is not within a 'gap' between Cuckfield and Haywards Heath. Accordingly, the Appeal Scheme would not result in coalescence between Cuckfield and Haywards Heath. Accordingly, I find no conflict with Policy CNP3 of the CNP (**CD5.6**).

Figure 2: Extract from the Proposals Map from CD5.39



Development Plan Compliance

3.27. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary for Ansty as defined on the Local Plan Proposals Map. Accordingly, it is located in the countryside. In addition, the Site is not allocated for housing development.

- 3.28. As such, **the Appeal Scheme is contrary to Policies DP6 and DP12 of the MSDP as it is located outside the defined settlement boundary.**
- 3.29. **Accordingly, I conclude that the Appeal Scheme conflicts with the Development Plan as a whole.**
- 3.30. However, the settlement boundaries were defined in the MSDP that was adopted 8 years ago, and they do not purport to (nor could they) meet current housing needs.
- 3.31. The same considerations apply in relation to the settlement boundary defined in the Ansty Neighbourhood Plan, which I have identified a **conflict with Policy AS1**. Moreover, the Ansty NP pre-dates adoption of the MSDP and does not purport to, nor could it, meet current housing needs.
- 3.32. The Appeal Scheme also **conflicts with Policy CNP5**, which seeks to protect and enhance the countryside. However, Policy CNP5 is not consistent with the NPPF's approach to development in the countryside, where it might be necessary to meet identified housing needs (as is the case here).
- 3.33. The settlement boundaries, countryside and gap designations, serve to frustrate attempts to meet identified housing needs. Current housing needs cannot be met within the existing settlement boundaries. It is clear from the emerging Local Plan that land for thousands of homes is proposed on land beyond the settlement boundaries identified in the adopted development plan (**CD5.18** (Policy DPH1 as well as chapters 15 and 16) and **CD5.44** (Tables 1 and 2 refer)). This further reduces the weight to be given to the conflict I have identified between the location of the Appeal Site beyond an identified settlement boundary in the adopted Plan. In the circumstances, it is clear that the spatial strategy and the associated settlement boundaries are inconsistent with the NPPF's objectives of seeking to significantly boost housing supply.
- 3.34. As Lord Carnwath said in **Hopkins Homes Ltd v SSCLG** [2017] UKSC 37 Lord [63] (**CD13.3**) "the Inspector was "clearly entitled" to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in

turn reflect out of date housing requirements.” There are obvious parallels with MSDC.

- 3.35. In the circumstances, **I attach only limited weight to the conflict I have identified with MSDP Policy DP6. I also give moderate weight to the conflict with Policy DP12** as it relates to protecting the intrinsic character and beauty of the countryside.
- 3.36. For the reasons I explain in relation to Policy DP6, **I equally give limited weight to the conflict I have identified with Ansty NP Policy AS1 and moderate weight to the conflict with Cuckfield NP Policy CNP5.**

Conditions and Planning Obligation

- 3.37. The Appeal Scheme accords with the remaining development management policies from the Development Plan, including in relation to the provision of housing, affordable housing, infrastructure and services, character and design (reserved matters), ecology, drainage, heritage and highway safety.
- 3.38. The legal agreement that is in preparation between the appeal parties (Appellant, MSDC and WSCC), will secure the necessary planning obligations to address the infrastructure policies in the Development Plan, including the tests at paragraph 58 of the NPPF.

Summary of Development Plan Compliance

- 3.39. In summarising my position in relation to the **conflict I have identified between the Appeal Scheme and the Development Plan**, I consider that the settlement boundary and countryside policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan.
- 3.40. Section 4 of my evidence considers the **material considerations that justify the grant of planning permission otherwise than in accordance with the Development Plan.**
- 3.41. I consider two appeal decisions to be of relevance in the consideration of weight to be attached to the conflict I have identified with the development Plan.

3.42. The first is an appeal allowed for five dwellings on land off Mill Lane, Sayers Common (APP/D3830/W/25/3361729) (October 2025) (**CD11.8**). Paragraphs 23 to 26 of the appeal decision state as follows (my emphasis in **bold**):

"The harm I have identified arises from the conflict between the appeal proposal and the Council's strategy for the location of development set out in District Plan Policies DP4, DP6, DP12 and DP15. Amongst other things, these policies focus new development within defined settlement boundaries, allowing new housing in the countryside in very limited circumstances and protecting the intrinsic value of the countryside.

*Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework aims to achieve sustainable travel and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework does not contain any policies which specifically prohibit development outside towns and villages. **District Plan Policies DP4, DP6, and DP15, insofar as they relate to the location of development, take a more prohibitive approach than that contained in the Framework. As such, the conflict between the proposal and these policies should be given limited weight.***

*Whilst the Framework identifies that planning decisions should recognise the intrinsic character and beauty of the countryside, I have already identified that the appeal site in itself makes a moderate contribution to the rural character of the area given its location. **I attach moderate weight to the conflict with District Plan Policies DP12 and DP15 insofar as they relate to protecting the intrinsic character and beauty of the countryside.***

The Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites. The reported supply is equivalent to 3.38 years. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination."

3.43. Similarly, in the appeal decision allowing the development of up to 90 dwellings at Scamps Hill, Lindfield, (May 2025) (**CD11.5**) the Inspector also concluded that there would be conflict with the development plan (paragraph 106), but that paragraph 11(d) of the NPPF was triggered (paragraph 109) and the presumption in favour of sustainable development engaged, and the Scheme was allowed despite its conflict with the development Plan (paragraph 116).

4. MATERIAL CONSIDERATIONS

General

- 4.1. Notwithstanding my conclusion in Section 3 above that the Appeal Scheme is in conflict with the Development Plan (as a whole), I consider that there are a number of material considerations that justify the grant of planning permission.
- 4.2. I have identified that the Development Plan conflicts are (i) the location of the Appeal Site, in the countryside, beyond a defined settlement boundary (conflicting with Policies DP6 and DP12 of the MSDP as well as Policy AS1 of the Ansty NP and and CNP5 of the Cuckfield NP), (ii) localised landscape impacts, (iii) loss of 13.2ha of BMV agricultural land; and (iv) the less than substantial harm to designated heritage assets, do not come anywhere near to significantly and demonstrably outweighing the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 4.3. My assessment is undertaken in the context of the Council's inability to demonstrate a five-year supply of deliverable housing land, such that the most important policies for determining the Appeal Scheme are out of date.
- 4.4. Even on the Council's case, they are only able to show a 4.04 year supply of deliverable housing land based on the Standard Method housing requirement at 1st April 2025. This represents a shortfall of 1,335 dwellings (My paragraph 2.11 refers).
- 4.5. As recorded in **CD7.1**, it is agreed that the extent of the shortfall is significant.
- 4.6. I also agreed with MSDC that:

- It is likely that the shortfall can be reduced if planning approval is given for a range of sites, including on land beyond settlement boundaries and land or sites not currently allocated for housing in the adopted development plan.
- In the circumstances, for the purpose of paragraph 11 of the NPPF, the most important policies for determining the application are out of date and para. 11 (d) is engaged as a starting point.
- It is also agreed that the contribution of market housing proposed through the Appeal Scheme is a material consideration of substantial weight; and that the delivery of affordable housing from the Appeal Scheme also attracts substantial weight.

4.7. As I now go on to explain, the material considerations clearly tilt the balance in support of the grant of planning permission under paragraph 11(d)(ii) of the NPPF, including the Council's acceptance that they cannot demonstrate a five year supply of deliverable housing land, the significant need for housing, the grant of planning permission by the Council, along with the grant of planning permission at appeal for housing on land beyond the settlement boundaries as defined in the Development Plan, the need to review the settlement boundaries and identify greenfield sites (beyond defined settlement boundaries) for thousands of homes in the emerging Local Plan Review; and the content of the NPPF.

4.8. Based upon my review of the evidence for this inquiry, I am of the opinion that the housing need identified under the standard method cannot currently be met without breaching identified settlement boundaries.

4.9. In the circumstances, it is my evidence that the adverse impacts of granting permission cannot be said to demonstrably, let alone significantly, outweigh the many benefits. In the circumstances, planning permission should be granted.

The Consultation National Planning Policy Framework (Dec 2025)

4.10. The Government published a draft NPPF for consultation in Dec 2025 (**CD6.3**). It reaffirms the Government's commitment to addressing the National housing crisis.

4.11. Policy S5 addresses the principle of development outside settlements. In this context, the Appeal

Scheme accords with the approach set out at Policy S5(1)(j), as it would assist in meeting an evidenced unmet need for housing, in a location that is well related to an existing settlement and is of a scale which can be accommodated taking account of existing and proposed infrastructure provision.

4.12. As the Ministerial Statement published alongside the consultation draft NPPF states (**CD12.6**):

“England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation.”

The National Planning Policy Framework (Dec 2024)

4.13. The current NPPF, the accompanying Planning Practice Guidance (“PPG”) and recent Ministerial Statements are material considerations of particular standing in the determination of the Appeal Scheme.

4.14. I do not seek to repeat the content here, save to add that the documents set the Government’s clear and unambiguous direction to boost the supply of housing in sustainable locations. However, I refer to relevant paragraphs from these documents where relevant to my assessment.

Topic Areas

4.15. I assess the material considerations under the following sub-headings:

1. Locational Sustainability
2. The Current Five Year Housing Land Supply Position
3. Affordable Housing
4. C2 Need
5. Custom/Self-Build
6. Economic Growth
7. The Emerging Local Plan
8. The Council’s Potential Future Five Year Housing Land Supply Position
9. Prematurity
10. Heritage

11. Landscape
12. Coalescence
13. Agricultural Land
14. Planning Obligations

- 4.16. My assessment considers locational sustainability first, before considering the housing need position across with District (topics (2) to (5)), and then the economic benefits of the Scheme (6).
- 4.17. That leads me to a consideration of the emerging Local Plan (7), the Council's purported future five year housing land supply position on adoption of the Local Plan (8), prematurity (9).
- 4.18. I then consider the acceptability of the Appeal Scheme in relation to heritage (10), landscape (11), coalescence (11), agricultural land (13); and finally, planning obligations (14).

(1) Locational Sustainability

- 4.19. Section 9 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, including through limiting the need to travel and offering a genuine choice of transport modes. It also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in plan-making and decision-making. Paragraphs 110 to 118 of the NPPF refer.
- 4.20. It is important to note here that Mid Sussex is a rural area. Page 8 of the Regulation 19 MSDC Local Plan (**CD5.18**) states, *"Mid Sussex is a rural district in the southeast of England, situated within the county of West Sussex"*
- 4.21. As I record at paragraph 1.35 above, the Highways SoCG (**CD7.2**), confirms that the Appeal Scheme accords with paragraphs 110, 115 and 116 of the NPPF. It is also agreed that the Scheme will provide safe and suitable access.
- 4.22. Importantly, there is no objection to the Scheme from the Local Highway Authority ("LHA") (including locational sustainability) and safety terms.

- 4.23. It is also agreed that the Appeal Scheme adopts a vision-led approach to transport planning. This provides for sustainable linkages to Ansty, Cuckfield and Haywards Heath, whilst also enhancing the sustainable travel options for existing residents of Ansty and Cuckfield, both to, and from Haywards Heath.
- 4.24. In the circumstances, (i) the locational merits of the Appeal Site have been agreed with County Highways; and (ii) it forms no part of the Council's case that the Appeal Site is in an unsustainable location. Nor could that rationally be said to be the case given the package of measures to be secured through the Appeal Scheme that will also provide for enhanced sustainable connections by foot, cycle and bus for existing residents in Ansty and Cuckfield to and from Haywards Heath and Burgess Hill.
- 4.25. The Acceptability of the Appeal Scheme in highway safety and locational sustainability terms is addressed in the proof of evidence prepared by Mr Stevens (**CD8.4**). I rely upon his analysis and conclusion.
- 4.26. As Mr Stevens records in section 5 of his evidence (**CD8.4**), the collective measures proposed in conjunction within the Appeal Scheme, which are also fully set out within the signed Highways SoCH (CD7.2), do maximise opportunities for reducing the need to travel, especially by car. Such measures include:
1. An extensive network of walking and cycling infrastructure within the Appeal Site that complies with LTN1/20 and connects via safe, prioritised crossing facilities with nearby settlements, services, and facilities, including Ansty, Cuckfield and Haywards Heath in accordance with the wider Mid Sussex Local Cycle and Walking Improvement Plan ("LCWIP") (March (2023)).
 2. Upgrades to the PRow network, to include works to Footpath 62CR to Bridleway specification and improved surfacing to Bridleway 67CR / 50bCU that deliver enhanced access to Warden Park Academy and Haywards Heath via Copyhold Lane.
 3. On-Site facilities and mixed uses including a primary school, SEND school, a health hub with GP surgery, a village centre with retail, employment and community uses, sports and recreational facilities. These comprehensive facilities will serve to reduce the need to travel and enable a proportion of development-related trips to be internalised.
 4. Cycle parking within the development in accordance with adopted standards.

5. The delivery of Mobility HUBs within the development including provision for cycle hire / parking, real time information, package delivery lockers, and car club vehicles.
 6. Enhanced public transport provision in line with the Bus Strategy agreed with WSCC that secures a direct contract with an approved bus operator for a minimum period of up to two years post final residential occupation of the development, delivering a half-hourly service between the Appeal Site and Haywards Heath as well as an hourly service between the Appeal Site and Burgess Hill during Monday - Saturday daytime hours, as well as an hourly service to both destinations during evening hours and on Sundays.
 7. By virtue of the extensive Active Travel Infrastructure and Bus Strategy delivery packages and the firm commitment given by the Appellant in regard to the implementation of a Trip Monitoring Strategy alongside Travel Plan measures / initiatives, secured by S106 Legal Agreement, modal shift towards sustainable transport modes is not only encouraged but, in my expert opinion, it will be realised.
 8. The Appeal Site will deliver 'step change' improvements to the local walking, wheeling, and cycling environment. These will not only enhance the quality and safety of the active travel route to local facilities / amenities for the benefit of future residents within the Appeal Site but will also provide measurable improvements for the residents within the existing local community surrounding the Appeal Site.
 9. An independent commercial sustainability assessment demonstrates that the long-term viability of the Bus Service Strategy is secure. Even with robust assumptions on potential revenue generated by the Appeal Site proposals and taking no account of any additional revenue generated from increased patronage en-route, the new services will be self-sustaining well in advance of the end stop date for financial support secured from the Appellant via the S106 Legal Agreement.
 10. The Appeal Site will not give rise to unacceptable impacts on highway safety or severe residual cumulative effects on the highway network in accordance with paragraph 116 of the NPPF.
 11. Throughout the phased development on the Appeal Site, and for a period 2 years post the final occupation, fallback mechanisms are in place, in agreement with WSCC and secured by S106 Legal Agreement, in the unlikely event that the robust mode share targets upon which the impacts of the Appeal Site proposals have been assessed.
 12. The package of vision-led mitigation measures, comprising targeted off-site highway works, active travel enhancements and public transport contributions, would provide effective and proportionate mitigation in accordance with paragraphs 115(d) and 116 of the NPPF.
- 4.27. Mr Stevens's overall conclusion at paragraph 5.6 of his evidence is that the Appeal proposals have been shown to fully accord with paragraphs 110, 115 and 116 of the Framework. I agree.

(2) The Current Five Year Housing Land Supply Position

The NPPF

- 4.28. Paragraph 61 of the NPPF sets out the Government's objective of significantly boosting the supply of homes, explaining the importance of ensuring a sufficient supply of housing land.
- 4.29. As paragraph 62 explains, the standard method is to be used to calculate the minimum number of homes needed.
- 4.30. Paragraph 78 sets out a requirement for LPAs to identify a five year supply of deliverable housing land against their local housing need (derived from the standard method) where the strategic policies are more than five years old (as is the case in MSDC).
- 4.31. The Annex 2 Glossary to the NPPF includes a definition of 'deliverable', which is expanded on in the PPG (ID: 68-007-20190722). I rely upon these definitions, and the findings in the appeal decisions at **CD11.12** to **CD11.16** to support my findings relating to the deliverability or otherwise of the Council's components of supply.

The Current Five Year Housing Land Supply Position

- 4.32. Policy DSP4 of the adopted MSDP (**CD5.1**) sets out a requirement to plan for 16,390 dwellings during the 15-year period 2014 to 2031. This figure includes an objectively assessed need of 14,892 dwellings plus a contribution of 1,498 dwellings to meet needs in the wider Northern West Sussex Housing Market Area.
- 4.33. Policy DP4 adds that the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31.
- 4.34. The annualised figures in Policy DP4 are materially below the 1,327dpa figure derived from the application the standard method, to which there is then added a 5% buffer. (1,393dpa).

- 4.35. This compares to the 1,327dpa derived from the application of the Standard Method in so far as the Core Strategy is now more than five years old³. To which there is then added a 5% buffer. This establishes a requirement to plan for 1,393 dwellings annually. This is substantially in excess of the 1,090dpa planned for in the MSDP.
- 4.36. As set out in section 4 of the Planning SoCG (**CD7.1** (paragraphs 4.41, 4.59, 4.66 and 5.1)), it is common ground that the Council is not able to demonstrate a five year supply of deliverable housing land.
- 4.37. Paragraph 4.13 of the Planning SoCG confirms that a separate Housing Land Supply SoCG will be agreed with the Council to avoid the need for housing land supply calculations to be subject of further evidence.
- 4.38. I issued a draft Housing Land Supply SoCG to the LPA for their review on 11 May 2026.
- 4.39. Paragraph 2.26 of the Council's Paper MS02 (**CD5.32**) claims a 5,632 dwelling supply at 1st April 2025 for the five year period to 31st March 2030. Applying this figure to the Standard Method-derived housing requirement of 6,967 dwellings (including a 5% buffer) results in a shortfall of 1,335 dwellings and a supply of only 4.04 years. This represents a significant shortage of homes⁴. However, I dispute the delivery of a number of sites/components of supply.
- 4.40. I included these figures in the draft SoCG I issued to the LPA on 11th May 2026. However, and at the time of writing my evidence, agreement on the extent of the shortfall remains outstanding.
- 4.41. On my understanding of the Council's position, the respective housing land supply positions for the five year period 1st April 2025 to 31st March 2030 are summarised in Table 1 below.

³ See paragraph 78 and footnote 39 of the NPPF

⁴ I included these figures in a draft Housing Land Supply SoCG which I issued to the LPA for their review on 11 May. At the time of writing my evidence, agreement on the extent of the shortfall remains outstanding.

Table 1: The respective Five-Year Housing Land Supply Position

Step	MSDC	Appellant
A - Annual requirement	1,327	1,327
B - Base year Requirement (A x 5):	6,635	6,635
C - Add 5% buffer pursuant to HDT (B x 5%)	332	332
D – Final five year requirement (B + C)	6,967	6,967
E - Annual requirement (D/5)	1,393.4	1,393.4
F – Deliverable supply	5,632	4,519
G - No. Years Supply (F/E)	4.04	3.24
H - Extent of Surplus / Shortfall compared to 5 year requirement (F – D)	-1,335	-2,448

- 4.42. In this scenario, the Council's position is that it can demonstrate a maximum 4.04 years' supply of deliverable housing land, which results in a shortfall of at least 1,335 dwellings.
- 4.43. My position is that the Council is only able to show a maximum of 3.24 years' supply of deliverable housing land, which results in a shortfall of at least 2,448 dwellings.
- 4.44. Regardless, and because on either position the shortfall is significant, it is agreed that the Council's housing land supply position does not need to be tested in evidence. This will save time and resources ahead of preparing evidence for the inquiry.
- 4.45. It is also agreed that the housing to be provided from the Appeal Scheme is a benefit that attracts substantial weight (**CD7.1**, paragraph 5.7 refers).
- 4.46. In the circumstances, I am of the opinion that there is a need to increase the number of planning permissions in seeking to address the identified housing shortfall.
- 4.47. The tightly drawn settlement boundaries in the Development Plan mean that market and affordable housing needs cannot be met in MSDC without breaching current (identified) settlement boundaries.

Appeal Site Delivery

- 4.48. **CD5.20** includes delivery trajectory for the Appeal Site, which considerations were informed by the Appellant's considerable knowledge of the local market, understanding of delivery rates in MSDC, as well as a review of the Council's Housing Supply and Headroom Paper (Feb 2026) (CD5.32, including table 4).
- 4.49. In my opinion, the Appeal Site will make a contribution to housing land supply within the five year period.

Summary

- 4.50. As agreed in the Planning SoCG (**CD7.1**, section 4 refers), the Council is not able to demonstrate a five year supply of deliverable housing land. Accordingly, the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged.
- 4.51. In the circumstances, the presumption in favour of sustainable development is engaged on account of the development plan being 'out of date' having regard to the lack of consistency between the policies contained therein and the approach to development set out in the NPPF (paragraph 11 refers).
- 4.52. The shortfall in the supply of deliverable housing land is an important material consideration in assessing the merits of the Appeal Scheme.
- 4.53. Indeed, as Lord Gill observed in **Hopkins Homes Ltd v SSCLG** [2017] UKSC 37 (**CD13.3**) at [83].

"If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated"

- 4.54. I consider this conclusion is applicable in the MSDC context.

4.55. It is only through the approval of schemes like the Appeal Scheme that housing land supply shortfall will be addressed. It is for this reason, as agreed at paragraph 5.7 of the Planning SoCG (**CD7.1**), that substantial weight is to be attributed to the benefits of housing on the Appeal Site.

(3) Affordable Housing

4.56. Paragraph 61 of the NPPF sets out the Government's objective of seeking to ensure a sufficient supply of housing land to meet the need of groups with specific housing requirements.

4.57. Ms Gingell addresses affordable housing need and supply in her evidence (**CD8.2**). I repeat some of her findings for context:

1. The proposed development is for up to 1,450 dwellings, of which 30% (up to 435 homes) are to be provided on-site as affordable housing.
2. This level of provision meets the expectations of Policy DP31 of the Mid Sussex District Plan (2018) which seeks 30% provision from qualifying developments. The proposed tenure split of the affordable housing units is 75% Affordable Rent (up to 326 homes) and 25% First Homes (up to 109 homes).
3. As set out in Paragraph 12.33 of the Committee Report (**CD3.1**), the tenure split aligns with the requirements of District Plan Policy DP31. Paragraph 12.36 of the Committee Report goes on to confirm that the scheme would provide a policy compliant affordable housing provision.
4. The affordable housing provision will be secured through a Section 106 Planning Obligation.
5. The proposed provision of up to 435 affordable homes is strongly supported by both the Development Plan and wider material considerations.
6. The Council's most recent evidence, the 2024 SHMA, identifies a net need for 694 affordable homes per annum across Mid Sussex, equivalent to 13,186 affordable homes over the emerging Plan period. This demonstrates that affordable housing need across the District is substantial and persistent.
7. Historic delivery has consistently failed to meet identified needs. Between 2021/22 and 2024/25, only 1,563 net affordable homes were delivered against an identified requirement for 2,776 homes, resulting in a cumulative shortfall of 1,213 affordable homes in only four years.
8. The scale of under delivery is continuing to worsen. In order to address the existing backlog whilst also meeting newly arising affordable housing needs over the next five years, delivery

would need to increase to approximately 937 affordable homes per annum, substantially above historic delivery rates.

9. The Council's own trajectory evidence demonstrates that there is no realistic prospect of affordable housing needs being met through the projected supply pipeline. The Council anticipates delivery of around 317 affordable homes per annum over the next five years and around 286 affordable homes per annum over the remainder of the emerging Plan period, both materially below identified need.
 10. On the Council's own evidence, the cumulative affordable housing shortfall is projected to increase to 7,178 affordable homes by the end of the emerging Plan period in 2039/40, meaning that more than half of identified affordable housing needs would remain unmet.
 11. The proposed delivery of up to 435 affordable homes from a single development would therefore represent a substantial contribution towards addressing identified needs. The scheme would provide the equivalent of approximately 63% of the annual affordable housing need identified in the 2024 SHMA and would exceed the total affordable housing delivery achieved across the District in the most recent monitoring year.
 12. The proposed development directly addresses these critical housing needs by delivering a balanced mix of affordable homes that supports a range of incomes. It aligns with national planning policy objectives, which emphasises meeting housing needs in full and delivering a variety of affordable housing options. The weight of this planning benefit is substantial and should be recognised as a key consideration in the determination of this appeal.
 13. The proposed development offers an exceptional opportunity to deliver urgently needed affordable housing in Mid Sussex. By addressing both current and future housing needs, it aligns with local and national policy objectives, representing a sustainable and positive contribution to the District's housing market. **Substantial positive weight** should be given to this benefit in the planning balance.
- 4.58. As Ms Gingell records at paragraph 8.29 of her evidence, the consequences of failing to provide enough affordable homes were recognised by the Inspector in a decision in Mole Valley (**CD10.11.3**). Inspector McGlone was clear at paragraph 88 of his decision that:

"The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socio-economic effects such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children's education and development. In Mole Valley, the number of people on the housing register has risen, there are increasing affordability ratios and people are paying significantly over 30% of their income on rent".

- 4.59. This conclusion lays bare, the very real consequences of failing to provide enough affordable

housing.

- 4.60. Ms Gingell has undertaken a review of the Council's MS-TP4: Housing Post Hearings Update Document (**CD5.40**). Ms Gingell's assessment is included at **SB1**.
- 4.61. As **SB1** explains, whilst the additional sites and increased capacity assumptions identified in MS-TP4 would improve the likely future supply of affordable housing, they do not materially alter the fundamental position.
- 4.62. Even on the Council's updated supply assumptions, a substantial shortfall of at least 5,899 affordable homes would remain over the plan period, with around 45% of households with an identified affordable housing need still unable to have that need met.
- 4.63. Ms Gingell's evidence concludes that there is a significant need for affordable homes in MSDC, identifying that substantial weight should be attributed to the delivery of up to 435 affordable homes through the Appeal Scheme. I adopt her findings, which is also agreed with MSDC (**CD7.1**, paragraph 5.8 refers).

(4) Need for C2 Care Accommodation

- 4.64. Paragraph 63 of the NPPF sets out a requirement to establish the need, size, type and tenure of housing needed for different groups in the community, including for older persons accommodation.
- 4.65. As recorded in the Planning SoCG (**CD7.1**, paragraph 5.10), the provision of 90 additional C2 units from the Appeal Scheme attracts substantial weight, as it will make a meaningful contribution to addressing identified needs for older persons accommodation.
- 4.66. Mr Warner addresses the need for C2 care accommodation in his evidence (**CD8.5**). I repeat some of his findings for context:

1. The Government have set out within the PPG that there is a critical need for delivering more older persons accommodation (Paragraph: 001 Reference ID: 63-001-20190626) in the context of generally significantly boosting the supply of housing (paragraph 61 of the NPPF).
 2. The appeal proposals would deliver 90 residential care units, either as a mix of care home beds and extra accommodation or a scheme made up of one component only.
 3. The matter of identified need has been established within section 6 above and is an acknowledged benefit to be afforded substantial positive weight. This assessment has identified the following needs:
 - 446.5 additional extra care units by 2030;
 - 356 additional bedspaces by 2030 based on a quantitative assessment, or 926 additional bedspaces on a qualitative assessment;
 - 119.4 dementia bedspaces in addition to the care bed spaces by 2030;
 - 734.5 additional extra care units by 2045;
 - 1,206 additional bedspaces by 2045 based on a quantitative assessment, or 1,630 additional bedspaces on a qualitative assessment; and
 - 157.8 dementia bedspaces in addition to the care bed spaces by 2045.
 4. The Planning Practice Guidance (016a Reference ID: 63-016a-20190626) notes that plan-making authorities will need to count housing provided for older people against their housing requirement. When taking into context the census data for the average number of adults living in households this results in a figure of 1.8 care beds being equivalent to a single dwelling. This means that the proposed development would provide the equivalent of up to 50 dwellings towards the Council's housing shortfall if all the accommodation were provided as a care home, or alternatively freeing up of up to 90 under occupied family dwellings.
 5. The construction and operation of the specialist accommodation would also generate job creation in the short and long term, as well as providing support to local services in the operational stage. Such economic benefits are capable of being afforded moderate weight in support of the appeal proposals.
- 4.67. Mr Warner concludes that there is a significant need for specialist C2 accommodation in MSDC, identifying that substantial weight should be attributed to the delivery of up to 90 x C2 care units through the Appeal Scheme. I adopt his findings, which position is also agreed with MSDC (**CD7.1** refers).

(5) Custom/Self-Build Housing

- 4.68. Paragraph 63 of the NPPF sets out a requirement to establish the need, size, type and tenure of housing needed for different groups in the community.
- 4.69. Paragraph 71 states that mixed tenure sites can provide a range of benefits, including creating diverse communities to include plots sold for custom or self-build.
- 4.70. Footnote 28 of the NPPF adds that Section 1 of the Self Build and Custom Housebuilding Act 2015 requires local authorities to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. LPAs are also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
- 4.71. As recorded in the Planning SoCG (**CD7.1**, paragraph 5.9), the provision of 30 custom/self-build plots from the Appeal Scheme attracts substantial weight, as it will make a meaningful contribution to addressing identified needs in the District.
- 4.72. Mr Moger addresses the need for custom/self-build dwellings in his evidence (**CD8.6**). I repeat some of his findings at section 7 of his evidence for context:
1. It is estimated that as many as 3,051 people may be interested in building their own home across the authority area when national survey data is applied to ONS adult population data for Mid Sussex.
 2. It is estimated that there may be a need for between 1,710 and 2,448 self-build and custom housebuilding plots over the 18-year emerging period when national data on self and custom build is applied to the standard method figure for Mid Sussex.
 3. Whilst the Council has an adopted Development Plan policy for self and custom build it has proven to be wholly ineffective in addressing needs and the cumulative shortfall hat has accrued appears highly unlikely to be addressed by the current adopted Development Plan.
 4. There is a total of 599 Part 1 register entries to which the statutory duty applies between Base Periods 1 to 8.

5. The Appellant's position is that – at best – there are just 59 plots in reply which results in a shortfall of 540 plots across Base Periods 1 to 8.
 6. action needs to be taken now to address unmet identified demand. Serviced plots secured by legal agreement – such as the 30 proposed by the appeal scheme - are necessary to address both current and future unmet need for this type of housing in Mid Sussex.
 7. Supply has failed to keep pace with demand and as a result a substantive shortfall has accrued.
 8. In every scenario there remains a substantial shortfall and unmet need for this type of housing.
- 4.73. As recorded at paragraph 5.9 of the Planning Statement of Common Ground (**CD7.1**), the parties agree that the provision of up to 30 self-build and custom housebuilding plots from the Appeal Scheme is a benefit that should be afforded substantial weight.

(6) Economic Growth

- 4.74. Section 6 of the NPPF States that significant weight should be placed on the need to support economic growth.
- 4.75. The Appeal Scheme generates a series of local and District-wide economic benefits, including (i) construction of the scheme, and the range of employment generated as a result, (ii) employment opportunities created by the neighbourhood centre, health, education and sports uses; and (iii) the ongoing expenditure from the households purchasing and occupying the new homes.
- 4.76. The principal economic benefits arising from the scheme are summarised below:
- (i) Increased house building in an area where there is both need and demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
 - (ii) The Economic Statement (**CD1.13**) submitted with the application (paragraph 4.2) indicates that during each of the 6.5 year construction period, 490 construction jobs will be supported by the development. It also indicates that construction workers will add approximately £1.2 million to the annual expenditure in the area.

- (iii) The Economic Statement (**CD1.13**) also indicates (Table 9) that the wider elements of the scheme will provide around 235 jobs from the schools, care home and commercial buildings.
- (iv) Based upon a multiplier of 3.4 jobs per new home⁵, up to 1,450 dwellings are estimated to create approximately 4,930 new jobs.
- (v) Increased expenditure in the local area will support local FTE jobs.
- (vi) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £7,762,720⁶. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
- (vii) In terms of household expenditure, data from the ONS Family Expenditure Survey 2023-24⁷ shows that the 'average UK household spend' is £573.30 per week (Table A33) (or £29,893.50 per year), whereas in South East England it is 15.5% higher than the UK average (Table A33). This means average weekly spend per household is £662.00 (or £34,519 per annum). For the Appeal proposal, the total gross expenditure is estimated to be around £50 million per year to the economy. This headline figure is not comparable to the information submitted with the application as firstly it is the latest data on spending⁸ but does not include adjustments for online shopping and leakage to areas outside of the district⁹. It also does not include an adjustment for the higher median resident based earnings of Mid Sussex District (£44,352) compared to those of South East England (£41,618)¹⁰ which is considered in the information submitted with the application alongside adjustments for online shopping and leakage outside of the district¹¹. Nonetheless, a proportion of the £50 million annual household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Mid Sussex District including those local to the Appeal Site, such as Cuckfield¹² as referenced in the documents submitted with the application. The expenditure per household will include a proportion of that spent on areas including food & non-alcoholic drinks (£69.70 per week); alcoholic drinks (£12.30 per week); recreation and culture (£82.20 per week), household goods and services (£40.80) and miscellaneous goods and services i.e.

⁵ Page 8 of the Homes Builders Federation "Economic Footprint of UK Housebuilding " (Sept 2024)

⁶ Research carried out by OnePoll on behalf of Barratt Homes shows an average of £5,462 per dwelling – Updated to February 2026 via Bank of England Inflation Calculator to £7,648 per dwelling, applied to the 70% market homes proposed.

⁷ Family spending workbook 3: expenditure by region - Office for National Statistics.

⁸ The Environmental Statement at paragraph 6.3.30 (**CD1.34**) indicates that it relies upon the 2022 Household Expenditure Survey whereas this appeal Statement has used the 2024 version published on 10th September 2025

⁹ Chapter 6 of the Environmental Statement (**CD1.34**) at paragraph 6.7.19 or paragraph 4.10 on the Economic Statement (**CD1.13**)

¹⁰ Worksheets 5b and 1b of the "House price to residence-based earnings ratio" published by the Office for National Statistics on 26th March 2026

¹¹ Chapter 6 of the Environmental Statement (**CD1.34**) at paragraph 6.7.19 or paragraph 4.10 on the Economic Statement (**CD1.13**)

¹² As referenced in the documents submitted with the application i.e. paragraphs 5.7-5.15 of the Economic Statement (**CD1.13**) and paragraphs 6.5.21 & 6.5.22 of Chapter 6 of the Environmental Statement (**CD1.34**).

hairdressing & beauty treatments (£51.00 per week).¹³ Given the current economic challenges facing the UK these are significant economic benefits as recognised in the report on the application when it was considered at planning committee¹⁴.

- 4.77. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 1,450 dwellings, a C2-care element, a neighbourhood centre, education, health and sport uses on the Appeal Site fully accords with the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 4.78. As recorded at paragraph 5.11 of the Planning SoCG (**CD7.1**), the economic benefits from the Appeal Scheme attract significant weight.

(7) The Emerging Local Plan

General

- 4.79. As I explained in section 2 above, Policy DSP4 of the adopted MSDP (**CD5.1**) sets out a requirement to plan for 16,390 dwellings during the 15-year period 2014 to 2031. This figure includes an objectively assessed need of 14,892 dwellings plus a contribution of 1,498 dwellings to meet needs in the wider Northern West Sussex Housing Market Area.
- 4.80. Policy DP4 adds that the Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31.
- 4.81. The annualised figures in Policy DP4 are materially below the 1,327dpa figure derived from the application of the standard method, to which there is then added a 5% buffer, resulting in a need for 1,393dpa.
- 4.82. MSDC is in the process of preparing a new, District-wide, Local Plan, covering the period to 2040.

¹³ Figures based upon South East Regional data in Table A33. These expenditure sectors total £215.20 annually.

¹⁴ Paragraph 13.24 (**CD3.1**)

However, the 1,327dpa requirement (excluding the 5% buffer referenced above) derived from the application of the SM is substantially in excess of the 1,090dpa planned for in Policy DPH1 of the Submission Draft MSDP (**CD5.18**).

- 4.83. The evidence base, previous drafts of the emerging Local Plan, the Local Plan Inspector's findings (to date) and the Council's response to the Local Plan Inspector's Post-Hearing advice, are material to considering the suitability of the Appeal Site for development now.
- 4.84. Whilst the Council is at examination with an emerging Local Plan, the Local Plan Inspector has tasked the District Council with planning for the upper range of 1,200-1,300dpa in the period 2021 to 2040, amounting to a need to identify sites for a further circa 4,000 homes (**CD5.35**), which is in addition to the draft allocations proposed in the submission Local Plan (**CD5.18**).
- 4.85. Of relevance to this Appeal is the fact that the emerging Local Plan can only meet the identified housing need through the allocation of a significant number of greenfield sites, which are needed to deliver circa 7,000 new homes (Policy DPH1 refers)¹⁵.
- 4.86. I now consider the emerging Local Plan context by reference to the following considerations:
- (i) The Draft Local Plan Report to Committee in January 2022 (**CD5.9**)
 - (ii) The Regulation 18 Draft Local Plan published for consultation in November 2022 (**CD5.17**)
 - (iii) The Submission Draft Local Plan (Regulation 19) (Dec 2023) (**CD5.18**); and
 - (iv) The Examination Process (ongoing)
- 4.87. I deal with each stage in the Local Plan process in turn.

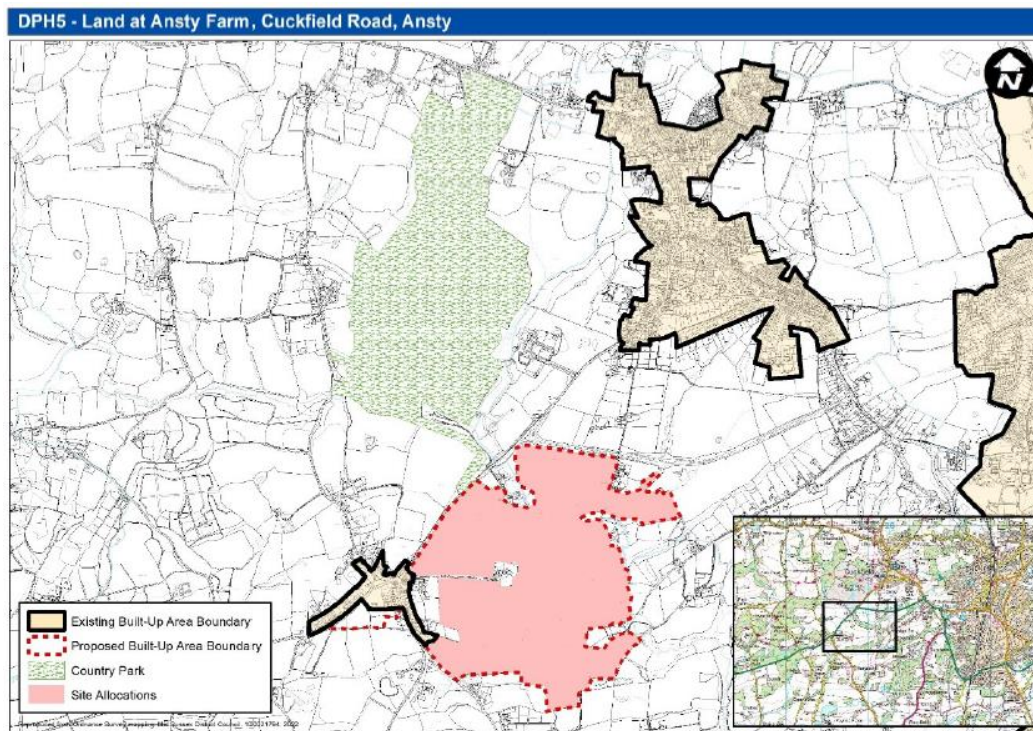
(i) The Draft Local Plan Report to Committee in January 2022 (CD5.9)

- 4.88. A Regulation 18 draft Local Plan was considered by the Council's Scrutiny Committee for Planning, Economic Growth and Net Zero on 19th January 2022. The covering Report is attached at **CD5.9**.

¹⁵ **CD5.18**, pdf pages 3, 42, 138 and 183 (onwards).

- 4.89. Paragraph 59 of the Report advises that a number of 'Significant Sites' are proposed to be allocated to help meet Mid Sussex's identified housing need. It is explained that 'Significant Sites' are those capable of accommodating more than 1,000 dwellings and are of a size that would deliver on site infrastructure such as, primary schools, health facilities, community centres, retail, employment and open space to meet future needs.
- 4.90. It is added that "The allocation of significant sites represents the most sustainable way of providing development alongside much needed infrastructure to support it."
- 4.91. The table below paragraph 59 in the report identifies the proposed allocation of 'Land at Ansty Farm, Cuckfield Road, Ansty' (the Appeal Site) under Policy DPH5 for 1,600 dwellings and associated infrastructure.
- 4.92. Paragraph 60 refers to the sustainability merits of allocating the Appeal Site for significant development, stating:
- "Ansty Farm, Ansty and Reeds Lane, Sayers Common have potential to significantly improve the sustainability of these settlements.** Currently no residents are within a 20-minute walk of a primary school or health facility. These proposed allocations would mean that **all current and new residents would be within a 20-minute walk of both facilities as these facilities are proposed to be delivered on-site.**" (My emphasis in **bold**).
- 4.93. Paragraph 66 summarises the proposed allocations, including the allocation of the Appeal Site under proposed Policy DPH5.
- 4.94. The Draft Local Plan that was considered by the Scrutiny Committee on 19 January 2022 is at **CD5.10.**
- 4.95. The proposed allocation of the Appeal Site for 1,600 dwellings as an extension to Ansty is identified at Policy DPH5. **Figure 3** below is an extract from the Policy showing the extent of the allocation.

Figure 3: Extract from the Committee Draft Regulation 18 Local Plan (Jan 2022)



4.96. The policy wording states that development of the Site will provide for the following:

- Approximately 1,600 new homes; including provision for older persons accommodation (Use Class C2), A new primary school
- A village centre including shops and community facilities that compliments existing provision at Ansty Village Hall
- Around 1,000sqm of flexible E Class employment floorspace
- Allotments and community orchard
- Area to north of Cuckfield Road, within AONB, which is identified as a Country Park. A Management Plan for the Country Park is to be prepared. The Management Plan must be consistent with objectives of the High Weald AONB Management Plan
- Sustainable transport routes connecting site to Ansty, Cuckfield and Haywards Heath
- The retention of key views from the site toward Cuckfield village
- Protection and enhancement of the setting of the listed building on the site
- Provision of bus service to link Burgess Hill and Haywards Heath

- Link road between A272 and B2036
- Area of site within the AONB, subject to management plan that is consistent with the objectives of the High Weald AONB Management Plan
- Village centre – shops, community facilities (complement provision at Ansty Village Hall)
- Protection of setting of Grade II Listed Buildings (The Barn House, Old Place, Mackrells Farm and Highbridge Mill) adjacent to the site

4.97. The draft policy aspiration for the Site is achieved by the Appeal Scheme.

4.98. The proposed allocation of the Appeal Site was also supported through the evidence base to the emerging Local Plan, including the positive assessment of the Site through the Council's 'Site Selection Conclusion Paper' (Jan 2022) (**CD5.14** and **CD5.15**).

4.99. However, and as the minutes of the Scrutiny Committee meeting record (**CD5.16**) Members resolved to pause preparation of the Local Plan to allow the Council to seek clarification from Government on the proposed housing targets.

4.100. The meetings also refer to the Leader's comment that the draft Local plan should remain in the public domain so it can be scrutinised'. **Figure 4** is an extract from the minutes (**CD5.16**).

Figure 4: Extract from the Committee Minutes (Jan 2022)

"The Leader thanked the officers for their detailed work on the District Plan Review. He advised it was beneficial for the document to be in public domain so that it can be scrutinised. He requested a pause in the consideration of the proposals so that further work and lobbying can be undertaken due to the issues that impact on the Council's planning responsibilities. He advised that he is writing to the Secretary of State Michael Gove MP asking for the housing targets to be reset to reflect the environmental and infrastructure constraints of Mid Sussex. The levelling up White Paper is due shortly and he hopes the housing numbers for the South East will be reviewed. The Plan should maximise the number of brownfield and windfall sites, the unmet needs from neighbouring authorities needs scrutiny, and the implications around the issue of water naturalty raised by Natural England needs further clarification. He concluded that it is essential to have a District Plan to prevent speculative development, it will ensure Mid Sussex is a good place to live but we must

balance the number of new developments to provide the housing need whilst protecting the environment.

The Chairman advised that it would be sensible to defer the discussion on the review of the District Plan until additional work has been completed and the outcome of Government White Paper.”

4.101. The proposed allocation of the Appeal Site in the draft Local Plan, supported by the evidence base undertaken by the council, informed the preparation and submission of the appeal scheme as an outline application.

(ii) The Regulation 18 Draft Local Plan (November 2022)

4.102. After a circa 10-month delay, a Regulation 18 draft Local Plan was subsequently published for consultation (**CD5.17**).

4.103. The Regulation 18 draft Local Plan did not include the allocation of the Appeal Site for development.

(iii) The Regulation 19 Submission Draft Local Plan (Dec 2023)

4.104. Despite the Appeal Site being positively assessed by the Council through the Site Selection process (Document Ref: SSP2 (**CD5.22**)) as a suitable option for allocation¹⁶, the Regulation 19 Local Plan (**CD5.18**) did not include the allocation of the Appeal Site for development.

4.105. Page 33 of the Submitted Local Plan summarises the District Plan Strategy, which is based on four key principles (or ‘pillars’):

- Pillar 1 seeks to protect the High Weald National Landscape.
- Pillar 2 seeks to make effective use of land.
- Pillar 3 provides for growth at existing sustainable settlements where it continues to be

¹⁶ Main Paper, Table 1. Paragraphs 3.3, 3.4, 3.8-3.17 and 3.33-3.38 refer.

sustainable to do so.

- Pillar 4 relates to 'opportunities for extensions, to improve the sustainability of existing settlements.

4.106. Development of the Appeal Site would fall under Pillar 4.

4.107. As acknowledged in the Submitted Local Plan, development at Pillar 4 locations would allow these settlements to be more sustainable. Page 32 of the Submission Local Plan (**CD5.18**) notes as follow:

"There is the potential for growth at some settlements not within the AONB and the extent of growth is dependent upon the characteristics of the settlements and the availability/size of sites which can make the settlements more sustainable (i.e. by providing much needed infrastructure such as primary schools and enhancing/creating village centres which offer much needed access to shops and services)."

4.108. Protection of the High Weald National Landscape is a central component of the spatial strategy. Page 34 states (My emphasis in **bold**):

"A key principle for the District Plan Strategy and Strategic Objective of the Plan is the protection of designated landscapes and in Mid Sussex District this is the High Weald Area of Outstanding Natural Beauty.

*"National planning policy and guidance are clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs and their wildlife and cultural heritage. **These areas along with National Parks and the Broads have the highest status of protection** (NPPF, September 2023: paragraph 176).*

*An Area of Outstanding Natural Beauty (AONB) is an area of land protected by the Countryside and Rights of Way Act 2000 for its outstanding natural beauty. **The purpose of the landscape designation is to conserve and enhance the natural beauty of the area.**"*

4.109. Page 35 adds (My emphasis in **bold**):

*“As such, **this District Plan places great importance on protecting the High Weald AONB such as through Policy DPC4. This approach is also in line with national policy which makes clear that the scale and extent of development in protected landscapes should be limited (NPPF, September 2023: paragraph 176).** This does not preclude growth at settlements within the AONB – the Site Allocations DPD, Neighbourhood Plans and this District Plan include allocations within the AONB to meet local needs. However, these are smaller in scale and only where any impacts on the AONB have been minimised. In assessing potential housing sites and identifying proposed site allocations, **protection of the High Weald AONB was central to the site selection process.**”*

*As part of the evidence base for this District Plan, two background papers have been prepared that assess the impact of potential housing sites on the High Weald AONB and also assess if the proposed site allocations could be considered as major development in line with paragraph 177 of the NPPF (September 2023). **The national policy position is that major development should not be permitted other than in exceptional circumstances and where it is in the public interest.**”*

- 4.110. Given the importance placed on National Landscapes it is no surprise that central to the spatial strategy in the Submission Local Plan is to seek its protection, including by not identifying allocations within the designated areas.
- 4.111. The Council’s Site Selection Conclusions Paper (SSP3) (July 2024) (**CD5.23**) sets out the approach to the identification of sites for allocation in the Plan.
- 4.112. Paragraph 2.2 states that the site selection methodology reflects the requirements of the NPPF. The three-part process to site assessment is explained in paragraph 2.7.
- 4.113. Firstly a Site’s relationship to a settlement is considered. This includes the ability of a Site that could provide on-site infrastructure.
- 4.114. The next stage identified showstoppers, described on page 5 of the Paper as (My emphasis in **bold**):

*“Showstoppers are those environmental constraints and deliverability considerations for which the site assessment can result in very negative impact against the site assessment criteria. This approach is supported by the NPPF which is clear that **development in the most environmentally sensitive locations (i.e., Ancient Woodland/AONB) should be avoided. Sites with the greatest constraints i.e.**”*

showstoppers, or where a significant proportion of a site is affected have been excluded from further assessment at this stage. This enabled the detailed assessment to strictly focus on those sites most likely to be considered reasonable alternatives.

4.115. This stage ruled out sites within the High Weald National Landscape (AONB). Sites within these designated areas were not considered further.

4.116. The next stage was an overall assessment of site suitability.

4.117. The Paper lists the strategic sites promoted through the site assessment process in Table 1, on page 9 of the document. The list includes the Appeal Site (Site Ref: 736).

4.118. Paragraph 3.36 States as follows:

“After application of the first three pillars of the Plan Strategy, the Council would not be able to demonstrate that it could meet its housing need. Therefore, a fourth pillar was included – “Opportunities for extensions to improve the sustainability of existing settlements”.

4.119. Paragraphs 3.37 and 3.38 consider the suitability of Sites #736 at Ansty (the Appeal Site), and #799 at Sayers Common.

4.120. An assessment of the Site is carried out at paragraphs 3.8 to 3.17.

4.121. Paragraph 3.10 confirms in relation to the suitability of developing the Appeal Site as follows (My emphasis in **bold**):

*“There are **no significant constraints on the site** that would impact the deliverability of the site in principle.”*

4.122. The Appeal Site (Site Ref #736) was not taken forward solely on account of concerns expressed about highways.

4.123. The detailed site assessments (by settlement) are included at Appendix 4 to the SPP3 Paper (**CD5.23D**).

- 4.124. As no showstoppers were found for the Appeal Site, it was carried forward to the stage 3 (further testing) assessment, where pdf page 7 of the document concludes as follows (My emphasis in **bold**):

"The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.

*The transport modelling undertaken to date for the District Plan Review indicates that there are 12 'severe' impacts on the highways network when accounting for mitigation measures. The main contributor to 8 of these is this site. The Transport Study results also show that 4 of the junctions affected are likely to be solely impacted by this site. Further work, including transport testing based on the reduced yield, was submitted by the site promoter at Regulation 18. The initial conclusions of this work suggest that 2 of the 4 junctions will now be within capacity with the remaining junctions capable of being resolved through physical highways works. However, the above has not been retested in the most recent strategic transport model, it has also not been signed off by the highways authority. As such, **officers still consider there to be significant uncertainties in transport terms.***

*Therefore, it is concluded that this site is **not suitable for allocation** in the District Plan 2021 – 2039 Proposed Submission."*

- 4.125. However, and since the Paper was prepared (July 2024), the Appeal Scheme has been considered by the Council, with County Highways and National Highways confirming the acceptability of developing the Site for a new garden community of up to 1,450 dwellings in highway, locational sustainability and safety terms (**CD3.1, CD3.2, CD7.1** and **CD7.2**). This assessment categorically addresses the earlier highway concerns raised by the Council.
- 4.126. In the circumstances, there are no known constraints (or valid technical objections) to supporting the development of the Appeal Site.

(iv) The Examination Process (ongoing)

- 4.127. During the Local Plan Hearing Sessions held during weeks 1 and 2 of the reconvened Local Plan Examination, Inspector Bore asked the Council to 'test' a higher housing requirement of up to

1,300 dwellings per annum (**CD5.35**).

- 4.128. Together with the concerns raised by the Inspector about some of the components of supply relied upon by the Council (mainly windfall sites), **the expectation is that the Council will need to plan for a significant number of additional site allocations for at least an extra 4,000 dwellings than identified in the submitted Local Plan.** This necessitates a review of the housing sites in the Council's Strategic Housing Land Availability Assessment "SHELAA" (Document Ref: SSP4) (**CD5.19**) and the sites assessed in the Council's Site Selection Papers at **CD5.22** and **CD5.23**.
- 4.129. As a result of the Local Plan Inspector's direction, the Council asked for promoters to submit updated site information of sites to be considered for possible inclusion as housing allocations in modifications to the Local Plan. The Appellant submitted a Statement to the Council in March 2026 (**CD5.20**) which summarised the merits of the Appeal Site as a housing allocation.
- 4.130. Following the Inspector's findings, the Council agreed to produce a 'long list' of additional sites that would be required to meet the Inspector's 1,200-1,300dpa target housing requirement range.
- 4.131. As identified by the Council, sites on the long list will be subject to in-combination testing (such as transport modelling and Sustainability Appraisal) before the Council finalises any additional proposed allocations and consults on them.
- 4.132. The Council published a methodology for selecting the sites for the long list (MS-14) (**CD5.36**) which the Inspector has agreed (IDJB-12) (**CD5.35**).
- 4.133. Paragraph 8 of **CD5.36** refers to reviewing sites in the SHELAA that were previously rejected at stage 2(b) of the SHELAA process, where, essentially, on-site constraints were found to severely impact the suitability of a site for development, the 'showstoppers'. This includes sites in the National Landscape, where paragraph 189 of the NPPF directs that development in these locations should be limited. I pause to note here that the Appeal Site is not subject to this constraint.

- 4.134. The 'long list' was published on 15 May 2026. It can be found on pages 14 and 15 of MS-TP4 (**CD5.40**) as well as tables 1 and 2 in SSP7 (Post Hearings – Site Selection Review – Initial Conclusions) (**CD5.44**).
- 4.135. The list includes a total of 35 additional sites for a total of 4,063 dwellings.
- 4.136. The Appeal Site is not on the list of additional sites.
- 4.137. Appendix 1 to the SSP7 Paper includes the site assessment proformas (**CD5.44A**). Appendix 2 includes the site selection conclusions by settlement (**CD5.44B**). I return to the content of the appendices below.
- 4.138. The Covering Report to SSP7 (**CD5.44**) explains how the Council has identified the sites for inclusion on the long list.
- 4.139. Paragraph 14 refers to the site selection methodology and the National Landscape constraint.
- 4.140. Paragraph 15 states:

"In the light of the Inspector's comments, the Council agrees that, whilst the National Planning Policy Framework (NPPF) September 2023 may mean that sites in this category face "strong headwinds", the question of whether there is a "strong reason" to reject them requires consideration of the particularities of the individual site including any benefits that could potentially arise from its development. This approach will ensure that the judgement reached by the Council is demonstrably consistent with paragraph 11b of the NPPF."

- 4.141. Paragraphs 17 and 18 refer to the Council's consideration of the contribution the sites could make to the delivery of the spatial strategy, stating:

"As part of the overall re-assessment, the Council has considered how the sites individually or collectively contribute to the delivery of the spatial strategy and how the sites individually or collectively contribute towards the wider ambitions for individual settlements, recognising the need for economic prosperity, thriving centres that deliver a range of services and facilities to meet needs, provision of and support for existing/new services and facilities."

When undertaking the re-assessment of sites, the Council has considered how sites contribute to the delivery of wider or local social and economic benefits or other local priorities including, for example, the protection of valued employment spaces, reflecting the district's distinctive towns and villages, retaining their separate identity and character and preventing coalescence."

- 4.142. As explained in the SPP7 Paper (**CD5.44**), the list includes 9 sites within the High Weald National Landscape, for a total of 1,192 dwellings.
- 4.143. Paragraph 27 of the Paper explains that as part of further testing, the 9 sites will need to be assessed for their potential impact on the Protected Landscape, having regard to national policy and guidance contained in the NPPF, PPG as well as legislation setting out the duties on LPAs in relation to national landscapes. This work is yet to be undertaken by the Council.
- 4.144. Paragraph 28 goes on to explain that MSDC would need to determine if there are exceptional circumstances for these sites to come forward in the national landscape and whether development would be in the public interest. This work is yet to be undertaken by the Council.
- 4.145. Paragraph 32 onwards explains how the Council has sought to understand how site selection can contribute to maximising the sustainability of settlements across the District.
- 4.146. Opportunities for extensions to improve the sustainability of existing settlements are considered at paragraphs 49 to 60 of the Paper.
- 4.147. Paragraphs 52 to 56 summarise the Council's consideration of the appeal site at Ansty Farm.
- 4.148. Paragraph 55 concludes on the Site assessment for the Appeal Site as follows:

"On balance it is not considered that the benefits of the site comprising the provision of homes, services and facilities, and a longer term contribution to the housing land supply would outweigh the unacceptable harm this scale of development would have on the High Weald National Landscape and the perception of coalescence between Ansty and Cuckfield."

- 4.149. Although I leave the landscape analysis to Mrs Brockhurst, it is curious as to how the Council can sustain a landscape objection to the Appeal Site when it is now advocating for the allocation of 9

sites for a total of 1,192 dwellings within the National Landscape.

4.150. This is particularly the case given the findings for site references 603, 181, 1024 and 165 (Table 2 in **CD5.44** refers) (totalling 890 dwellings) in the National Landscape were rejected in Appendix 4 to SSP4 (**CD5.23D**) on account of Natural Landscape impacts being showstoppers.

4.151. An example of this is the assessment for site 603 (Land to the west of Woodhurst Farm, Old Brighton Road South, Pease Pottage) which is in the list of sites at Table 1 of **CD5.44** for 700 dwellings, that was previously rejected by the Council on page 69 of Appendix 4 to the SSP4 Paper (**CD5.23D**, page 69), where the Council concluded as follows (My emphasis in **bold**):

*“Areas of Outstanding Natural Beauty (AONB) should be protected and enhanced. The site is located within the High Weald AONB. **Development of the site would cause detrimental impact to the AONB and should be avoided.** (NPPF Para’s 176,177)*

The site is therefore considered unsuitable for development and has been excluded from further assessment.”

4.152. Perhaps unsurprisingly, even the Council’s latest assessment of some of the larger sites proposed to be allocated for development in the National Landscape are not found to be justified on their own evidence. **Table 2** below shows two examples where the Council does not think there are exceptional circumstances to support the allocation of the sites within the National Landscape.

Table 2: Sites proposed to be Allocated

Site Ref	Site Name	Dwelling Nos	SSP7 Appendix 1 Assessment (CD5.44B)
165	Land south of Oldlands Avenue, Balcombe	40	Very negative landscape impact. Likely major development in the AONB with <u>no identified exceptional circumstances.</u> [Page 65 refers]
603	Land to the west of Woodhurst Farm, Old Brighton Road South, Pease Pottage	700	Very negative landscape impact. High impact on the AONB/ Likely major development in the AONB <u>with no identified exceptional circumstances.</u> [Page 351]

4.153. In my opinion, the Council's approach to the identification of major development in the National Landscape is:

- Contrary to the approach at paragraph 189 of the NPPF.
- In direct conflict with the submitted spatial strategy as set out in **CD5.18** (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)¹⁷
- As explained by the Council at paragraph 27 and 28 of SSP9 (**CD5.44**), they are yet to justify and explain the exceptional circumstance as to why development of this scale is appropriate in the National Landscape.

4.154. In my opinion, this strategy is not justified, nor is it consistent with national policy. Of course, in the end, the task of deciding whether the strategy is “sound” falls on the EiP inspector. However, given that he has yet to consider, let alone endorse, the Council’s unheralded reversal in approach, these points all go to the weight I give to the emerging Plan, which informs my consideration of the Council’s allegation of prematurity to which I come to below

4.155. By way of comparison, the November 2016 Report on the Examination of the Vale of White Horse (“VoWH”) Local Plan (**CD11.11**) deleted two major allocations in the North Wessex Downs AONB due to the lack of exceptional circumstances (paragraphs 112,113, 116, 119, 119 and 121 refer). In that instance, the VoWH proposed the allocations to support growth at the Harwell Innovation Campus. Paragraph 116 concludes that there is nothing to suggest that development could not be appropriately provided for a short distance from the campus outside the AONB.

4.156. Clearly, the VoWH situation is different to that in MSDC. However, there are clear parallels. In MSDC, the Council is advocating development within the National Landscape, including on account of the suggestion that it would assist in meeting identifying needs arising from Crawley. Paragraphs 61 to 65 of Paper SSP7 refer (**CD5.44**). However, all of Mid Sussex is within the

¹⁷ See the objection to the High Weald Joint Advisory Committee to the Regulation 19 Local Plan (**CD17.24**)

Northern West Sussex Housing Market Area, which also includes Horsham and Crawley Borough.

4.157. It is difficult to reconcile how delivery of the Appeal Site, which is accepted by the Council as making the location more sustainable, and which is on the A23 corridor, a short journey to the south of Crawley, beyond the National Landscape designation, with obligations to be secured to provide for enhanced bus services, connecting to Haywards Heath town centre with onward train services to Three Bridges and Crawley, could not be said to assist in meeting identified needs arising from Crawley.

4.158. Furthermore, paragraphs 9 and 10 of MS-12 (**CD5.36**) refer to the Council's intention to appraise sites for inclusion on the long list including in relation to the contribution to be made to social infrastructure.

4.159. However, from the 35 x sites proposed to be allocated for 4,063 dwellings in the list on pages 14 and 15 of **CD5.40**, and with reference to the Council's assessment of the sites in Appendix 2 to SSP7 (**CD5.44B**), the social infrastructure expected by the Council to be delivered in support these additional 4,063 dwellings is limited to:

- Sports pitches for site 1137 (**CD5.44B**, pdf page 105)
- Community hall and bowling green for site 181 (**CD5.44B**, pdf page 99)
- Potential provision of 'community facilities/and potential upgrade to Woodgate Primary School for site 604 (**CD5.44B**, pdf page 145)

4.160. The Council will need to explain in due course how this level of social infrastructure is appropriate in the context of the significant amount of growth to be met in the District in the period to 2040. Again, this will be a question for the EiP Inspector. However, it is a point that goes to the weight I give to the emerging Plan, including in the context of paragraph 49 of the NPPF, which informs my consideration of the Council's allegation of prematurity.

4.161. Paragraphs 67 to 71 in **CD5.44** explain the next steps in the process, noting that the sites will be subject to in-combination testing, to include transport modelling, sustainability appraisal, habitat regulation, as well as liaison with infrastructure bodies and providers, including West Sussex

County Council education.

- 4.162. The outcome of the in-combination testing will be a matter to be considered by the Local Plan Inspector in due course. This will include consideration of the soundness of the Council's intended amendments to the Local Plan, including in relation to the suggested allocation of sites in the National Landscape that are contrary to National Planning Policy, in a situation where the Council is yet to explain the exceptional circumstances that exist to justify a departure from national policy and a spatial strategy divergent from and at odds with that contained in the submission Local Plan (**CD5.18**, pages 34 and 35).
- 4.163. For the reasons I have explained, informed by the findings of Mr Stevens (highways) and Mrs Brockhurst (landscape), given the Council's unheralded reversal in its position, and given the absence of any consideration of this U-turn, let alone an endorsement, from the EiP Inspector at this point, I give only limited weight to the conflict between the Appeal Site and the policies, proposals and list of sites in the emerging Local Plan.

(8) The Council's Potential Future Five Year Housing Land Supply Position

- 4.164. Paper MS-TP4 (**CD5.40**) includes an update on the assumptions relating to housing delivery from the sites relied upon by the Council.
- 4.165. Section 6 sets out the Council's position on the future five year housing land supply position at a base date of 1st April 2026, covering the five year period to 31st March 2031.
- 4.166. Paragraphs 1.70 and 1.77 include two important caveats, which I reproduce here (My emphasis in **bold**):
- *At this time the five-year supply is a draft figure. **Until the further testing of sites and due diligence has been undertaken, there is still an element of uncertainty** around whether the sites included for further testing will progress to an allocation in the Plan. **The Council will therefore publish a final five-year supply position once the list of additional allocations has been finalised alongside a detailed trajectory.***

- *The Council can therefore **demonstrate a five-year land supply on adoption of the Plan** assuming it is adopted in 2026/27 and subject to confirmation of the sites that are allocated within the Plan.*

4.167. The Paper confirms that the five year housing land supply figures are only draft and cannot be relied upon until their allocation in an adopted plan is confirmed.

4.168. In accordance with the definition of 'deliverable' in the NPPF and PPG, it is for the Council to demonstrate that the sites on the long list are deliverable. They are not NPPF Category A or B sites (although I accept this is not a closed list). Accordingly, the assumptions relied upon by the Council are to be treated with caution, not least because there are likely to be objections to the proposed allocation of the sites through the Local Plan process. Moreover, and as I explained in topic matter (7) above, many of the proposed allocations are within the National Landscape.

4.169. The Annex 2 Glossary to the NPPF includes a definition of 'deliverable', which is expanded on in the PPG (ID: 68-007-20190722). I rely upon these definitions, and the findings in the appeal decisions at **CD11.12** to **CD11.16** to support my findings relating to the deliverability or otherwise of the Council's components of supply.

4.170. The sites on the long list are, by definition, not 'deliverable' in NPPF terms. They are not allocations and there is no 'clear evidence' of delivery in the next five years. Even in the (very unlikely) event that a Plan were adopted in due course before the decision in this appeal was issued, the allocations *still* would not be deliverable because they would not be supported by any "clear evidence" within the language of the NPPF.

4.171. The Council's Paper also relies upon the inclusion of a stepped housing requirement (applying the yet to be adopted Local Plan housing requirement) and the assumed delivery profiles of the yet to be tested sites. As paragraph 1.80 records:

"as part of the Council's further testing of additional sites it will be undertaking due diligence on anticipated delivery rates and therefore these figures are still subject to change."

- 4.172. This statement (and approach) can be read alongside those at paragraphs 1.70 and 1.77 of the paper (my paragraph 4.166 refers) to demonstrate that this position cannot be relied upon for the purpose of assessing five year housing land supply matters.
- 4.173. I anticipate agreeing a Five Year Housing Land Supply SoCG with the Council. However, and to the extent matters cannot be agreed, I will need to address the requirement and delivery assumptions in a Rebuttal.

(9) Prematurity

- 4.174. On account of the Appeal Site not featuring in the 'long list of sites' in 'MS-TP4: Housing – Post Hearings Update' (**CD5.40**), the Council now contends that the Appeal Scheme would be premature in the context of paragraph 50 of the NPPF (**CD3.5**).
- 4.175. I disagree with the Council's contention.
- 4.176. Consideration of topics (7) and (8) above confirm, there is inherent uncertainty in relation to the prospects for the emerging local plan satisfying the test of soundness. This includes on account of the sites that are proposed by the council on the long list which includes a total of 1,193 dwellings in the National Landscape, and a total of just over 4,000 dwellings on sites where little if any supporting infrastructure is proposed.
- 4.177. Paragraph 49 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to (i) the stage of preparation, (ii) the extent to which there are unresolved objections to relevant policies; and (iii) the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 4.178. Although the Local Plan is at an advanced stage in the preparation process (currently at Examination), it is a matter of judgement as to the weight to be afforded to it.
- 4.179. As I have explained, the Local Plan Inspector has asked the Council to identify sites for an additional circa 4,000 dwellings.

- 4.180. The process undertaken by the Council is now proposing a significant amount of development in the National Landscape. Such an approach was actively discounted by the Council through the preparation of the Plan. The Council identified the National Landscape designation as a 'showstopper'.
- 4.181. The National Policy position on the protection to be afforded to National Landscapes has not changed in the intervening period.
- 4.182. Accordingly, the suggested approach in seeking to plan for 1,192 dwellings in the National Landscape conflicts with the approach at paragraph 189 of the NPPF. It is a drastic reversal in approach that the EiP Inspector has yet even to consider, let alone endorse.
- 4.183. In relation to (ii), the sites are yet to be tested. They have not been consulted on.
- 4.184. Furthermore, given the conflict with national policy and the lack of evidence explaining the exceptional circumstances that exist to justify development in the National Landscape ahead of sustainably located sites that aren't constrained by such designations (including the Appeal Site), significantly increases the importance of the new strategy being considered by the EiP Inspector. Until then, those circumstances reduced the weight to be attached to the emerging Plan.
- 4.185. In relation to (iii), for the reasons I have explained, the allocations proposed in the national landscape would conflict with paragraph 189 of the NPPF.
- 4.186. Paragraph 50 of the NPPF states that an application is premature or unlikely to justify refusal of planning permission other than in limited circumstances where both (a) the development proposed is so substantial or its cumulative effect would be so significant that the grant of planning permission would undermine the plan making process by predetermining decisions about the scale common location or phasing of new development that are central to an emerging plan; and (b) the emerging Local Plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 4.187. I accept that the emerging Plan is at an advanced stage. However, the changes being countenanced by the Council as part of modifications to the plan represent a drastic and late U-turn in approach, and are contrary both to the submitted plan and national policy. Again, this tempers the weight to be attached to the emerging Plan.
- 4.188. As to whether the Appeal Scheme is so substantial or its cumulative effect will be so significant so as to trigger the considerations at paragraph 50(a), the Scheme is for 1,450 dwellings. This amounts to only 6% of the total housing requirement to be met during the Plan period (1,450/24,000). This is around one year of the total requirement of a 19 year plan.
- 4.189. The Appeal Scheme has already been assessed as being acceptable in highway terms (noting here that I rely upon the evidence of Mr Stevens).
- 4.190. The Council did not identify prematurity as an issue when the Application was reported to Committee, nor was it a reason for refusal (see **CD3.1**, **CD3.2** and **CD3.3**).
- 4.191. The scale of the Appeal Scheme compared to the 19,620 dwellings that were planned for in Policy DPH1, was greater at 7.5% (1,3450/19,620) that it is now (6%).
- 4.192. Given the Appeal Scheme was not refused on prematurity grounds when the draft plan was submitted on the basis the Council considered it to be a sound Plan, it is hard to understand why prematurity is being raised now.
- 4.193. Yes, the Local Plan is further forward in time. However, significant changes are required to make it sound. The council's intended response is to plan for 1,192 dwellings in the National Landscape.
- 4.194. They have not explained what exceptional circumstances exist to justify this approach, and that approach has yet even to be considered, still less endorsed, by the EiP Inspector. In addition, the circa 4000 dwellings proposed to be identified in **CD5.40** and **CD5.44** ought to be supported by only limited social infrastructure. In my opinion, significant steps remain for the Local Plan to be found sound.

- 4.195. The 'long list' is not yet even part of the draft Plan. Some of the sites may never be part of the Plan (and that risk is higher than it normally would be given the extensive numbers proposed to be brought forward within the NL). Accordingly, the Appeal Scheme cannot be reasonably said to be premature to a process that is yet to be undertaken, yet to be consulted upon, yet to be tested and yet to be considered by the Local Plan Inspector.
- 4.196. For the Council to assert in point (c) of their letter dated 20 May 2026 (**CD3.5**) that the Appeal Scheme is not required to meet the additional need identified by the Local Plan Inspector is of itself premature ahead of testing of the sites on their list.
- 4.197. The Council's view is not one that has been endorsed by the Local Plan Inspector, nor, in my opinion, is that likely considering many of this sites are in unsustainable locations and/or are in conflict with national planning policy in relation to the approach to be taken to development in National Landscapes.
- 4.198. The decision to omit the Appeal Site from the in-combination testing lies solely with the Council.
- 4.199. As set out in **CD5.44B**, the Council's reasons for rejecting the Appeal Site in the Plan making exercise relate to (i) purported harm to the setting of the National Landscape; and (ii) purported visual coalescence between Asty and Cuckfield
- 4.200. In relation to (i), given the extent of allocations being considered in the National Landscape (totalling 1,192 dwellings), the sites now advocated by the Council would result in more harm to the National Landscape than can be said to be the case with the Appeal Site which is not within the National Landscape.
- 4.201. In relation to (ii), these matters are comprehensively addressed by Mrs Brockhurst in her landscape evidence (**CD8.3**).
- 4.202. Under Regulation 12 of the SEA Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004), the Council is obliged to test the preferred options against the reasonable alternatives. In my opinion, the Appeal Site is a 'reasonable alternative' to the long-list of sites given the agreement with MSDC and the LHA about its locational sustainability.

- 4.203. Although the Council now raises prematurity, they have failed to engage with the effect that granting planning permission will have on the delivery of the Plan's objectives (**CD5.18**, chapter 4 refers)
- 4.204. The Appeal site is agreed to be in a sustainable location. Accordingly, it would provide for sustainable growth in accordance with pillar four of the spatial strategy. It would assist in meeting identified housing needs. It would also provide for supporting social infrastructure, assisting in providing for identified housing, economic and social needs in a location that would contribute to sustainable patterns of growth whilst assisting the Council in fulfilling the obligations under paragraph 189 of the NPPF and its own strategic objective as set out on page 34 of this submission Plan (**CD5.18**) in seeking to protect the designated High Weald National Landscape.
- 4.205. In the circumstances, and for the reasons I have explained, informed by the analysis undertaken by Mrs Brockhurst (landscape) and Mr Stevens (highways), I fail to see how the grant of planning permission for the Appeal Scheme could be said to be premature in the context of paragraph 50 of the NPPF.

(10) Heritage

- 4.206. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in the exercise of planning functions.
- 4.207. Subsection (1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.208. In light of the relevant statutory duty of the 1990 Act (section 66(1)), considerable weight and importance has been given to the requirement to pay special regard to the desirability of preserving the setting of the identified listed buildings.

4.209. The meaning of preservation with regard to the setting of listed buildings under the relevant parts of the Act can be taken to be the avoidance of harm. However, such a presumption is not overriding or irrebuttable, as there will be cases where such harm would be outweighed by material considerations powerful enough to do so.

4.210. Paragraph 2.5 of the Planning SoCG (**CD7.1**) records that the Appeal Site does not fall within a Conservation Area, nor are there any listed buildings within the Site's boundary. However, the Site does surround two listed buildings, "The Place" and "Barns to north of Forsyth's Farmhouse" ("Old Place" and "The Barn House" on some records), which are around 500m east of Ansty and are excluded from the Site boundary. In addition, there are other heritage assets in the vicinity of the Site.

4.211. I also note here that:

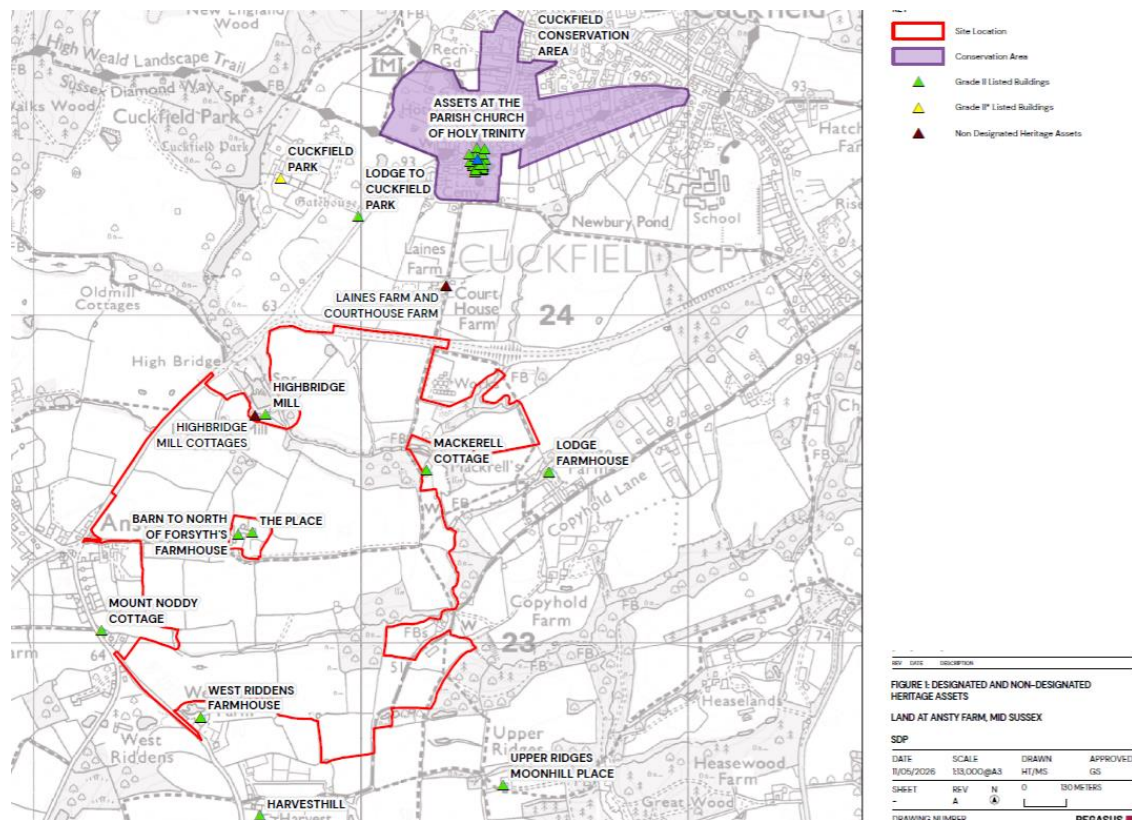
- Matters relating to heritage do not form the basis of any of the reasons for refusal (**CD3.3**)
- No objection was raised to the Appeal Scheme by Historic England (**CD4.46** and **CD4.60**)
- Officers concluded that the public benefits to be derived from the Appeal Scheme outweighed the less than substantial heritage harm (**CD3.1**)
- The Rule 6 Party is not raising heritage impacts as an issue for this Appeal (**CD15.3**)

4.212. Although it is agreed that less than substantial harm has been identified to the setting of some designated heritage assets, which matter is addressed in Gail Stoten's proof of evidence (**CD8.7**), as recorded at paragraph 5.5 of the Planning SoCG (**CD7.1**), it is also agreed with MSDC that the significant public benefits from the Appeal Scheme outweigh the less than substantial harm to the identified designated heritage assets; thus satisfying the approach at paragraph 215 of the NPPF. Accordingly, heritage does not form a strong reason for refusal under paragraph 11(d)(i) of the NPPF, and nor does it disengage the titled balance.

4.213. The Council's consideration of heritage effects is set out at paragraphs 12.116 to 12.184 of the Report to Committee upon the Appeal Scheme (**CD3.1**), which matters are addressed in Gail Stoten's proof of evidence (**CD8.7**).

4.214. The relationship of the Appeal Site to the identified heritage assets is shown at Appendix 5 to Gail Stoten’s evidence (**CD8.7**), which I have reproduced in **Figure 5** below, on which the Appeal Site is edged red. The Cuckfield Conservation Area is shown in purple. Grade II listed buildings are shown with a green triangle, whilst Grade II* listed buildings are shown with a yellow triangle. Non-designated heritage assets are shown with a purple triangle.

Figure 5: Identified Heritage Assets



4.215. Section 4 of Mrs Stoten’s evidence summarises her findings in relation to the heritage harms she identifies.

4.216. The table at paragraph 4.4 of Mrs Stoten’s evidence compares her findings with the harm identified by the Council’s Conservation Officer.

4.217. Informed by the analysis undertaken by Mrs Stoten and the agreement reached with the Council, I conclude that the many public benefits secured by the Appeal Scheme, which matters are set out in Section 5 of the Planning SoCG (**CD7.1**), clearly outweigh the less than substantial harm that has been identified to the significance of a number of designated heritage assets.

(11) Landscape

- 4.218. Section 15 of the NPPF sets out the approach to conserving and enhancing the natural environment.
- 4.219. Paragraph 187(a) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan).
- 4.220. As Mrs Brockhurst explains in her evidence (**CD8.3**), the Appeal Site is not identified in the development plan for its landscape quality. Moreover, Mrs Brockhurst does not consider the Appeal Site to comprise a valued landscape. This finding is reflected in the agreement reached with MSDC at paragraph 5.6 of the Planning SoCG (**CD7.1**) and paragraph 1.6 of the Landscape SoCG (**CD7.3**). However, Mrs Hooper's landscape evidence indicates that she adopts a position contrary to the Council's landscape advisors, the case officer, Mr Peacock and the Council at this appeal (**CD10.2**, paragraph 1.4 and section 6 refer). As this is a matter raised in evidence, Mrs Brockhurst addresses this in her rebuttal proof (on whose findings I rely).
- 4.221. As Mrs Brockhurst's landscape evidence records (**CD8.3**), although the Appeal Site is not a valued landscape, it is within the setting of the High Weald National Landscape.
- 4.222. Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in national landscapes. As currently defined, the Appeal Site is not within a National Landscape. However, it is within the setting of the High Weald NL.
- 4.223. The recommendation to grant planning permission for the Appeal Scheme was expanded upon in the Update Report to Committee (**CD3.2**), which included further consideration of the impact of the Appeal Scheme upon the setting of the High Weald National Landscape, with page 3 stating as follows:

"...Your officers are satisfied that the development complies with the final part of the paragraph 189 of the NPPF, as set out in the assessment section of the report, and in light of this it would not provide a strong reason for refusal, meaning that the tilted balance in paragraph 11(d)(ii) of the NPPF should be applied."

- 4.224. However, and contrary to the advice of the Council's professional officers, the Council refused planning permission and is now making the case that the Appeal Scheme would fail to avoid and minimise adverse impact upon the High Weald National Landscape such that, in its opinion, it provides a strong reason for refusal under paragraph 11(d)(i) of the NPPF.
- 4.225. As Mrs Brockhurst explains in her evidence (**CD8.3**), the scale and extent of development proposed with the Appeal Scheme minimises adverse impacts on the landscape and scenic beauty of the designated area. Accordingly, I adopt Mrs Brockhurst's analysis, concluding that the Appeal Scheme accords with the approach set out at paragraph 189 of the NPPF.
- 4.226. I also adopt Mrs Brockhurst's findings, which conclude that the effects of the Appeal Scheme on the landscape character and appearance are limited and localised.
- 4.227. Whilst a change in landscape character is unavoidable as a result of the Appeal Scheme, the changes will relate to the immediate landscape and townscape context of the Appeal Site.
- 4.228. In accordance with the approach set out at paragraph 189 of the NPPF, the Appeal Scheme has been sensitively located and designed to minimise adverse impacts on the National Landscape.
- 4.229. Overall, I adopt Mrs Brockhurst's findings and in so doing, I do not consider that the National Landscape considerations at footnote 7 of the NPPF provide a strong reason for refusing the Appeal Scheme. This position is agreed with MSDC.
- 4.230. Because I identify that some landscape harm would be occasioned to the countryside as a result of the Appeal Scheme, this results in a conflict with Policy MSDP Policy DP12, ASNP Policy AS1 and CNP Policy CNP5 that I have identified in section 3 of my evidence.
- 4.231. I attribute moderate weight to the landscape harm in my overall balance, which I have factored into my overall planning balance (section 5 below refers).

(12) Coalescence

General

- 4.232. I address the local gap/coalescence policy matters in section 3 above.
- 4.233. The Decision Notice at **CD3.3** alleges that the Appeal Scheme would conflict with (i) Policy AS2 of the Ansty, Staplefield & Brook Street Neighbourhood Plan, relating to the gap between Ansty and Cuckfield; and (ii) Policy CNP3 of the Cuckfield Neighbourhood Plan relating to the gap between Cuckfield and Haywards Heath.
- 4.234. For the reasons I explain, with my findings informed by the assessment undertaken by Mrs Brockhurst (section 6 of her evidence refers (**CD8.3**)) I find no conflict with Policy AS2 of the Ansty, Staplefield & Brook Street Neighbourhood Plan. Accordingly, I find the perception of openness between Ansty and Cuckfield would not be unacceptably eroded.
- 4.235. As section 3 of my evidence explains, I find no conflict with Policy CNP3 of the Cuckfield Neighbourhood Plan, this is because the Appeal Site does not contribute to the gap between Ansty and Cuckfield.
- 4.236. I expand upon my findings below.

Ansty – Cuckfield

- 4.237. As I explain at paragraph 3.16 above, I find no conflict with Policy AS2 of the Ansty, Staplefield & Brook Street Neighbourhood Plan, as the Appeal Scheme would not result in the perception of openness being “unacceptably eroded” (the test in the Policy) between Ansty and Cuckfield.
- 4.238. Policy S2 states as follows:

"POLICY AS2: PREVENTING COALESCENCE

Development proposals are expected to demonstrate that they would not result in the coalescence with any neighbouring settlement either individually or cumulatively or result in the perception of openness being unacceptably eroded between the following areas:

- *Ansty and Burgess Hill*
- *Brook Street and Cuckfield*
- *Ansty and Cuckfield*

Planning permission will not normally be granted for development which:

Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads."

- 4.239. The policy requires an assessment of whether (i) there would be coalescence; or (ii) whether development would result in the perception of openness being unacceptably eroded.
- 4.240. In responding to the coalescence point, it is evident that the Appeal Scheme would retain a significant gap between Ansty and Cuckfield. Accordingly, there would be no prospect of physical coalescence occurring.
- 4.241. Point (ii) requires an assessment as to whether the perception of openness would be unacceptably eroded.
- 4.242. In my opinion, informed by Mrs Brockhurst's evidence, whilst the Appeal Scheme will reduce the physical separation distance between Ansty and Cuckfield, it has been designed with landscape buffers to the northern and western boundaries. As such, the Scheme would retain clear physical, perceptual and visual separation between the settlements. This is due to the retained separation distance, in unison with the presence of a defensible landscape boundaries.
- 4.243. When travelling north on the A272 and B2036 by car, walking, or cycling, from Ansty to Cuckfield, one gets the impression of having 'arrived' at Cuckfield when one gets to the junction of Church Platt and Newbury Lane. Equally, that is also the point at which one gets the impression of leaving Cuckfield when travelling south.

- 4.244. In so far as the Appeal Scheme is located in land to the south of the A272, south east of the B2036, the Appeal Scheme would retain a minimum c.0.7km distance between the north western edge of the proposed development at the roundabout junction between the A272/B2036 and the intersection of Church Platt and Newbury Lane.
- 4.245. When travelling north on this journey, one experiences open fields to the east and the open landscape land associated with Cuckfield cricket club and Cuckfield Park to the west. The same is said when travelling south (when the landscape on opposite sides). This open landscape informs the appreciation of having left/being beyond the settlement of Cuckfield.
- 4.246. The Appeal scheme is set back from the A272, with landscape buffers.
- 4.247. Ansty and Cuckfield will retain their separate settlement boundaries, with open land between them.
- 4.248. Based upon the master plan proposals for the site, those travelling between Ansty and Cuckfield would only experience glimpsed views of part of the development. An appropriate gap is retained between them such that the perception of openness cannot be said to be unacceptably eroded.
- 4.249. As Mrs Brockhurst concludes, the retention of significant intervening vegetation together with the retained landform will ensure the settlements retain visual separation, despite the fact that from each settlement there will be views of some buildings on the edge of the other settlement.
- 4.250. Importantly, when travelling from Ansty to Cuckfield, or in the opposite direction, there is, and will remain, a perception and distinction of having left one place before arriving at the other.
- 4.251. Informed by the assessment undertaken by Mrs Brockhurst, which conclusions I adopt, I consider the Appeal Scheme accords with Policy AS2 as the Appeal Scheme would not result in coalescence (individually or cumulatively), nor would it result in the perception of openness being unacceptably eroded between Ansty and Cuckfield.

Cuckfield and Haywards Heath

- 4.252. Although the Council alleges conflict with Policy CNP3 of the Cuckfield Neighbourhood Plan, for the reasons I explain at paragraphs 3.18 to 3.26, and supported by Mrs Brockhurst's evidence, I

come to a different conclusion.

4.253. The Appeal Site is not located in the gap cited in the NP between Cuckfield and Haywards Heath. This specific gap lies to the east of Cuckfield. There is no evidence provided in the CNP that indicates that the land between Ansty and Cuckfield, within which the Appeal Site is located, contributes to any gap.

4.254. It is for this reason that I find no conflict with policy CNP3.

(13) Agricultural Land

4.255. As explained in Volume 4 of the Environmental Statement (**CD5.3**), the Agricultural Land Classification (“ALC”) for the Appeal Site is as follows:

- Grade 1: 1.6ha
- Grade 2: 6.6ha
- Grade 3a: 5ha
- Grade 3b: 63.5ha

4.256. The Appeal Site extends to approximately 100ha, with agricultural land accounting for 77ha of the Site area.

4.257. The Appeal Scheme would result in the loss of 13.2ha of best and most versatile (“BMV”) agricultural land.

4.258. The NPPF does not provide a restriction on the use of BMV land. It simply requires that, in decision taking, the economic and other benefits are recognised. As a footnote to the paragraph on plan-making, footnote 65 sets out that, where “significant” development of agricultural land is necessary, poorer quality land should be preferred.

4.259. The amount of BMV land involved in this Appeal is not “significant” development. Whilst there is no formal definition of what is significant, it is usually agreed that the threshold for consultation with Natural England provides a good benchmark. That is 20 ha of BMV, so this Site is substantially

below that threshold.

4.260. In respect of the small amount of BMV within the Appeal Site, footnote 65 is not triggered. Therefore, under the NPPF, provided that the economic and other benefits are recognised, there is policy compliance.

4.261. The implications of the loss of 13.2 ha of BMV, which represents just 17% of the agricultural land within the Appeal Site, is negligible on a local, district and national scale.

4.262. I agree with the Council's assessment at paragraph 12.355 of the Report To Committee upon the Appeal Scheme (**CD3.1**) that this matter carries only limited weight in the overall planning balance.

(14) Planning Obligations

4.263. Matters of detail, including in relation to the likely financial contributions, are to be agreed as part of the preparation of a legal agreement. At the time of writing my evidence, positive discussions between the parties (Appeal, MSDC and WSCC) are continuing in relation to the triggers for the obligations.

4.264. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following (which list is not exhaustive as the S106 remains in progress at the time of settling my evidence) will be provided for in a legal agreement:

- (i) 435 affordable homes (30% of proposed homes)
- (ii) A £450,000 financial contribution towards Gypsy & Traveller Pitches
- (iii) A £232,000 financial contribution for additional Sussex Police capacity
- (iv) The provision of a primary school
- (v) The transfer of land for a SEND school, and a contribution of £2.15m
- (vi) Financial contributions towards secondary education (Approx £2.32m)
- (vii) Financial contributions towards sixth form education (Approx £7.37m)
- (viii) A financial contribution to libraries

- (ix) A financial contribution to fire and rescue capacity
- (x) Public transport, active travel and highway work contributions
- (xi) Financial contributions towards enhanced bus service provision (£2.1m)
- (xii) Offsite sports pitch improvements
- (xiii) Provision of on-site sports and social facilities
- (xiv) On-site provision of allotments
- (xv) The provision of an on-site health hub, with a new GP surgery
- (xvi) The provision of a village centre with retail, employment and community uses
- (xvii) The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission

4.265. In addition to the above, the Appeal Scheme will be subject to the imposition of a condition requiring the submission and approval of a phasing plan, which will inform the timely provision of supporting infrastructure to ensure a sustainable form of development, with footpath, cycle and bus connections secured at an early stage in the development of the Site.

5. PLANNING BALANCE: SUMMARY AND CONCLUSION

The Appeal Scheme

- 5.1. The Appeal Scheme is an outline planning application for a new Garden Community, comprising the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping. Appearance, landscaping, layout and scale are reserved for subsequent determination.

Development Plan

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 5.3. In this instance, although the Appeal Site falls beyond the settlement policy boundary for Ansty and Cuckfield, as defined in the adopted District Plan (2018) (**CD5.1**), the Site Allocations and Development Management Policies DPD (2016) (**CD5.2**), the Ansty, Staplefield and Brook Street Neighbourhood Plan (**CD5.7**), and the Cuckfield Neighbourhood Plan (**CD5.6**), the settlement boundaries were not drawn to meet current needs.
- 5.4. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary for Ansty as defined on the Local Plan Proposals Map. Accordingly, it is located in the countryside. In addition, the Site is not allocated for housing development. As such, **the Appeal Scheme is contrary to Policies DP6 and DP12 of the MSDP as it is located outside the defined settlement boundary.**

- 5.5. However, the settlement boundaries were defined in the MSDP that was adopted 8 years ago, and they do not purport to (nor could they) meet current housing needs.
- 5.6. The same considerations apply in relation to the settlement boundary defined in the Ansty Neighbourhood Plan, which I have identified a **conflict with Policy AS1**. Moreover, the Ansty NP pre-dates adoption of the MSDP and does not purport to, nor could it, meet current housing needs.
- 5.7. The Appeal Scheme also **conflicts with Policy CNP5**, which seeks to protect and enhance the countryside. However, Policy CNP5 is not consistent with the NPPF's approach to development in the countryside, where it might be necessary to meet identified housing needs (as is the case here).
- 5.8. The settlement boundaries, countryside and gap designations, serve to frustrate attempts to meet identified housing needs. In the circumstances, it is clear that the spatial strategy and the associated settlement boundaries are inconsistent with the NPPF's objectives of seeking to significantly boost housing supply.
- 5.9. As Lord Carnwath said in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord [63] (**CD13.8**) "the Inspector was "clearly entitled" to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out of date housing requirements." There are obvious parallels with MSDC.
- 5.10. In the circumstances, **I attach only limited weight to the conflict I have identified with MSDP Policy DP6. I give moderate weight to the conflict with Policy DP12** as it relates to protecting the intrinsic character and beauty of the countryside.
- 5.11. For the reasons I explain in relation to Policy DP6, **I equally give limited weight to the conflict I have identified with Ansty NP Policy AS1 and moderate weight to the conflict with Cuckfield NP Policy CNP5.**
- 5.12. My findings are such that I consider that **the Appeal Scheme conflicts with the Development Plan as a whole.**

Material Considerations

- 5.13. The Council is not able to demonstrate a five-year supply of deliverable housing land, and the adopted development Plan, comprising the MSDC District Plan, the Ansty, Staplefield & Brook Street Neighbourhood Plan and the separate Cuckfield Neighbourhood Plan is manifestly out of date as it fails to plan for current needs.
- 5.14. Whilst the Council is at examination with an emerging Local Plan, the Local Plan Inspector has tasked the District Council with planning for 1,200 to 1,300 dwellings per annum, resulting in a need to identify sites for an additional circa 4,000 dwellings (**CD5.40** and **CD5.44** refer).
- 5.15. MSDC subsequently published 'MS-TP4: Housing – Post Hearings Update' (**CD5.40**), which includes a 'long list of 35 additional sites' on pages 14 and 15, for a total of 4,063 dwellings. The Appeal Site is not on the list of additional sites. This has resulted in MSDC's letter of 20 May 2026 (**CD3.5**) which now contends that the Appeal Scheme would be premature in the context of paragraph 50 of the NPPF. I disagree with the Council's contention. The grant of planning permission through this appeal process would not be premature.
- 5.16. The Council's 'list' includes a total of 9 sites for 1,192 dwellings on sites in the National Landscape (**CD5.44**, Table 2 refers). This approach is contrary to the spatial strategy in the submission plan, which seeks to protect the AONB from major development (**CD5.18**, pages 34 and 35 refer). It is also contrary to the approach at paragraph 189 of the NPPF. For these reasons, informed by the findings of Mr Stevens and Mrs Brockhurst, I give only limited weight to the conflict between the Appeal Site and the policies, proposals and list of sites in the emerging Local Plan.
- 5.17. As has been agreed with the Council in **CD7.1**, there is a significant under supply of market and affordable housing.
- 5.18. As such, it is common ground between the Council and Appellant that the Council is not meeting the requirements at paragraphs 61 or 78 of the NPPF. In the circumstances, the presumption at 11(d) of the NPPF is engaged.

- 5.19. As I have explained, it is my position that the Appeal Scheme falls to be determined under paragraph 11(d)(ii) of the NPPF. This is based on Mrs Brockhurst's evidence (**CD8.3**), as well as the agreement reached with MSDC that the Appeal Site is not a valued landscape (**CD7.1** and **CD7.3**). In addition, and as Mrs Brockhurst concludes, the Appeal Scheme has been sensitively located and designed to minimise its impact upon the setting of the High Weald National Landscape, according with the approach set out at paragraph 189 of the NPPF.
- 5.20. In addition, and as agreed with MSDC, heritage is not a footnote 7 constraint to developing the Site, as the public benefits have been found to outweigh the less than substantial heritage harm.
- 5.21. As the "most important policies" are out-of-date for the purposes of paragraph 11(d) of the NPPF, and as there are no strong reasons for refusal in respect of footnote 7 matters (landscape and heritage), I conclude that adverse impacts of granting planning permission comprising (i) conflict with the Development Plan (with the Site located in the countryside), (ii) localised landscape impacts, (iii) loss of 13.2ha of BMV agricultural land; and (iv) the less than substantial harm to designated heritage assets, do not come anywhere near to significantly and demonstrably outweighing the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.22. It is my evidence for this Appeal that the Appeal Scheme should be positively determined under the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 5.23. The benefits from the Appeal Scheme are many and manifest, not least the provision of housing and affordable housing when the Country and the District face a substantial housing need, which government policy is seeking to address.
- 5.24. The locational merits of the Appeal Site have been agreed with County Highways; and it forms no part of the Council's case that the Appeal Site is in an unsustainable location. Nor could that rationally be said to be the case given the package of measures to be secured through the Appeal Scheme that will also provide for enhanced sustainable connections by foot, cycle and bus for

existing residents in Ansty and Cuckfield to and from Haywards Heath and Burgess Hill.

5.25. The Appeal Scheme will contribute to meeting the substantial need for market and affordable housing in the current five year period.

5.26. Informed by my considerations in section 4 above, the weighting I give to the adverse impacts and benefits arising from the Appeal Scheme are summarised in **Table 4** below (taken from the table at paragraph 5.18 of the Planning SoCG (**CD7.1**)).

Table 4: Harms and Benefits

Harms	Weight
Conflict with the Development Plan	Limited
Landscape and visual harm	Moderate
Loss of agricultural land	Limited
Heritage	Great weight
Benefits	Weight
Provision of up to 1,450 market homes	Substantial
Provision of up to 435 affordable homes	Substantial
Provision of up to 30 custom/self-build homes	Substantial
Provision of 90 x C2 care units	Substantial
Economic Benefits (job creation and local expenditure)	Substantial
Provision of land for education purposes	Significant
Provision of sports facilities	Significant
Provision of a health hub	Significant
Biodiversity Net Gain	Significant
Enhanced connectivity, footpaths, cycle links and bus service enhancements	Significant

5.27. When carrying out my planning balance in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, I conclude that the **adverse impacts are not significantly and demonstrably outweighed by these benefits.**

5.28. This reflects the conclusion of the Council’s professional officers at section 13 of the Report to the Council’s Planning Committee (**CD3.1**), which included the following observations:

1. *The application would provide 1,450 homes, including a total of 435 affordable homes; 109 of these would be affordable ownership and 326 would be affordable rented tenure. The scheme would also include 30 self-build plots and 90 residential care units. A financial contribution to 3 permanent Gypsy and Traveller pitches would also be secured through the S106 agreement. The proposal would comply with policies DP30, DP31 and DP33 of the MSDP. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance (Paragraph 13.8).*
2. *In terms of community and leisure facilities, the application proposes a new Primary School, land for a Special Educational Needs (SEND) School, Health Hub including a potential new GP surgery, village centre with local facilities and workspace and sports and recreation facilities. These would be secured and funded through the S106 agreement (Paragraph 13.9)*
3. *In terms of transport matters, the vehicular access arrangements are acceptable. On the basis of the submitted evidence and the formal responses from the relevant highway authorities, the application would comply with Policy DP21 and the relevant provisions of national planning policy, which require that development should not result in a severe impact on the transport network. Subject to the recommended conditions and mitigation, no such severe impact has been identified. Furthermore, the application incorporates appropriate opportunities to promote sustainable transport and in particular the proposed bus services provide public transport improvements that will benefit existing residents in Ansty and Cuckfield villages. These improvements will be secured with a s106 Legal Agreement, and it is considered that this is a benefit of the scheme that should be afforded significant positive weight (Para 13.13).*
4. *The proposal would provide up to 1,450 new dwellings (including specialist units and self/custom build plots) at a time when the Council cannot demonstrate a five-year housing land supply. There would be economic benefits from the proposal from the increased spend within the local economy once the development is occupied. There would social benefits through the provision of a primary school, land for a SEND school, the provision of an on-site sport facility and pitches, provision of local centre including a Health Hub, the provision of allotments and the creation of public open space. Furthermore, the provision of an improved bus service that will also serve the existing villages of Ansty and Cuckfield is also a social benefit of the scheme. The proposal would also result in a net gain in biodiversity. These benefits, each of which are considered to be significant, would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF (Paragraph 13.35).*
5. *It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent (many of which will in any event be mitigated for as far as is possible) would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning*

considerations of sufficient weight that would justify the approval of this scheme (Paragraph 13.38).

- 5.29. The Council's Professional Officers found that the harms would not significantly and demonstrably outweigh the benefits, even on their views of more harm and greater policy conflict than found to be the case by the evidence submitted on behalf of the Appellant. Accordingly, if the evidence submitted on behalf of the Appellant is preferred on the level of harm and policy conflict identified, then the benefits would even more emphatically outweigh the harms on the Council's view.
- 5.30. For the reasons set out above, supported by the findings of the Council's professional planning officers (**CD3.1** and **CD3.2**), it is my evidence to this inquiry that the Appeal should be allowed.

SB1

Briefing Note: Future Affordable Housing Supply

Land to the East of Ansty Way, Cuckfield Bypass, Cuckfield, West Sussex

May 2026

Introduction

1. In May 2026, the Council published MS-TP4: Housing Post Hearings Update (**CD5.40**), which sets out updated capacity assumptions for four of the existing proposed allocations and identifies a number of additional sites proposed for allocation at the request of the examining Inspector.
2. This note considers the implications of these changes for affordable housing supply over the emerging plan period. It should be read in conjunction with Section 7 of my main Proof of Evidence (**CD8.2**), which sets out the underlying assessment of affordable housing supply.

Updates to existing allocations

3. MS-TP4 (**CD5.40**, p.9 - 10, [1.37 - 1.46]) identifies the following four existing proposed allocations with increased capacity assumptions compared to those identified in MS02: Housing Supply and Headroom Hearing Statement (**CD5.32**):
 - DPSC7: Land at LVS Hassocks, Sayers Common – plus 10 dwellings
 - DPA7: Land east of Borde Hill Lane, Haywards Heath – plus 57 dwellings
 - DPA9: Land to the west of Turners Hill Road / DPA10: Hurst Farm, Crawley Down – plus 43 dwellings
 - DPA12: Land west of Kemps, Hurstpierpoint – plus 90 dwellings
4. Across the four sites, capacity has increased by 200 dwellings. Assuming policy compliant affordable housing provision (i.e. 30% onsite), this would generate a further **60 gross affordable dwellings** over the emerging plan period.

Additional sites proposed for allocation

5. MS-TP4 (**CD5.40**, p.14 - 15, [1.63]) identifies 35 additional sites proposed for allocation in the emerging Local Plan, with an anticipated delivery of 4,063 dwellings over the plan period.
6. Assuming these sites will deliver policy compliant affordable housing provision (i.e. 30% onsite), this would generate a further **1,219 gross¹ affordable dwellings** over the period.

Likely supply over the emerging Local Plan Period - Council's Position

7. As set out in Table 7.2 of my main Proof of Evidence (**CD8.2**, p.49), based on existing affordable housing completions and the expected supply identified in MS02: Housing Supply and Headroom

¹ 30% of 4,063 = 1,218.9

Hearing Statement (**CD5.32**), there is a likely supply of 6,008 affordable homes between 2021 and 2040.

8. Taken together, the increased capacity assumptions for the existing allocations and the additional proposed allocations identified in MS-TP4 would deliver a further 1,279 gross affordable homes over the emerging plan period, when assuming policy compliant provision. This would increase the total likely supply to 7,287 affordable homes over the 19 year plan period.
9. When compared against the 2024 SHMA identified need for 13,186 net affordable homes over the period, this leaves a shortfall of 5,899 affordable homes. In other words, even on the basis of these additional allocations, around 45% of households in affordable housing need would remain without their needs being met over the plan period.
10. It is also important to recognise that this shortfall is likely to be even greater once losses to affordable housing stock, including through demolitions and the Right to Buy, are taken into account.

Conclusions

11. Whilst the additional sites and increased capacity assumptions identified in MS-TP4 would improve the likely future supply of affordable housing, they do not materially alter the fundamental position. Even on the Council's updated supply assumptions, a substantial shortfall of at least 5,899 affordable homes would remain over the plan period, with around 45% of households with an identified affordable housing need still unable to have that need met.
12. This is a significant and persistent unmet need, which is likely to be understated given that the analysis does not account for losses to affordable housing stock through demolitions and the Right to Buy. The evidence therefore confirms that, notwithstanding the Council's efforts to identify additional housing supply, there remains a clear and pressing need for further affordable housing delivery in Mid Sussex.
13. In this context, the delivery of policy compliant affordable housing through sustainable development opportunities, including the appeal proposal at Land to the East of Ansty Way, would make an important contribution towards addressing this acute unmet need. This reinforces the conclusion in my main Proof of Evidence, and the agreed position in the Planning Statement of Common Ground (**CD7.1**), that the affordable housing benefits of the appeal proposal should attract substantial positive weight in the overall planning balance.

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