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Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990

Mid Sussex Ref: AP/26/0023

Planning Inspectorate Ref: 6005786

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

Proposed Development: Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.

Annex 1 para 1 of the National Planning Policy Framework 2026 states that 2026 NPPF is a material consideration which must be taken into account in decision-making from the day of its publication. Following the Inspector's request dated 20th August the Council has reviewed its position, and comments as follows.

The 2026 NPPF does not alter the Council's overall conclusions as set out in its Opening Statement (ID7) and Closing Statement (ID25). However, the Council does consider policies DP12, DP20, DP21, DP34, DP35, DP37, and DP38 of the District Plan, and policy E9 of the Haywards Heath Neighbourhood Plan (which are referred to in the reasons for refusal) to be materially inconsistent with the national decision-making policies in the Framework, and therefore to have very limited weight.

The Framework is a material consideration of critical importance for making decisions on development proposals in England (paragraph 1) and it maintains support for a planning system that is "genuinely plan-led". It sets out that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 3). It confirms that the new Framework is a material consideration and the policies should be read alongside the policies in the development plan.

In terms of the NPPF, policies S3 and S5 are considered to be the most important policies in the determination of the appeal.

Policy S3 relates to the presumption in favour of sustainable development and sets out that decisions should apply a presumption in favour of sustainable development.

Policy S5 relates to the principle of development outside of settlements and sets out a list of certain forms of development which should be approved outside of settlements. Policy S5(1j) relates to *'Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*

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Interim Assistant Director Planning and Sustainable Economy

- i. *Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;*

While the Council has performed excellently in respect of housing delivery, the most up-to-date local housing need figure generated through the standard method exceeds the housing requirement contained within the adopted District Plan. As a consequence, and having regard to the requirement to apply the appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with Plan-making policy HO3 and Annex D of the NPPF. As explained in the Council's Closing Statement, the Council considers the appeal site is sufficiently well-related to Haywards Heath to satisfy sub-paragraph (i).

Policy S5 (2) goes on to state that *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'*

Such circumstances relate to policies referred to in the Framework (relating to habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change.

In relation to this appeal, the proposed access falls within the Lewes Road Conservation Area and lies within the setting of the designated heritage asset of the Grade II Listed Colwell House and North Colwell Barn, an undesignated heritage asset.

It is noted that the revised Framework at policies HE4, HE5, HE6, HE7 and HE9 have changed the approach to the consideration and assessment of potential effects on designated and non-designated heritage assets and conservation areas. However, the agreed position between the Council and appellant in the SoCG (CD8.2) that the public benefits outweigh the identified harm remains unchanged. Policy HE6(1) clarifies that substantial weight should be given to conservation of designated heritage asset.

Whilst it was identified that there would be some adverse impact on the effects on the character of the countryside and the loss of trees, having regard to policies N2 and N6 of the NPPF and the view that there would not be any loss of or harm to ancient woodland such as to prevent the grant of planning permission, these policies of the Framework are not circumstances which would result in adverse effects which would substantially outweigh the benefits of the scheme.

Having regard to the balancing exercise that is required under policy S5(2), the benefits of the scheme (and their weighting) remain as previously agreed in the SoCG (CD8.2).

In light of the above, it is considered that the proposal accords with policies S3 and S5 of the NPPF and that planning permission should be granted.

Yours faithfully

J Fisher

Joanne Fisher
Team Leader Applications