



Rebuttal Planning Proof of Evidence

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Land East of Ansty Way, Cuckfield Bypass, West Sussex, RG17 5AG

Planning Inspector Reference 6002030

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1. Rebuttal Proof of Evidence

Declaration

- 1.1 I hold a Bachelor's of Science (with Honours) in City and Regional Planning and a Diploma (Distinction) in Town Planning. I am a chartered member of the Royal Town Planning Institute (RTPI) with over 20 years of experience. This has included instructions working for a range of housebuilders, housing associations, land promoters and local authorities during my career.
- 1.2 I can confirm that my evidence to this inquiry is provided in accordance with the guidance of my professional institution. The opinions expressed are my true and professional opinions.

Scope of Rebuttal Proof of Evidence

- 1.3 The Rebuttal Proof of Evidence is prepared in response to the Proof of Evidence provided by Mr S Brown on behalf of the appellant, Fairfax Acquisitions Limited and the Norris Family.
- 1.4 This rebuttal does not seek to respond to each aspect of the appellants case, and therefore should be read alongside my own proof of evidence and that of Mr Browns. The rebuttal therefore focusses on a limited number of points to assist with clarification for the Inspector. These are :
 - The High Weald National Landscape
 - The Settlement Hierarchy
 - Table 4 of the Proof of Evidence

1. Technical Matters and Professional Officers' Assessment

- 1.5 Mr Brown states all technical matters have been agreed with MSDC and the County Council referencing the statement of common ground [CD7.1] and that "This position informed the clear and unambiguous recommendation to grant planning permission..."
- 1.6 As a matter of pure chronology this cannot be correct. It is an anachronism, as the statement of common ground was only signed in May. However, more substantively, it ignores the objections from The MSDC Conservation Officer, The MSDC Urban Design Officer, the MSDC Tree Officer and MSDC Visual Landscape Consultant that are all set out in the officer's report. Not all of the Councils professional officers advised in favour of the application as intimated in paragraph 1.21.

2. The High Weald National Landscape Policy

- 1.7 The appellant takes the position that the appeal scheme accords with MSDC Policy DP16 [CD5.1]. Mr Brown's evidence [CD8.1] states:

"It is my position that the Appeal scheme accords with all of the other MSDP Policies. [excluding DP6 & DP12] This includes policy DP16 which relates to the High Weald AONB (National Landscape)." (3.11)

1.8 For ease of reference Policy DP16 states:

*“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.”* (Sphere25 emphasis)

1.9 This runs counter to the appellants Statement of Case [CD15.1], which acknowledges “...given the sensitivity of the National Landscape, this minor impact is to be weighed in the negative side of the planning balance” (1.32). Later, it is stated: “The Appellant accepts that there will be localised harm, to the setting of the National Weald Landscape”. (2.39).

1.10 In addition, it is also stated that “ a development of this size will result in some harm to the setting of the adjacent National Landscape” (4.17), before going on to state:

“The LVIA concluded that there are Minor Adverse residual visual effects on the setting of the National Landscape due to the role of the topography and vegetation in filtering and screening views of the proposed development from publicly accessible locations within the National Landscape.” (4.17).

1.11 Although the degree of harm is in dispute between the parties - the Environmental Statement, and the appellants Statement of Case which cites it – all clearly state that there are adverse residual affects on the setting of the National Landscape.

1.12 Given the policy test of DP16 also uses the term “**adversely affect**”, it is difficult to understand the positioning of the evidence to claim that the development accords with the adopted policy.

3. The Settlement Hierarchy

1.13 Policy DP6 is entitled “Settlement Hierarchy”. The policy is written with direct reference to the following strategic objectives of the plan.

“2) To promote well located and designed development that reflects the District’s distinctive towns and villages, retains their separate identity and character and prevents coalescence; 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting; 9) To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; 12) To support sustainable communities which are safe, healthy and inclusive; and 13) To provide the amount and type of housing that meets the needs of all sectors of the community”

1.14 The appellants Proof of Evidence states “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”.(3.10).

1.15 The policy is a hierarchal one. The policy does not exclude the possible growth outside of the settlement boundaries – and provides criteria for doing so. This includes for a proposed development of fewer than 10 dwellings.

- 1.16 The policy is therefore not limited to settlement boundaries as Mr Browns evidence tries to portray. It is a ranking of where development should be directed and in what order. It is the heart of the spatial strategy. It is the overarching pattern of sustainable development that the plan is trying to achieve. The same hierarchy is found in the emerging plan too.
- 1.17 The applicant references an appeal at Mill Lane, Sayers Common (3.42). The appeal was for permission in principle of between 1 and 5 homes. Not a strategic development. It was not in the setting of the High Weald National Landscape. It was also for a Category 3 settlement, higher than Ansty's Category 4 status.

4. Inconsistencies/Errors in Table 4.

- 1.18 Mr Brown provides a summary of adverse impacts and benefits arising from the development (5.26). It is said that the table originates from paragraph 5.18 of the Planning Statement of Common Ground [CD7.1]. From the signed version that has been shared, no such table or paragraph exists. The table therefore, to our knowledge, is not common ground as purported.
- 1.19 Notwithstanding this, the table is also at odds with the evidence provided in the Mr Browns own proof. Heritage is given "Great Weight" in the harms. Meanwhile Economic Benefits are considered "Substantial" in the benefits. I believe these are mistakes which Mr Brown may wish to correct for the record.
- 1.20 To assist, I had understood that all parties agree that the heritage impacts represent less than substantial harm (albeit with the differences in opinion on the precise level). Meanwhile, in respect of Economic Benefits, Mr Brown previously gives the economic benefits "Significant weight" (4.78), not the "Substantial Weight" subsequently being identified in the table.

Mark Connell

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1 June 2026