



MID SUSSEX
DISTRICT COUNCIL

Town and Country Planning Act 1990

**PROOF OF EVIDENCE
OF**

Philippa Jarvis BSc (Hons) DipTP MRTPI
Planning Consultant

Appeal by:

Fairfax Acquisitions Limited and The Norris Family

Appeal Site:

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

Planning Inspectorate Ref: 6002030

Local Authority Ref: DM/23/2866

MAY 2026

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1. INTRODUCTION

Witness Background

- 1.1 My name is Philippa Jarvis. I hold a Bachelor of Science (Hons) degree and a Diploma in Town Planning. I have been a chartered member of the Royal Town Planning Institute since 1984. I am Principal of PJPC Ltd (Planning Consultancy) and have been a freelance planning consultant since September 2004 during which time I have worked for a variety of clients including local authorities and private companies and individuals. Before that I was employed by Wycombe District Council as a Development Control Team Leader. I had previously worked for a number of other local authorities, with a total of 20 years' experience.
- 1.2 Since being self-employed I have appeared as expert planning witness at appeal for a number of Local Planning Authorities and Parish Councils relating to a variety of schemes including housing and mixed-use schemes. Most recently these include Buckinghamshire Council, Bedford Borough Council and South Oxfordshire District Council.
- 1.3 I was instructed by Mid Sussex District Council in May 2026 to represent the Council in respect of this appeal. The views and judgements expressed in this evidence represent my professional assessment of the appeal proposals and their compatibility with policy taking into account all material considerations. Having reviewed the appeal application documents and the reasons for refusal I was satisfied that I could support the Council's position.
- 1.4 This statement of evidence has been prepared in accordance with the guidelines laid down by the Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions. AI has not been used in its drafting except as a tool to assist search.
- 1.5 I have visited the site and its surroundings.

The scheme the subject of this appeal

1.6. This appeal is in respect of a refusal by the Council following consideration of the application at the District Planning Committee on the 16th October 2025 notwithstanding the officer recommendation of approval, subject to the prior completion of a S106 Agreement. I did not attend that committee but have read the officer report (CD3.1) and minutes of the meeting (CD3.4). The decision was issued on 17th October 2025 with a single reason for refusal, albeit set out in four main sections.

- *The proposal consists of major development within the countryside, out of keeping with the rural character, which fails to protect the distinctiveness of the area by extending the settlement boundary of Ansty, resulting in the perceived coalescence with Cuckfield, eroding the rural nature of the site which is further harmed by the proposed loss of trees. The application is therefore contrary to policies DP12, DP13 and DP37 of the Mid Sussex District Plan 2014-2031, policies AS1 and AS2 of Ansty and Staplefield Neighbourhood Plan and policies CNP3 and CNP5 of Cuckfield Neighbourhood Plan.*
- *Due to the location and scale of the development, the proposal would result in an unacceptable urbanising feature, eroding the rural nature of the site that makes a positive contribution to the setting of the HWNL. The proposal would therefore fail to avoid and minimise the adverse impact on the High Weald National Landscape to the detriment of the scenic beauty of the designated area. The proposal is therefore contrary to policy DP16 of the Mid Sussex District Plan 2014-2031, policy AS1 of the Ansty and Staplefield Neighbourhood Plan and policy CNP5 of the Cuckfield Neighbourhood Plan, the High Weald AONB Management Plan 2024 - 2029 and paragraph 189 of the NPPF.*
- *The proposal fails to provide the infrastructure, contributions, and off-site highway works to serve the development and the required affordable housing. The application therefore conflicts with policies DP20, DP21, DP31 and DP38 of the Mid Sussex District Plan 2014 - 2031, the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.*

The Council recognises that it is currently not able to demonstrate a five year supply of deliverable housing sites and having regard to the NPPF, and in particular para 11, it is not considered that the presumption in favour of sustainable development is engaged because having regard to the identified harm to the High Weald National Landscape para 11(d)(i) applies, and that material considerations do not indicate a decision otherwise than in accordance with the development plan.

1.7. In addition to the above, the Council has, by letter dated 20th May 2026 confirmed that, following publication of the long list of additional sites for potential allocation in the new District Plan, it also contends that the appeal should be dismissed on grounds of prematurity.

- 1.8. In so far as the Council's original reasons for refusal allege harm to rural landscape character, coalescence, and the setting of the National Landscape since the determination of the application, the Council's evidence is presented principally by Mr Joshua Peacock, on whose conclusions I rely for the purposes of my own evidence on the overall planning balance. As regards prematurity and the status of the emerging local plan, the Council's evidence on this is presented by Ms Chloe Salisbury. In so far as prematurity is a freestanding issue, and although I agree with her conclusions, I do not repeat that evidence here. I do, however, draw on her evidence regarding the progress of the new District Plan for my own conclusions on the overall planning balance, and in particular the weight which should be attached to the contribution which the appeal scheme might make to the Council's 5 year housing land supply in circumstances where that issue will soon be addressed by the new District Plan in any event.
- 1.9. As regards the Council's third reason for refusal, at the time of the CMC it was hoped and anticipated that it would be possible to reach agreement with the Appellant on all matters relating to conditions and the s.106 agreement. While that remains the position, at this stage I note that progress on these matters has not been as straightforward as was originally expected. On the basis that these matters are still being discussed, and may yet be resolved, I have not addressed them in this proof, but may wish to do so should they remain unresolved insofar as this may affect the overall planning balance. I note that it is intended that a separate session dealing with this matter and conditions is to be held and this will be attended by officers of the Council who are familiar with the matter.
- 1.10. Since the determination of the application by the Council, the Appellants have indicated that they wish to amend the scheme by altering the position of the special needs school and spreading the 90 care home units across the site, with some consequential alterations to the road alignment, as detailed on the alternative drawings now submitted. These changes were foreshadowed by the Appellant at the CMC, where it was agreed that they would need to be the subject of further consultation. The consultation period ended on the 26th May 2026.
- 1.11. Pending consideration of all the responses, the Council reserves its final position as to whether the amendment is one which can or should be accepted by the Inspector. However, the Council's provisional view is that the proposed changes do not require any amendment to the description of the development for which permission is sought and do not materially alter the nature or mix of uses proposed. As far as the location of particular uses within the overall site would change, the scheme is an outline planning application with all matters reserved save for access, and it does not appear that the proposed amendments require any changes to the parameter plans which would affect the impact of the proposed development for the purposes of Environmental Impact Assessment.

- 1.12. The Council also considers that the further consultation which has taken place should be adequate for the purpose of ensuring that no-one is prejudiced should the Inspector decide to accept the proposed amendments. Consequently, without prejudice to its consideration of any representations from the public, the Council is presently of the view that there is no legal reason why the proposed changes should not be accepted.
- 1.13. Notwithstanding this, the decision whether to accept the changes rests with the Inspector. Pending that, the Council's evidence approaches the appeal on the basis that it is necessary to address both the scheme which was refused by the Council (Scheme A) and the proposed amendments (Scheme B). For the avoidance of doubt, the Council's case is not impacted by the Inspector's consideration of either Scheme A or Scheme B.

Scope of evidence

- 1.14. My evidence addresses the planning merits of the proposal, assessing it against the development plan, and setting out the planning balance taking account all material considerations. As noted above, I rely on the expert evidence of the other Council's witnesses in respect of Landscape & visual impact (Josh Peacock) and planning policy, including housing land supply, the emerging plan and prematurity (Chloe Salisbury).
- 1.15. It should be read in conjunction with the Council's Statement of Case (CD15.2). The Appellants and the Council have also agreed a Statement of Common Ground to which I may refer (CD15.2). I am also aware that SOCGs in respect of Landscape and Highways have been agreed.
- 1.16. The matters set out in the above statements of common ground, including relevant policy and a description of the site and its surroundings, will not be repeated but will be referred to or elaborated on in order to assist with my evidence.
- 1.17. I have also had regard to the Inspector's post case management conference note dated 17th April 2026 which identified the likely main issues at paragraph 3. These are:
- a) whether the proposal would be in a suitable location, with particular regard to national and local planning policy and access to services and facilities;
 - b) the effect of the proposal on the character and appearance of the area, with particular regard to coalescence, trees, and the High Weald National Landscape;
 - c) whether the proposal would make appropriate provision for infrastructure; and
 - d) the overall planning balance, including the emerging development plan.
- 1.18. In addition, following the Council's letter of 20th May 2026, by e-mail dated 20 May the Inspector queried whether the issue of prematurity would be adequately covered under issue (d) or should be identified as an additional main issue in its own right. While (as

explained below) prematurity is relevant to the overall planning balance, the Council considers it is now a potential reason for refusal in its own right, and therefore supports the inspector's suggestion that there should be an additional main issue, namely "whether the proposal's cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan."

1.19. My evidence is set out in the following order in response to the main issues, dealing first with the matters which are directly relevant in the context of the policies of the development plan followed by matters which comprise other relevant material considerations:

- The suitability of the site in respect of access to local services and facilities;
- The character and appearance of the area, with particular regard to coalescence, trees and the setting of the HWNL;
- Infrastructure provision;
- Conclusion in respect of the development plan;
- Assessment against policies of the NPPF
- Emerging local plan & prematurity;
- Housing Land Supply
- The benefits of the development
- Summary conclusions and overall planning balance.

1.20. The final section is to be taken as my proof summary.

1.21. A S106 agreement is currently being prepared which is intended to address the issues and concerns raised by the third section of the reason for refusal in respect of a number of obligations and contributions to secure on and off-site facilities and infrastructure. This matter is being dealt with by officers of the Council and is not covered in this proof, though may be referred to as necessary within it.

1.22. A draft list of conditions was provided as an appendix to the Council's Statement of Case and I understand that comments made by the Inspector are currently being considered with a view to providing an updated list for the inquiry. This matter is also being dealt with by officers of the Council.

1.23. Throughout my proof I will use the following abbreviations:

MSDP – adopted Mid Sussex District Plan 2014-2031 (2018)

ASNP – Ansty Staplefield and Brook Street Neighbourhood Plan 2015-2031 (2017)

CNP – Cuckfield Neighbourhood Plan 2011-2031 (2014)

HWNL – High Weald National Landscape

HWNL MP – High Weald National Landscape Management Plan

HWJAC High Weald Joint Advisory Committee

OR – Officers report to the District Planning Committee, 16th October 2025

2. Whether the proposal would be in a suitable location with particular regard to national and local planning policy and access to services and facilities.

Locational suitability in terms of national and local planning policy

- 2.1. In terms of local policy, it is agreed that the site lies within the countryside beyond the identified Ansty Development Boundary where the relevant policies do not allow for such large scale, mixed use development nor is it allocated for such.
- 2.2. In terms of the current development plan, it can be concluded that it is not a suitable location for the proposed development and it is agreed that the proposed development does not accord with the development plan as a whole (CD15.1, paragraph 1.12).
- 2.3. However, I acknowledge that the current MSDP is out of date insofar as the related policies do not provide for the up to date housing requirement derived from the local housing need. Whilst this matter is being addressed in the emerging local plan, given the current lack of a five-year supply, it is acknowledged that NPPF paragraph 11(d) is relevant.
- 2.4. Notwithstanding that the Council has accepted that development in the countryside is inevitable to meet the increased housing numbers, (SoCG paragraph 1.20) that does not mean that any site within the countryside will automatically be suitable. It still remains for the proposal to be assessed in terms of its impact on the character and appearance of the area, including the setting of the HWNL and in respect of any perceived coalescence. These issues are addressed in detail by my colleague Mr Peacock and in terms of the development plan are addressed below, but due to the very significant negative impacts on the character and appearance of the area and the setting of the HWNL, it is my view that the site is not in a suitable location.
- 2.5. Having regard to national policy, I note that NPPF paragraph 77 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed and served by the necessary infrastructure and facilities (including a genuine choice of transport modes). Suitable locations for such sites are intended to be identified, with the support of communities and other authorities, by strategic policy-making authorities to where this can help meet the identified needs in a sustainable way. A list of criteria that should be met are set out.
- 2.6. Whilst the promotion of such sites through the development management process is not prevented and the appeal development has had regard to the listed criteria, it is clear that this policy intends that such sites should be a collaborative approach with the local

community and other relevant stakeholders so as to ensure that suitable locations are identified.

- 2.7. In respect of the NPPF's approach to the achievement of sustainable development, it is my view that the harm to the HWNL comprises a strong reason for refusal, but even if the Inspector disagreed with my view on this, and concluded that the tilted balance of NPPF paragraph 11 should apply, whilst the scheme would bring a range of benefits and provide a boost to housing supply in the local area, the very significant adverse impacts of the development would significantly and demonstrably outweigh these benefits, and in that respect it is not a suitable location for such a development.

Access to services and facilities

- 2.8. The proposal is described as a 'new garden community connected to the village of Ansty' (paragraph 3.2 CD7.1). However, Ansty has very few facilities comprising a garage with small shop, church and village hall. The proposal will however provide for a number of facilities and services including primary school, land for a SEND school, health hub with new GP surgery, village centre with retail, employment and community hall, sports and recreation facilities. To that extent, it will make provision for most of the day to day facilities that are required by a new community.
- 2.9. However, the suitability of this site in terms of providing good accessibility relies on the provision of improved links to nearby settlements which provide the full range of services and facilities and access to rail services (Haywards Heath). This relies on the site delivering convenient, high quality walking and cycling routes to connect to these facilities as well as regular and convenient bus services within easy walking distance of the residents of the community.
- 2.10. As set out in the OR¹, the S106 Agreement will need to deliver a range of sustainable transport measures including direct bus service to Haywards Heath, travel plan, car clubs and mobility hub, new and enhanced walking/cycling routes and connections, including to Haywards Heath and the secondary school at Cuckfield. In addition, it will need to secure the timely provision of all the on-site infrastructure and community facilities in order to function successfully as a sustainable community (also listed in the OR). At the time of writing, the S106 has not been agreed, but provided all the above matters are secured, the development at the appeal site can be agreed to be in a suitable location in respect of access to services and facilities, which currently it is not.

¹ Paragraph 12.383, CD3.1

3. The effect of the proposal on the character and appearance of the area with particular regard to coalescence, trees and the HWNL

- 3.1. In respect of the matters of coalescence and effect on the HWNP, I rely on the evidence of Mr Peacock who considers these matters in detail. There are a number of policies relevant to these matters in both the MSDP and the neighbourhood plans. These are referred to within the sections below which deal with the above matters in turn.
- 3.2. With regard to trees, although not included in the list of matters not in dispute, the SoCG states that this matter was attributed minimal weight by officers in the CR. However, although the Decision Notice does not identify the precise weight which members of the Planning Committee gave to this, it does explicitly refer to the loss of trees, from which I infer that they gave it greater weight than officers. In my view, the loss of trees gives rise to a clear conflict with Policy 37, but the weight which is given to this should reflect the fact that there is a need for additional housing and that, while not every site on which that need can be met will require the loss of trees, some tree loss is inevitable. In the circumstances, and given the scope for mitigation by new planting, it is my view that, while the loss of trees still attracts some weight in the overall planning balance, this is limited. On that basis, the Council is not providing any further specific evidence on this issue.

Coalescence

- 3.3. There are policies within both the MSDP and both neighbourhood plans that are of relevance to this issue.
- 3.4. MSCP Policy DP13 acknowledges that the individual towns and villages have their own unique characteristics and it is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at another. The policy also allows for Local Gaps to be identified in neighbourhood plans where there is robust evidence that development in the gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements.
- 3.5. Both neighbourhood plans identify the need to maintain separation between the built-up areas as key objectives and the ASNP identifies a 'Local Gap' between Ansty and Cuckfield. Whilst "Local Gaps' are not specifically mentioned in Policy AS2 itself, they are clearly related to this policy and its objectives to ensure that development does not result in the coalescence with neighbouring settlements or result in the perception of openness being unacceptably eroded between them.

- 3.6. In respect of coalescence, Mr Peacock notes that the fields, woodland, undulating landform which falls to the incised ghylls and dispersed historic settlement along the ghyll sides contribute to the sense of separation between Ansty and Cuckfield and their separate identities². At paragraph 3.86 he concludes:

"The open visual character of fields experienced along the A272 and from Public Footpaths within and about the Site would be changed to more enclosed visual character, resulting from proposed built form and highway infrastructure and intervening planting. This would displace the distinctive character present within these views with built form and impact on the sense of separation between Ansty and Cuckfield, which informs their separate identities."

- 3.7. The replacement of the distinctive landscape character of fields with built form and other related uses would considerably extend and alter the settlement form of Ansty bringing it much close to the built form of Cuckfield which would have a significantly major adverse effect on the sense of separation between Ansty and Cuckfield, and their separate identities. Whilst there would remain some undeveloped fields to the north of the A372 (south of Cuckfield) they would not be sufficient width to ensure that there would be a clear sense of leaving one settlement before entering another, particularly when travelling by car given the short distance between the southern edge of Cuckfield and the roundabout junction with the A327 to the south where the new community would be sited and given that currently there little or no intervisibility between the settlements currently.
- 3.8. As a result, I consider that there would be a clear perception of coalescence between these two settlements. The proposal would thus conflict with policy DP13 and with ASNP Policy AS2.

Effect on the HWNL

- 3.9. There are a number of policies which generally seek to ensure that development within the countryside is compatible with the rural areas and its local character and distinctiveness. These policies include MSDP Policy DP12, ASNP Policy AS1 and CNP Policy CNP5. Policies DP16 and AS3 relate to the HWNL and seek to protect its special character and development on land that contributes to its seeing will only be permitted where it does not detract from its visual qualities and essential characteristics and in particular should not adversely affect the views into or out of it by virtue of location or design.

² Paragraph 3.85, CD9.2

- 3.10. The HW Management Plan is adopted by all the relevant local authorities with land in the High Weald National Landscape as their policy for the management of the area and for the carrying out of their functions in relation to it. The plan confirms that it may also be applied to the area's setting and notes that due to the high synergy in character between the NL boundary and the wider HW National Character Area, land within it should be considered as falling with the setting.
- 3.11. MSDP Policy DP16 states that regard should be had to it and it is an important material consideration for assessing planning applications affecting the HWNL. The objectives following objectives are relevant to the application.

S1: To protect the historic pattern and character of settlements.

S2: To enhance the architectural quality of the High Weald and ensure new development reflects the character of the High Weald in its siting, scale, layout and design.

R1: To maintain the historic pattern, morphology and features of routeways

W2: To protect and restore the ecological quality and functioning of woodland at a landscape scale.

DS1: To preserve the dark skies of the High Weald AONB by minimising light pollution, obtrusive external lighting and internal light spill from domestic, commercial and public premises in both existing and new developments within the High Weald, and from highways lighting.

DS2: To protect wildlife and habitats from light pollution across the High Weald.

PQ2: To protect the unspoilt rural landscape with its intrinsic sense of naturalness, valued views, and the extent of green space which foster experiences of rurality and tranquillity.

As noted above, I principally rely on the evidence of Mr Peacock with regard to this issue. His evidence includes supporting LVIA evidence and he assesses the general landscape character of the area, including the HWNL and the site.

- 3.12. The setting of a national landscape is not fixed or boundary-defined; it is whatever land contributes to the significance, character, and appreciation of the designation. The appellants do not dispute that the appeal site lies within the setting of the HWNL.
- 3.13. As detailed in Mr Peacock's evidence, in this case the appeal site makes a significant contribution to the setting off the HWNL, and many of the distinctive landscape features within the HWNL such as field patterns, woodland, ghyll streams are also present within the site.

3.14. As detailed by Mr Peacock and by the Council's own advisers when assessing the planning application, the Appellants' landscape consideration and LVIA have a number of flaws. The irregular site area would extend development across the undulating landscape of historic fields, in some cases sub dividing fields, resulting an incoherent and sprawling development area. The setting of the HWNL would be harmed as a result of the substantive change of views into and out of the designated land with views changing from rolling countryside to a major urbanization that will result in unacceptable coalesce. Mr Peacock also considers that the Appellants' assertion that adverse impacts of the development would be substantially mitigated by Year 1 is incorrect. In his view, due to the scale of the proposed change, which would impact on key characteristics within the High Weald Fringes, the impact on the HWNL would be moderate adverse.

3.15. In addition, as detailed in Mr Peacock's evidence³ there are a number of Site Landscape Receptors which the appellants acknowledge will be subject to significant adverse effects within their LVIA Landscape Impact Table V3.2.2, which will impact on the HWNL. These are detailed in Mr Peacock's evidence but relate to:

- Cultural / Social: Land Use, Built Form, Enclosure, Land Ownership, Time Depth
- Perceptual and Aesthetic: Memories, Preferences, Sensory Forms, Pattern, Texture, Colour, Sense of Enclosure, Remoteness, Natural Beauty
- Site Landscape Character
- Night-time Character

Theses impacts should be considered as permanent significant adverse impacts.

3.16. Mr Peacock also makes the following concluding remarks:

3.16.1. In respect of the effect on the setting of the HWNL, he notes the response of the HWJAC and its references to the HWNL MP, including a number of objectives of the HWNL MP which the JAC consider the proposal fails to meet – S1, S2, DS1 and PQ2. He agrees with the JAC response which concludes that the proposal would not be sensitively located, would not avoid or minimise adverse impacts on the HWNL and would fail to conserve its natural beauty.

3.16.2. He also agrees with the HWJAC findings that the proposed development would not relate well to the established pattern of development in the area, subsuming and overwhelming the existing small village of Ansty significantly altering its character and landscape setting and creating a large new

³ Paragraph 3.74, CD9,2

urbanisation adjacent to and abutting the HWNL, in conflict with objectives S1 and S2 that relate to scale. Furthermore, it would introduce an abrupt change of landscape character and loss of natural landscape contiguous with and of similar character to the HWNL thereby causing harm to its setting.⁴

3.17. The permanent adverse effect on the night-time character of the site and its surroundings would also harm the setting of the HWNL. Harm would also arise in respect of views from the HWNL and to its tranquillity and rurality. I also concur with these findings.

3.18. In respect of the effect on the landscape character of the site and surroundings, Mr Peacock concludes the following⁵:

"I consider that a Major adverse effect would result on landscape character within the Site from the loss, fragmentation and reprofiling of the undulating lower lying landform of substantially assarted field systems, which would permanently impact on the landform and field pattern, removing the distinctive association of the fields with the incised Copyhold Ghyll stream and tributaries, with patches of ancient woodland and dispersed historic settlement and reducing the associated tranquillity and scenic qualities."

3.19. Further, in respect of the HWNL he concludes⁶:

"The change resulting from the impacts at Site level would have an overall Moderate adverse effect on the rural context of the HWNL and continuity of shared landscape characteristics, with perceptual qualities within the HWNL of dark night skies, scenic qualities and tranquillity adversely effected due to the built form, level of noise, activity and lighting that would inevitably be associated with a development of 1,450 new houses and the associated education, health and recreational infrastructure."

3.20. I conclude that for the reasons noted above and expanded upon in Mr Peacock's evidence, the appeal development would have an adverse impact on the intrinsic character and beauty of the countryside comprising the site and its surroundings. Furthermore, it would fail to maintain the quality of the rural landscape character of the district. It would thus conflict with Policy DP12 and AS1.

⁴ Paragraphs 3.39-3.40, CD9.2

⁵ Paragraph 3.82, page 27, CD3.2

⁶ Paragraph 3.56, Page 21, CD3.2

3.21. Conflict would also arise with policy DP16 in that the proposed development within the setting of the HWNP would significantly detract from its visual qualities and essential characteristics of adversely affecting views into and out of it by virtue of its location and design. The supporting text to DP16 notes that the NPPF gives great weight to the need to conserve the landscape and scenic beauty of the AONB (now NL) which have the highest status of protection in that respect. It also notes that the setting is important as landscapes connect and that the duty to conserve and enhance the natural beauty of the AONB is relevant when considering development proposals situated outside of it but which might have an impact on its setting. Consideration of NPPF policy is dealt with below in the section on material considerations.

4. Provision of infrastructure

- 4.1. BBLP policies 2S, 33, 58S and 86S and ADLP policy AD28 require development proposals to be supported by appropriate and necessary infrastructure including health facilities, and to implement or contribute to measures to mitigate any adverse impacts in respect of existing infrastructure, including schools, health and community facilities. Further detail to support these policies is provided in the Council's Planning Obligations SPD (CD5.2). These will normally be secured through the use of site-specific obligations and / or CIL payments.
- 4.2. The Council's SoC (paragraph 8.40) anticipated that this issue would be dealt with through the completion of a S106 agreement. The matters that are to be covered are also set out in the SoC (paragraph 8.40) and the need for them is set out in the CIL justification schedule.
- 4.3. However, as noted above, at the time of writing there remain unresolved areas that continue to be the subject of discussions and negotiation between the appellants and the Council. These unresolved areas relate to the community and educational facilities.
- 4.4. The parties will endeavour to reach a satisfactory position prior to the start of the inquiry but should there remain unresolved matters this may result in conflict with the relevant policies (DP20, DP24 and DP31) adding further harm to be considered in the overall planning balance.
- 4.5. Given the above, the Council will provide an update at the start of the inquiry.

5. Conclusions with regard to the development plan

- 5.1. Having regard to the above, whilst the appeal development would accord with a number of development plan policies, as acknowledged in the SoCG, there remain significant conflicts with a number of others. The conflict arises with a number of key policies of the development plan regarding the location of development which are central to the spatial strategy. In addition, there is conflict with policies which seek to conserve and enhance the landscape and special qualities of the most valued landscape areas of the District, the High Weald National Landscape, which national policy gives the highest status. Furthermore, conflict arises with the need to maintain the rural character and particular identity of the villages. These all relate to the vision and objectives of the plan which seek to promote, amongst other things, sustainable development through protecting and enhancing the environments whilst also ensuring cohesive communities.

- 5.2. I conclude that there will be significant conflict with the development plan overall. The weight that should be given to this conflict in the planning balance is addressed below.

6. Material considerations

NPPF

- 6.1. The NPPF is an important material consideration and contains a number of policies and objectives that are relevant to the consideration of this appeal. Paragraphs 7 and 8 set out that the purpose of the planning system is to contribute to the achievement of sustainable development and that this means that there are three interdependent overarching objectives that need to be pursued in mutually supportive ways – economic, social and environmental objectives. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11 – it is agreed that part (d) of this paragraph is relevant. Paragraph 12 makes clear that this presumption does not change the statutory status of the development plan as the starting point for decision making and that where development conflicts with an up-to-date development plan permission should not usually be granted.
- 6.2. The importance of the plan-led process is emphasised in paragraph 15 – succinct and up to date plans should provide a positive vision for each area, a framework for meeting housing needs and addressing all other economic, social and environmental objectives and provide a platform for local people to shape their surroundings. The Council has a good record of plan-making and its current plan (covering the period 2014-2031) is only out of date insofar as its relevant policies do not provide for the recently updated housing need. In any event, good progress has been made with the emerging local plan such that it is anticipated to be adopted by early 2027.
- 6.3. Paragraph 30 states that neighbourhood planning gives communities the power to develop a shared vision for their area. Both of the relevant NPs are still up to date in respect of the plan periods, though as noted above, the policies relevant to the supply of housing are out of date. Nevertheless, and despite the dates that they were made, their vision and objectives remain relevant.
- 6.4. Paragraph 49 sets out the circumstances in which weight may be given to policies in emerging plans. In addition, paragraphs 50 and 51 set out the circumstances and conditions that need to be met to consider the prematurity case. This matter is considered in more detail below, but I agree with the evidence of Chloe Salisbury that the emerging plan has sufficiently progressed such that a grant of permission for the appeal development would pre-determine decisions about the scale, location and phasing of new development so as to undermine the plan-making process. This would clearly be contrary to the plan-led process and counter to the sustainable objectives of the NPPF.

- 6.5. Through the provision of a wide range of housing types including affordable, market, self and custom build, residential care units and contribution towards off-site traveller pitches, the appeal development will make a valuable contribution towards significantly boosting the supply of homes to meet the needs of different groups in the community. This would support the Government's aims set out in NPPF section 5 which seek to ensure the delivery of a sufficient supply of homes and the wider social and economic objectives of the NPPF.
- 6.6. The appeal development will also support a strong, competitive economy through the construction related direct and indirect impacts providing jobs and boosting the local economy through spending. These shorter term effects will be supplemented by the longer term effects related to the proposed provision of retail, employment and other facilities on site that will also provide longer term jobs and related spending, supported by the new local community. Whilst these are intended primarily to serve the development itself, they would also serve the wider area to an extent.
- 6.7. In respect of promoting healthy and safe communities, provided priority is given to and the timely provision of good quality walking / cycling routes both within and to link with the wider area is secured through the S106 agreement, these and the provision of on-site open space and recreation facilities should provide a healthy and safe community.
- 6.8. The S106 will secure various sustainable means of transport, including regular bus services to Haywards Heath and Burgess Hill, travel plan, car and mobility hubs, cycle routes and other upgrades / connections and other off-site improvements to promote active travel within the site itself and enable access to the wider facilities that are not to be provided on site. As noted above, first priority should be given to pedestrian and cycle movements, within the scheme and to provide connection with nearby settlements. Therefore, it will be important that the timing of such elements is such as to quickly encourage their use by the local community in preference to the use of cars albeit there will remain an element of car use particularly for work journeys and for shopping and leisure purposes. Provided such matters are secured via the S106 agreement and/or through conditions as appropriate, the development should promote sustainable transport use in accordance with section 9 of the NPPF.
- 6.9. Sections 11 (Making effective use of land) and 12 (Achieving well-designed places) are mainly relevant to the detailed stage of application proposals but key elements are also relevant at the outline stage. In particular, paragraph 135(c) states that decisions should ensure that developments are sympathetic to local character and history including the surrounding built environment and landscape setting. For reasons explained elsewhere in this and others evidence, the appeal development will not be sympathetic to local character and history and in particular its landscape setting. Paragraph 136 emphasises the important contribution that trees can make to the urban environment. In this regard,

I note that the scheme envisages the planting of a number of new trees, though it is also the case that a significant number of existing trees are to be removed.

- 6.10. Section 15 (Conserving and enhancing the natural environment) is of key importance to one of the identified main issues with paragraphs 187, 188 and 189 being of particular relevance.
- 6.11. In respect of paragraph 187, whilst I acknowledge that it is agreed that the appeal site itself does not comprise a valued landscape,⁷ the proposed development will affect the HWNL which is and therefore to the extent that the development fails to protect and enhance the HWNL there would be conflict with this element. In addition, part (b) states that decisions should recognise the intrinsic character and beauty of the countryside – the appeal development would also fail to satisfy this.
- 6.12. Paragraph 189 states that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas ...*" It goes on to state that "*The scale and extent of development within all these designated areas should be limited, whilst development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*"
- 6.13. I note that the agenda update sheet to the District Planning Committee of 16th October 2025 contained a clarification note in respect of paragraph 12.22 of the main OR.⁸ It confirmed that the officer's opinion was that the development complied with the second sentence of paragraph 189 and thus did not conflict with it overall. Thus, the OR concluded that it did not provide a strong reason for refusal. The members of the committee came to a different conclusion, the minutes noting that in respect of paragraph 189, the appeal development is not sensitively located and as a result it did not conserve and enhance the landscape and scenic beauty of the NL⁹. The agreed substantive reasons for refusal included conflict with paragraph 189 and, on the basis that this did provide a strong reason for refusal, paragraph 11d(i) applies.
- 6.14. I agree with the committee's interpretation in this regard. Para 11(d)(i) refers to "*the application of policies in this Framework that protect area or assets of particular importance*". Foot note 7 explains that the policies referred to in para 11(d)(i) include those relating to a National Landscape. In my view, the whole of paragraph 189 is

⁷ Planning SoCG paragraph 5.6 (CD7.1)

⁸ Page 2/3, CD3.2

⁹ CD3.4, page 3

relevant, notwithstanding that the proposal is located outside the boundary of the HWNL. The second part makes clear that development within the setting of the NL should be sensitively located and designed to avoid or minimise impacts on the designated areas. This is clearly a policy “relating to” the NL. The consideration of whether something is ‘sensitively located’ should involve a consideration of whether the site is suitable as compared to other potential locations rather than locating the development as sensitively as possible within the chosen site. Furthermore, the avoidance or minimisation of impacts should include consideration of the scale of development proposed and its location within the site. It must then also demonstrate that it conserves and enhances the scenic beauty in the NL.

- 6.15. For the reasons set out in my and other’s evidence I agree with the decision of the committee. Great weight should be given to the failure of the appeal development to comply with paragraph 189 and it provides a strong reason for refusal as set out in paragraph 11(d)(i).
- 6.16. In respect of Section 16 Conserving and enhancing the historic environment, it is agreed that the less than substantial harm arising to the affected heritage assets would be outweighed by the public benefits of the development, thus satisfying paragraph 215. As such, it is agreed that the impact on heritage assets is not sufficient to engage para 11(d)(i). Notwithstanding this, the harm arising is still to be considered within the context of para 11(d)(ii) and the overall planning balance.
- 6.17. Paragraph 232 emphasises that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Due weight is to be given to them according to their degree of consistency. The weight to be given to the relevant policies is set out in the planning balance section below.
- 6.18. In conclusion, whilst the appeal development satisfies a number of policies within the NPPF, there are a number of policies with which it does not accord. In terms of the presumption contained in paragraph 11, there is a strong reason for refusing the development proposed.
- 6.19. On this basis the development would not contribute to the achievement of sustainable development.

The duties under other legislation

- 6.20. Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their functions which affect

land in National Landscapes¹⁰. They must now 'seek to further' the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

6.21. The DEFRA guidance¹¹ states that the duty is intended to facilitate better outcomes for England's Protected Landscapes, which are in line with their statutory purposes. It confirms that the statutory purposes are:

- conserving and enhancing the natural beauty of the area of outstanding natural beauty
- increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty

6.22. It goes on to state that the duty is an active one, and amongst other things, means:

- a relevant authority should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes
- as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes
- for development plan making and development management decisions affecting a Protected Landscape, a relevant authority should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible

6.23. The guidance is clear that the duty also applies to functions undertaken outside of the designation boundary (its setting) which affects land within the Protected Landscape and goes on to state "*Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting. Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting, for example...*"

6.24. The evidence of Mr Peacock has demonstrated that the appeal site provides a number of important characteristics that contribute to the natural beauty and special quality of the HWNL, as supported by the HW MP. Its landscape character and quality make a valuable contribution to it by displaying many of the key characteristics of the area and contributing towards key aspects such as tranquillity, rurality and dark skies as well as providing close connectivity in the form of public rights of way.

¹⁰ The Countryside and Rights of Way Act 2000 (CRoW)

¹¹ Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, 2024

- 6.25. For the reasons already explored above, and notwithstanding the measures that are proposed to be taken as part of the appeal development including new planting and enhanced biodiversity / green areas, the appeal proposal will overall result in a significant level of harm and will fail to contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of the HWNL. The duty would thus fail to be satisfied.
- 6.26. As noted in the Council's SoC¹² Section 85 of the CRoW Act 2000 requires public bodies to consider whether any activities outside the AONB (now NL) may affect land within it. As noted above, it also places a statutory duty on all relevant authorities to seek to further the purposes of conserving and enhancing the natural beauty of the area, including land within its setting.

Housing land supply

- 6.27. It is agreed between the parties that the Council is currently unable to demonstrate a five year supply of housing. However, as para 9.4 of the Council's Statement of Case notes, *"in considering the weight to be attached to the contribution which the proposed development would make towards meeting the identified need for housing, it is well established that it is relevant to consider the extent of the shortfall, the length of time for which it has existed, the reasons behind the shortfall, and the steps which the local planning authority is taking to address this"*. I believe that this is a reference to the decision of the Court of Appeal in ***Hallam Land Management v. Secretary of State for Communities and Local Government***¹³ where, at para 51, Lord Justice Lindblom said:

"the policies in paragraphs 14 and 49 of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker's planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet."

- 6.28. Having regard to ***Hallam Land Management***, it is in my view important to understand that the situation in Mid-Sussex is a relatively recent occurrence which the Council is

¹² Paragraph 8.24

¹³ CD13.2

actively seeking to address, and which will be addressed when the new Local Plan is adopted.

- 6.29. Historically, the Council has a strong record of supporting the delivery of homes. This was recognised in a recent appeal decision¹⁴ where the Inspector noted that this is not a Council with a record of persistent under-delivery but has a good understanding of delivery within their area and has taken a proactive approach in both plan making and decision taking.
- 6.30. Against that backdrop, it is significant that the current station is a direct consequence of the combination of the publication of the new standard methodology in December 2024 and the unexpected delay in the progress of the new District Plan (the details of which are explained in the Council's Statement of Case, and the evidence of Ms Salisbury). Clearly, views may differ as to whether Inspector Nurser was justified in her provisional view¹⁵ that the Council had failed to meet the duty to co-operate. I do not consider it necessary or appropriate for this Inquiry to enter into that argument: this is now all water under the bridge. The fact remains that – even at that stage – the Submission Draft of the new plan met all of Mid-Sussex's needs as required by national policy, and identified a surplus of over 1000 homes which could be used either to provide resilience or to meet the needs of neighbouring authorities. Had that plan progressed as originally expected, it would have been adopted by now and would include the allocations needed to demonstrate a 5YHLS.
- 6.31. In this regard, it is also of some note that (in accordance with national policy) the Plan is still being assessed under the September 2023 NPPF in which context, as Ms Salisbury's evidence shows, the Inspector has accepted that the appropriate figure for Mid Sussex's own need is 999 dpa, though the early years will need to accommodate higher numbers¹⁶. While the eventual housing requirement will also include a contribution meeting the needs of Crawley and Brighton & Hove, and will therefore be higher than this, Inspector Bore has indicated that the ultimate figure should be towards the upper end of the range from 1200 to 1300 dpa.
- 6.32. In short, even with the inclusion of an allowance for the needs of neighbouring authorities, the requirement figure in the new Local Plan will be lower than the currently applicable figure of 1358, which flows from the 2024 standard methodology. Critically, this will be

¹⁴ Albourne appeal decision dated October 2023 (CD11.4)

¹⁵ I note that this was not her final report, that the lawfulness of the reasoning behind it was challenged by the Council, and that, before she was replaced by Inspector Bore, she had offered the Council an opportunity to present further evidence on this issue.

¹⁶ See Chloe Salisbury's evidence, paragraph 4,8 (CD3.3)

entirely consistent with national policy: for the purposes of the NPPF it will become the relevant figure when determining whether the Council has a 5YHLS.

- 6.33. As Ms Salisbury explains, the Council has already taken significant steps to resolve the shortfall in the 5YHLS and is now very close to doing so. Through work on the emerging plan, the Council in seeking to address its own updated housing needs and the identified contribution to the unmet needs of neighbouring authorities has undertaken further work on looking at the latest supply position as of 1 April 2026 and the rolling housing land supply across the plan period. This shows that upon adoption of the emerging plan the Council envisages being able to demonstrate a five year housing land supply which does not rely on the appeal site.
- 6.34. The Council's current inability to demonstrate a five year supply is therefore not only a relatively recent situation, but one which is expected to be shortlived, following adoption of the plan (early 2027).
- 6.35. In addition, as set out in Ms Salisbury's evidence, the ability of the appeal site to deliver any (and certainly, any significant quantity of) housing within the five year period is questionable. A consideration of build out rates for sites of a similar size and complexity show that it takes an average of 4.4 years for first completions. The appeal site is therefore unlikely to deliver any housing until the fifth year of the relevant period and more likely would make no contribution. The timescale suggested by the appellants of first delivery in 2028/29 is unrealistic. The Council's findings in this regard are supported by the Start to Finish report (CD19.11) which as noted by Ms Salisbury suggests that such sites would on average deliver limited amounts of housing within the five year period.
- 6.36. Thus, in conclusion, whilst I acknowledge that for the purposes of decision taking, NPPF paragraph 11d is engaged as the Council cannot currently demonstrate a five year supply of deliverable housing sites, there are a number of factors as set out above which suggest that the weight to be given to that lack of supply in the planning balance should be tempered.

Emerging DP / prematurity

- 6.37. This issue is dealt with in detail by the evidence of Ms Salisbury which fully explains the progress of the emerging district plan to date and how there has been ongoing communication with the Local Plan Inspector in order to seek to achieve a sound plan within the timescales envisaged, i.e. Inspector's interim letter¹⁷. The latest position being

¹⁷ CD5.35

that the 'long list' of sites that could contribute to meeting the higher housing numbers has been published and consultation on it will end soon.

- 6.38. Ms Salisbury's evidence explains that in order to address the five year housing land supply, the sites that are needed are mainly small sites that will be able to deliver relatively quickly. The Council has concluded that it can best meet these needs by allocating mainly small and medium sites, alongside two larger scale sites. 'Significant' sites such as the appeal site do not feature.
- 6.39. In terms of location, while recognising Inspector Bore's view that all four elements of the Council's spatial strategy are of equal weight, when considering the specific options available the Council has determined that focusing growth in / at existing sustainable settlements, in locations that are close to where the unmet need from neighbouring authorities arises offers the best overall outcome and is therefore the most appropriate approach. In respect of phasing, it is clear that the appeal site will make very little or no contribution to the five year housing land supply given the lead in time needed to deliver the first phase and its necessary supporting infrastructure. Permitting the appeal site now would also have implications for other proposed site allocations in respect of cumulative transport impacts and could lead to further significant delays in the adoption of the emerging plan.
- 6.40. I agree with Ms Salisbury that granting permission for the appeal site at this stage would indeed be premature and could have significantly adverse consequences for the progress of the emerging local plan which has made good progress since the initial hearings. This would be contrary to the objectives and principles of paragraphs 15, 50 and 51 of the NPPF.

Benefits

- 6.41. I acknowledge that the appeal development will provide a range of benefits, not least in terms of the provision of a variety of housing types to meet the needs of a wide range of groups, particularly affordable housing.
- 6.42. The Planning SoCG sets out the benefits that are agreed and the weight to be given to them¹⁸.
- 6.43. It is agreed that substantial weight should be afforded to the following benefits:

¹⁸ Section 5, page 25

- Provision of 1450 dwellings
- Provision of 435 affordable homes
- Provision of up to 30 custom/self-build plots
- Provision of up to 90 residential care units (C2)

6.44. It is agreed that significant weight should be afforded to the following benefits:

- Financial contribution towards traveller pitches
- Provision of a primary school and land for a SEND school
- Financial contributions towards secondary and sixth form education
- Public transport improvements
- Off-site sports pitch improvements
- Provision of on-site sports and social facilities, including health hub
- The provision of off-site BNG enhancements

6.45. In addition to the above, the appellants have identified a number of further benefits as set out in their SoC at paragraphs 4.20-4.40. These are set out as economic social and environmental benefits.

6.46. In respect of the economic benefits, these are not disputed with the exception of 4.22(x) (Council Tax receipts) as these are necessary to pay for services that the residents require, they do not result in any added wider benefit. In addition, for the reasons explained above, it is not agreed that this proposal is in the 'right place', as suggested in paragraph 4.23.

6.47. In respect of the social benefits, most of these are already identified above in the form of housing and community facilities. Reference is made to the provision of open space in the form of parks and gardens over three times the requirement – I agree that this is a significant benefit which will be available to the wider area. I also acknowledge that to the extent that the proposal will provide a range of supporting facilities this will encourage inclusive, active and healthy environments, supporting the well-being of the residents.

6.48. In respect of environmental benefits, the majority are identified above but in addition I acknowledge that there will also be benefits in respect of sustainable construction and energy efficiency.

6.49. Overall, I acknowledge that there will be a range of benefits of both substantial and significant weight which should be considered in the overall planning balance.

7. Summary conclusions and overall planning balance

- 7.1. As set out in S38(6) of the Planning and Compulsory Purchase Act 2004, the determination of this appeal should be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. It is agreed that the appeal site is located in the countryside outside any defined settlement boundary and does not comprise a form of development that is supported by the relevant development plan policies, nor does it comprise an allocation within the MSDP. It is also agreed that whilst there would be compliance with some policies, there would be conflict with other policies of the development plan such that overall there is conflict with the development plan as a whole. I agree with the appellants that it is therefore necessary to consider all relevant material considerations to ascertain whether a decision not in accordance with the development plan is justified.
- 7.3. The policies of the adopted development plan do not envisage such large-scale development in the countryside, other than those identified as allocations, though the relevant policies do allow for some forms of development provided they maintain or where possible enhance the quality of the rural landscape character of the District. The proposed 'Garden Community' comprising a large-scale, mixed use development, whilst incorporating areas of open space and other green infrastructure amounting to around a third of the site area, would nevertheless be a very substantial urban intrusion in the countryside, harming the landscape character of the site and its surroundings. As such, it would also fail to recognise the intrinsic character and beauty of the countryside.
- 7.4. It would be wholly at odds with the character and village identity of the small village of Ansty to which it is intended to be an extension, proposing a very significant increase in the number of dwellings currently in the village as well as a number of significant elements of supporting infrastructure, overwhelming this small village. Further harm to the character and visual amenity of the site and its surroundings is identified by the evidence of Mr Peacock. Notwithstanding the amount of green infrastructure and open space that would be retained and is proposed as part of the development, it would fail to appear as a village 'nestled' in the landscape but would result in a substantial amount of built development within an area that is currently characterised by open, undeveloped countryside, enjoyed by users of the many footpaths through it, and harmful to many of the key characteristics of the landscape character area in which it is located.
- 7.5. As such, it would be contrary to MSCP policies DP12 and ASNP Policy AS1.
- 7.6. The appeal development will, as explained in evidence, extend over a considerable area of open land between the villages of Ansty and Cuckfield, be highly visible along the A372

and significantly reduce the clear physical gap and visual separation that exists, as well as the sense of leaving one settlement and entering another. This will result in the perceived coalescence of those villages, to the detriment of their character and settlement identity. The remaining gap and presence of the A372 along the northern boundary of the site will be insufficient to mitigate this impact. This would be contrary to policies DP13 and AS2 and the objectives of the CNP.

- 7.7. The existing appeal site makes a positive contribution to the HWNL representing an expanse of generally undeveloped countryside that displays many characteristics that reflect those within the HWNL itself and which are important to its special character such as landscape features and settlement pattern. Furthermore, many parts of the site are visible from the HWNL and notwithstanding the retained and new planting the appeal development itself will be visible from the HWNL. The loss of the deeply rural nature of the site and its replacement by extensive built development would significantly diminish the contribution that the site makes to the special character of the area thus harming its landscape and scenic beauty and adversely affect the views out of the HWNL. This would be contrary to MSDP Policy DP16, ASNP Policy AS1 and Policy CNP5. Furthermore, it would conflict with many of the objectives of the HWNL MP to which policy DP16 directs that regard must be had.
- 7.8. At the time of writing, there remain matters of disagreement in respect of elements of the S106 agreement albeit it is anticipated that these should be resolved by the time of the inquiry. Assuming that this will be the case, the identified conflict with MSDP Policies SP20, SP21, SP31 and DP38, and related supplementary planning documents will have been addressed. This matter will need to be the subject of an update at the time of the inquiry and the planning balance may need to take into account any outstanding policy conflicts.
- 7.9. There would also be limited conflict with MSDP Policy DP37 (Trees, Woodland and Hedgerows).
- 7.10. With regard to the effect on heritage assets, it is agreed that there would be 'less than substantial harm' overall. However, if viewed in isolation this would be outweighed by the public benefits of the development and thus there would be no outstanding conflict with MSDP Policy DP34.
- 7.11. Overall, there would be conflict with the development plan as a whole. This is an agreed position albeit the weight to be given to that conflict is a matter of disagreement.
- 7.12. In considering the weight to be attached to that conflict, it is necessary to consider to what extent the development plan policies can be considered as 'up to date'. It is agreed

that the plan is not based on the most recent housing needs of the District and to that end, policies that seek to direct the location of housing development can be considered as out of date. It is also the case that the Council cannot currently demonstrate a five year supply of housing, engaging NPPF paragraph 11d. However, that does not mean that weight cannot be given to any of the 'most important policies' as this will depend on their consistency with the NPPF and their principal aim and whether that is to restrict housing development.

- 7.13. Whilst having regard to the above, I agree that limited weight should be given to policies that directly seek to limit housing development, but disagree with the Appellant's assertion that this also applies to policies DP12, DP13, AS2, AS3, CNP5 for the following reasons:
- 7.14. DP12 - whilst elements of this policy do seek to restrict the type of housing within the countryside, it goes on to deal with matters of landscape character and visual amenity. These principle aims of these elements are to conserve and enhance the natural environment in accordance with the NPPF. Therefore, as indicated in the OR this policy should be afforded moderate weight.
- 7.15. DP13 – deals specifically with the issue of coalescence; its aim is to prevent settlements either physically, visually or perceptually merging with one another, not to prevent housing development. I consider that full weight can be given to this policy.
- 7.16. DP16 – seeks to conserve and enhance the natural beauty of the AONB [and] . It is consistent with the NPPF and should be afforded full weight.
- 7.17. AS2 – this policy also deals specifically with the issue of coalescence and for the same reasons can also be given full weight.
- 7.18. AS3 – seeks to conserve and enhance the natural beauty of the AONB, now NL and refers to and is consistent with the NPPF and should be afforded full weight.
- 7.19. CNP5 – the primary aim of this policy is to give priority to protecting and enhancing the countryside by ensuring the development does not harm the landscape character of the area and that of Cuckfield itself, maintain distinctive views and conserve and enhance the HWNL, consistent with the NPPF. However, to it does limit development to certain types. Therefore, it should be afforded moderate weight.
- 7.20. Having regard to the above and noting that as indicated above the conflict lies with policies that are key to the spatial strategy of the plan as well as those which seek to protect the high quality environment of the area, the overall conflict is considered to be significant.

- 7.21. In respect of the material considerations, as I have set out above, there are a number of policies of the NPPF with which the proposal does not accord, albeit there are also a number which are satisfied. However, of key importance is the application of paragraph 189 which for the reasons set out above, is considered to provide a strong reason for refusal as indicated in paragraph 11d(i).
- 7.22. Thus, it is concluded that permission should be refused.
- 7.23. However, should the Inspector disagree with my conclusion above and find that there is no strong reason for refusal in accordance with paragraph 11d(i) of the NPPF, then paragraph 11d(ii) would be relevant. In respect of the key policies that are identified in footnote 9, I would note that as explained in evidence, whilst the proposal would provide a range of housing, including affordable housing, and is in a location that can be made sustainable (in respect of transport matters), it would not secure a well-designed place nor make effective use of land having regard to the harm arising to the prevailing character of the site, the resulting harm to the quality of the area, and the lack of sympathy to local character and history, including in particular the landscape setting.
- 7.24. As such, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits.
- 7.25. I conclude that there are no other material considerations that indicate a decision other than in accordance with the development plan, thus permission should be refused.
- 7.26. I therefore respectfully request the Inspector to dismiss the appeal.