

Proof of Evidence of Ben Pycroft re: Five Year Housing Land Supply
For Miller Homes Limited | 26-091

Outline application for up to 80 dwellings – Land at Colwell Farm, Lewes Road,
Haywards Heath

LPA refs: DM/25/0445 and AP/26/0023, PINS ref: 6005786



Project: 26-091
Site Address: Land at Colwell Farm, Lewes Road, Haywards Heath
Client: Miller Homes Limited
Date: Monday, June 29, 2026
Author: Ben Pycroft

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1. Introduction and summary

- 1.1 This proof of evidence is submitted on behalf of Miller Homes Limited (i.e., the Appellant) in support of its appeal against the decision of Mid Sussex District Council to refuse to grant outline planning permission for:

“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”

at land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex (LPA refs: DM/25/0445 and AP/26/0023, PINS ref: 6005786).

- 1.2 This proof of evidence addresses the Council’s Five Year Housing Land Supply (5YHLS). It should be read alongside the proof of evidence of James Stacey, which addresses affordable housing. Section 2 of Mr Stacey’s proof of evidence discusses the national acute and entrenched housing crisis. Section 3 of Mr Stacey’s proof of evidence sets out the consequences of failing to meet affordable housing needs. These sections are particularly relevant to my proof of evidence, which sets out the scale of the shortfall in the Council’s 5YHLS.
- 1.3 My proof of evidence should also be read alongside the proof of evidence of Nick Billington, which addresses all other planning matters in relation to this appeal.

Qualifications

- 1.4 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and a postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Senior Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.5 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 90 public inquiries across the country.
- 1.6 In November 2024, I submitted evidence in relation to the Council’s 5YHLS (at 1st April 2024) on behalf of Gladman Developments Ltd in support of their appeal against the failure of the Council to give notice within the relevant timescales of its decision on an outline planning application for up to 90 dwellings at land off Scamps Hill, Lindfield, West Sussex (LPA ref: DM/24/0446, PINS ref: 3350075). After evidence was exchanged for that appeal, the National Planning Policy Framework (‘the Framework’) and standard method for calculating Local Housing Need were updated in December 2024. This meant that the Council



accepted that it could not demonstrate a 5YHLS and no longer resisted the principle of development on that site. As a result, I was not called to give evidence at the inquiry, which took place in January 2025. The appeal was allowed on 2nd May 2026¹.

- 1.7 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.8 I provide this proof of evidence, including a summary (below). I also refer to several core documents and the Statement of Common Ground (SoCG) in relation to housing land supply.

Summary

- 1.9 It is agreed that the Council cannot demonstrate a 5YHLS².

The base date for assessing the 5YHLS

- 1.10 The base date for calculating the 5YHLS as set out in the Council's Local Plan examination topic paper "MS-TP4: Housing"³ is 1st April 2026. This is the agreed base date for the purposes of this appeal and the 5YHLS period is to 31st March 2031⁴.
- 1.11 Only sites that were "deliverable" at the base date of 1st April 2026 should be included in the 5YHLS.

The figure the 5YHLS should be measured against

- 1.12 The adopted strategic policies of the Mid Sussex District Plan 2014-2031 (adopted March 2018) are more than 5 years old and have not been reviewed and found to be up to date. Therefore, in accordance with paragraph 78 and footnote 39 of the Framework, the 5YHLS should be measured against the local housing need calculated using the standard method set out in paragraph 2a-004 of the PPG. It is agreed⁵ that this is 1,343 dwellings per annum calculated as follows:

¹ PINS ref: 3350075 – Scamps Hill appeal decision – 2nd May 2026 – core document **12.14**

² Paragraph 2.13 and table SOCG3 of the SoCG on 5YHLS

³ Core document **6.3**

⁴ Paragraph 2.2 of the SoCG on 5YHLS

⁵ Paragraph 2.4 of the SoCG on 5YHLS



- Step 1 = 0.8% of the latest (i.e. 2025-based) housing stock of 70,260 dwellings = 562.08;
- Step 2 = Affordability adjustment using the mean average affordability over the five most recent years for which data is available (i.e. 2020-25) of 12.31 = 2.3889
- Therefore, the local housing need = 1,342.753.

The buffer

1.13 In accordance with paragraph 78a) of the Framework, it is agreed⁶ that the 5% buffer applies.

The deliverable supply

- 1.14 For the purposes of the examination of the Local Plan, MS-TP4 states that the deliverable supply at 1st April 2026 is 7,136 dwellings. However, this includes 1,843 dwellings on 35 sites on a long list of potential sites for further testing (component D). The appeal site is one of the 35 sites. 80 dwellings at the appeal site are included in the 1,843 figure.
- 1.15 Paragraph 1.70 of MS-TP4 explains that until further testing of these 35 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 Local Plan. It states that the Council will publish a final five-year supply position once the list of additional allocations has been finalised alongside a detailed trajectory. Paragraph 1.77 of MS-TP4 states that the Council considers it will be able to demonstrate a 5YHLS upon adoption of the Local Plan assuming that it is adopted in 2026/27 and subject to confirmation of the sites allocated.
- 1.16 For the purposes of calculating 5YHLS for this appeal, and given the status of the 35 sites on the long list, they should not be included in the deliverable supply. This means that the Council considers that the deliverable supply at 1st April 2026 is 5,293 dwellings (i.e. $7,136 - 1,843 = 5,293$).
- 1.17 It is agreed between the Appellant and the Council that a 5YHLS cannot be demonstrated, that even on the Council's figure, the shortfall in the 5YHLS is substantial and therefore that the issue of 5YHLS is not determinative in this case and need not be tested in evidence. Therefore, the Appellant has not provided its own assessment of the sites included within the 5,293 dwelling figure. Nevertheless, the Appellant considers this is a maximum figure. The inclusion of sites in the 5YHLS, including those which are expected to contribute towards the 5,293 figure will be examined through the Local Plan examination with regard to the definition of "deliverable" as set out in the Framework.

⁶ Paragraph 2.5 of the SoCG on 5YHLS



The agreed 5YHLS position for the purpose of this appeal

1.18 The agreed position⁷ for this appeal is set out in the following table:

Table 1.1 – The agreed 5YHLS position at 1st April 2026 for the purpose of this appeal

	5YHLS requirement	
A	Annual local housing need	1,343
B	5YHLS requirement without buffer (A X 5)	6,715
C	5% buffer (5% of B)	336
D	5YHLS requirement including 5% buffer (B + C)	7,051
E	Annual 5YHLS requirement including 5% buffer (D / 5)	1,410
	Supply	
F	Deliverable supply at 1 st April 2026	5,293
G	Supply in years (F / E)	3.75
H	Shortfall against the 5YHLS requirement including 5% buffer (F – D)	-1,758

1.19 The policy consequence of this is addressed by Nick Billington. The impact this has on affordable housing supply is addressed by James Stacey.

⁷ Table SOCG3 of the SoCG on 5YHLS



2. Planning Policy Context

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (“The Framework”) is a material consideration. The Framework sets out what a 5YHLS is, how it should be calculated and what the consequences are for failing to demonstrate a 5YHLS.

Development plan context

Existing development plan

- 2.2 The existing development plan comprises the Mid Sussex District Plan 2014 – 2031 which was adopted on 28th March 2018. The adopted plan is out of date and is currently being reviewed, as set out below.

Emerging development plan

- 2.3 The Council is currently undertaking a review of the District Plan. On 8th July 2024, the Council submitted the Mid Sussex District Plan 2021 – 2039 for examination. It proposed a stepped housing requirement of 999 dwellings per annum up to 2030/31, and 1,187 dwellings per annum thereafter. The most recent examination hearing sessions took place in February and March 2026.
- 2.4 On 26th March 2026, the Inspector’s Post Hearing letter to the Council (dated 24th March 2026) was published⁸. It states that:

“The submission plan relied on a supply surplus to meet some of the unmet needs of neighbouring authorities. However, any provision for unmet needs should normally be quantified and added to the LHN figure, to come to a final figure for the plan’s housing requirement. It is therefore agreed that a specific number of homes will be added to the LHN figure to meet a proportion of the unmet housing needs of neighbouring authorities in the same housing market areas, principally Crawley but also having regard to the south coast.

Therefore **an overall housing target in the range of 1,200 to 1,300 dpa, which will include a substantial component for the unmet housing needs of adjacent authorities, will be tested for delivery. The Council will seek, as far as possible, to identify sufficient additional housing sites to meet a requirement towards the upper end of that range.**”
(my emphasis added)

⁸ Core document 6.5



- 2.5 The Inspector therefore explains that the Council needs to reassess its housing requirement and trajectory, including the identification of further housing allocations.
- 2.6 On 15th May 2026, the Council published its long list of 35 additional sites for testing, which I have referred to in the introduction to my proof of evidence. The appeal site is included as one of the 35 sites (ref: 844). It also published document MS-TP4, which sets out the Council's position on its 5YHLS at 1st April 2026.
- 2.7 On 8th June 2026, the Council published the Inspector's proposed timeline for the next steps as follows:
- w/c 13th July 2026 – the outcome of the in-combination testing of the additional sites will be published;
 - 27th July – 7th September – Main Modification Consultation;
 - September / October – Inspector's review of consultation responses, publication of hearings programme; and
 - w/c 2nd November – further examination hearings – if required.

Other material considerations

National Planning Policy Framework

- 2.8 The Framework was published in March 2012. It was revised in July 2018, February 2019, July 2021, September 2023, December 2023, and most recently on 12th December 2024 (with minor updates on 7th February 2025).
- 2.9 The relevant sections of the revised Framework in relation to my proof of evidence are:
- Footnote 8 which explains that the tilted balance to the presumption in favour of sustainable development applies where a) a local planning authority cannot demonstrate a 5YHLS or b) where the Housing Delivery Test result is less than 75%;
 - Section 5: Delivering a sufficient supply of homes, including:
 - Paragraph 61, which refers to the Government's objective of significantly boosting the supply of homes;
 - Paragraph 62, which explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment calculated using the standard method set out in the PPG. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for;
 - Paragraph 75, in relation to an allowance for windfall sites;
 - Paragraph 78, which states:



“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁸ or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

- Footnote 39 states: “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”

Footnote 40 states: “This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement”

- Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.

- Annex 1: Implementation, including:

- Paragraph 232, which explains that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan’s adoption.

- Annex 2: Glossary, including:

- The definition of “deliverable” on page 72; and



- The definition of “windfall sites” on page 80.

2.10 Between 16th December 2025 and 10th March 2026, the Government consulted on proposed reforms to the Framework. Annex D of the draft Framework: “Housing calculations and supply” explains that:

- the Council will need to demonstrate a 5YHLS against the adopted housing requirement in the development plan, or against the local housing need where the development plan requirement is more than five years old; and
- a 5% buffer should apply unless there has been significant under delivery of housing over the previous three years determined by the Housing Delivery Test, when a 20% buffer will apply. The 20% buffer will also apply after 1st July 2026 if the adopted housing requirement is less than 80% of the local housing need.

2.11 Apart from the proposed inclusion of “other pitches and plots”, the definition of “deliverable” in the draft Framework remains unchanged from that in the current Framework.

Planning Practice Guidance (PPG)

2.12 The relevant chapters of the PPG in relation to my proof of evidence are:

- Chapter 2a - Housing and economic needs assessment;
- Chapter 3 – Housing and economic land availability assessments; and
- Chapter 68 – Housing supply and delivery.

Mid Sussex Five Year Housing Land Supply at 1st April 2026

2.13 As I have set out in the introduction to my proof of evidence, the Council’s latest position on 5YHLS at 1st April 2026 is set out in MS-TP4. I discuss this in the following section of my proof of evidence.



3. Mid Sussex's 5YHLS

Previous position

"Housing Land Supply Position Statement 1 April 2023" – October update

- 3.1 The Council's latest published statement remains that set out in the "Housing Land Supply Position Statement 1 April 2023 – October update". It was originally published almost 3 years ago in July 2023 and updated over 2 years ago in October 2023. This document explains that at 1st April 2023, the Council considered the deliverable supply to be 5,770 dwellings, which against the local housing need (at 1st April 2023 of 1,090 dwellings per annum – calculated using the previous standard method) and a 5% buffer equates to 5.04 years. Against the local housing need calculated using the current standard method of 1,343 dwellings per annum and a 5% buffer, the Council's supply figure of 5,770 dwellings equates to 4.09 years.
- 3.2 The Council's latest published position on 5YHLS at 1st April 2023 is also referred to in the Council's most recent Authority Monitoring Report (AMR) 1 April 2023 – 31 March 2024, published in December 2024. This was 18 months ago. An AMR for the period 1 April 2024 – 31 March 2025 has not been published.

Scamps Hill, Lindfield Appeal (PINS ref: 3350075) – May 2025

- 3.3 An appeal made by Gladman Developments Ltd against the decision of the Council to refuse to grant outline planning permission for up to 90 dwellings at Scamps Hill, Lindfield, was considered at a public inquiry which took place in January 2025. The appeal was allowed and the decision notice was issued on 2nd May 2025.
- 3.4 Whilst it has not published it on its "Consultation & Monitoring" section of its website, the Council's evidence for the Scamps Hill appeal provided its position at 1st April 2024. The Council's evidence was that at 1st April 2024 it could demonstrate a deliverable supply of 4,815 dwellings. Against the local housing need calculated using the current standard method (but using previous data inputs) of 1,356 dwellings per annum and a 5% buffer, the Council's supply figure equated to 3.41 years.
- 3.5 I prepared the evidence in relation to the 5YHLS for the Appellant at that appeal. Our case was that at 1st April 2024, the Council could demonstrate a deliverable supply of 3,427 dwellings, which equates to 2.41 years. The difference between the two figures of 1,388 dwellings was because the Appellant disputed the inclusion of dwellings on 13 large sites



- 3.6 Both the Council's 3.38 figure and the Appellant's 2.41 year figure are recorded in paragraph 96 of the Scamps Hill appeal decision, which states:

"The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry"

Committee report for the appeal application – August 2025

- 3.7 The committee report for the appeal application explains that the Council is unable to demonstrate a 5YHLS. However, the base date of the calculation and the extent of the shortfall in the 5YHLS were not referred to. The summary of the comments provided by the Planning Policy Officer in relation to the 5YHLS are as follows:

"Paragraph 78 of the National Planning Policy Framework (NPPF) requires local planning authorities to "identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."

The adopted District Plan is now more than five years old. Therefore, the housing land supply is measured against Government's standard method. The standard method is currently 1,334 dwellings per annum (dpa), compared to the 1,090dpa if the adopted Plan figure were applied. Whilst the Council has performed excellently against other Government measures of delivery (Housing Delivery Test) the Council is currently unable to demonstrate a five-year supply of deliverable housing sites."

Current position

The 5YHLS requirement

- 3.8 As explained in paragraph 2.4 of the SoCG, the 5YHLS is measured against the local housing need calculated using the standard method set out in the PPG in accordance with paragraph 78 and footnote 39 of the Framework. This is 1,343 dwellings per annum. The 5YHLS will be measured against the local housing need unless and until the Local Plan is adopted.

The deliverable supply

- 3.9 As I have explained above, on 15th May 2026, the Council published document MS-TP4, which sets out the Council's position on its 5YHLS at 1st April 2026 as part of its evidence for the Local Plan examination. MS-



TP4 states that the deliverable supply at 1st April 2026 is 7,136 dwellings. This comprises the following components of supply as set out in Appendix 3 of the document:

Table 3.1 – Components of the deliverable supply at 1st April 2026 – as set out in MS-TP4

	Component	Y1 2025/26	Y2 2026/27	Y3 2027/28	Y4 2028/29	Y5 2029/30	Total 5YHLS
A	Commitment – site has outline or full planning permission	789	792	654	555	500	3,290
B	Commitment – Allocated sites without planning permission	0	16	36	55	24	131
C	Submission District Plan Housing Allocations	0	37	260	578	690	1,565
D	Site Review – List for further testing	0	39	273	747	784	1,843
E	Small sites (less than 5 dwellings)	57	56	56	0	0	169
F	Windfall allowance	0	0	0	69	69	138
	Total	846	940	1,279	2,004	2,067	7,136

3.10 As can be seen from the table above, 1,843 of the 7,136 dwellings are on a long list of potential sites for further testing (component D). Appendix 3 of MS-TP4 explains that there are 35 sites on the long list. The appeal site is one of the 35 sites and the trajectory included in MS-TP4 is as follows:

Table 3.2 – Trajectory for the appeal site within MS-TP4

Ref	Site	Y1 2025/26	Y2 2026/27	Y3 2027/28	Y4 2028/29	Y5 2029/30	Total 5YHLS
844	Land at north Colwell Farm, Lewes Road, Haywards Heath	0	25	55	0	0	80



- 3.11 As I explain in the introduction to my proof of evidence and as set out in the SoCG on 5YHLS, MS-TP4 explains that until further testing of these 35 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 Local Plan. It states that the Council will publish a final five-year supply position once the list of additional allocations has been finalised alongside a detailed trajectory.
- 3.12 For the purposes of calculating 5YHLS for this appeal, and given the status of the 35 sites on the long list, they should not be included in the deliverable supply. This means that the Council considers that the deliverable supply at 1st April 2026 is 5,293 dwellings (i.e. $7,136 - 1,843 = 5,293$).
- 3.13 This equates to 3.75 years and a shortfall of 1,758 dwellings. The position is agreed for the purposes of this appeal as set out in the following table:

Table 3.3 – The agreed 5YHLS position at 1st April 2026 for the purpose of this appeal

	5YHLS requirement	
A	Annual local housing need	1,343
B	5YHLS requirement without buffer (A X 5)	6,715
C	5% buffer (5% of B)	336
D	5YHLS requirement including 5% buffer (B + C)	7,051
E	Annual 5YHLS requirement including 5% buffer (D / 5)	1,410
	Supply	
F	Deliverable supply at 1 st April 2026	5,293
G	Supply in years (F / E)	3.75
H	Shortfall against the 5YHLS requirement including 5% buffer (F – D)	-1,758

Future position

- 3.14 Paragraph 1.70 of MS-TP4 states that the Council will publish a final five-year supply position once the list of additional allocations has been finalised alongside a detailed trajectory. Consequently, the 5YHLS position on adoption of the Local Plan is not known.



3.15 Nevertheless, paragraph 1.77 of MS-TP4 states that the Council considers it will be able to demonstrate a 5YHLS upon adoption of the Local Plan assuming that it is adopted in 2026/27 and subject to confirmation of the sites allocated.

The 5YHLS requirement on adoption of the Local Plan

3.16 MS-TP4 explains that the proposed housing requirement for the Local Plan will be stepped. For the 5YHLS period 1st April 2026 to 31st March 2031, the requirement would be:

- 999 dwellings per annum in 2026/27 and 2027/28; and
- 1,298 dwellings per annum in 2028/29 to 2030/31.

3.17 However, the stepped requirement as set out above will be the subject of consultation and examination.

3.18 The requirement is lower than the local housing need. However, the Local Plan is progressing under transitional arrangements set out in the Framework.

3.19 In addition, the shortfall since the start of the emerging plan period in 2021 of 44 dwellings is added to the 5YHLS requirement. A 5% buffer is also added.

The deliverable supply on adoption of the Local Plan – as set out in MS-TP4

3.20 Including the 35 sites listed, MS-TP4 concludes that against the proposed adopted requirement plus shortfall and a 5% buffer, the deliverable supply of 7,136 dwellings would equate to 5.72 years upon adoption of the Local Plan. This is against the proposed housing requirement and a 5% buffer as shown in the following table.



Table 3.4 – The 5YHLS position at 1st April 2026 on adoption of the Local Plan as set out in MS-TP4

	5YHLS requirement	
A	Proposed housing requirement over 5YHLS period (992 X 2 and 1,298 X 3)	5,892
B	Shortfall	44
C	5YHLS requirement without buffer including shortfall	5,936
D	5% buffer (5% of B)	297
E	5YHLS requirement including 5% buffer	6,233
F	Annual 5YHLS requirement including 5% buffer (D / 5)	1,247
	Supply	
G	Deliverable supply at 1 st April 2026	7,136
H	Supply in years	5.72

3.21 The 7,136 figure includes the 35 sites on the Council’s long list. This includes 80 dwellings at the appeal site. The inclusion of all 35 sites suggests that the Council would be able to demonstrate a 5YHLS on adoption of the Local Plan. However, this would be subject to consultation and examination and the Council would need to demonstrate that all sites in the 5YHLS trajectory are “deliverable” in the context of the definition set out in the Framework as set out in section 2 of my proof of evidence above.

3.22 Without the inclusion of the 35 sites on the Council’s long list, the Council’s supply of 5,293 dwellings would equate to just **4.24 years and a shortfall in the 5YHLS of 940 dwellings**. Therefore, additional sites are required so that the Council can demonstrate a 5YHLS on adoption of the Local Plan – even against the proposed (stepped) housing requirement, which is lower than the actual local housing need.

3.23 The policy implications of this are addressed by Nick Billington.



