

LAND EAST OF ANSTY WAY, CUCKFIELD BYPASS, CUCKFIELD, WEST SUSSEX,
RG17 5AG

MID SUSSEX DISTRICT COUNCIL

PROOF OF EVIDENCE

of Chloe Salisbury

MA (Cantab), MSc, MRTPI

Planning Policy

on behalf of Mid Sussex District Council

Appeal reference: 6002030

LPA reference: DM/23/2866

22 May 2026

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1 QUALIFICATIONS, EXPERIENCE AND SCOPE OF EVIDENCE

- 1.1 My name is Chloe Salisbury and I am a member of the Royal Town Planning Institute (MRTPI) and hold a MSc degree in Spatial Planning from University College London.
- 1.2 I am a Director at Arup, one of the UK's largest and most respected multi-disciplinary consultancies. I have worked as part of the Arup planning team since 2007 and have acted as UK Town Planning Leader since 2024. I specialise in plan-making, policy research and evidence base preparation. I am experienced at managing the preparation of plans as well as bringing expertise in the preparation of evidence base documents and policy drafting. I frequently work with Local Planning Authorities to provide support in preparing their Local Plans, including evidence base and policy development and appearing as a witness at Local Plan Examinations.
- 1.3 I have been appointed by Mid Sussex District Council ("The Council") to assist with the Local Plan preparation since April 2024.
- 1.4 I am familiar with the site and wider area and the national, regional and local planning policy.
- 1.5 This Proof relates solely to the emerging District Plan and the implications of this for the proposed development at Ansty. Wider planning issues and the planning balance are assessed in the Proof of Evidence of Phillipa Jarvis (CD 9.1).
- 1.6 By way of background, due to constraints on Council Officers' time, colleagues within the Arup Planning Team drafted the original Case Officer's report to Committee, which concluded with a recommendation for approval. I was not involved in authoring the report. The recommendation was subsequently overturned by Planning Committee.

- 1.7 I have not been commissioned to consider or review the reasons for refusal of the planning application. This is being addressed in the Proof of Evidence of my colleague Phillipa Jarvis (CD 9.1). My evidence is concerned with providing information to the inquiry on the progress of the emerging District Plan (which may be relevant to the overall planning balance carried out by Phillipa) and evidence of the impact of granting permission on the District Plan process, in particular with regard to national policy on prematurity.
- 1.8 I declare that the evidence set out in this Proof of Evidence for the Appeal is true and follows accepted practice. I confirm that the opinions expressed represent my professional opinion. I understand my duty to the inquiry and have complied with the RTPI Code of Professional Conduct (2023) when preparing my Proof.

2 INTRODUCTION

2.1 Mid Sussex District Council is the local planning authority ("LPA") for the purposes of determining this planning application.

2.2 A full planning application was submitted by Fairfax Acquisitions Limited and The Norris Family ("the Appellant") on 6 November 2023 to the Council in relation to proposed development at Land East of Ansty Way, Cuckfield Bypass, Cuckfield, West Sussex, RG17 5AG ("the Site").

2.3 The application (ref: DM/23/2866) ("the Application") had the following description of development ("Proposed Development"):

"Outline planning application (All matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community, comprising of the erection of up to 1,450 homes (including 30% affordable housing), up to 90 residential care units (C2 class), a primary school, a SEND school, health hub, sports facilities including all weather hockey pitches and tennis centre, allotments, retail, community and employment uses together with ancillary and associated development including new and enhanced pedestrian/cycle routes, open spaces, and landscaping."

2.4 The Application was considered by the Council's Planning Committee on 16th October 2025. The Officer recommendation was for approval.

2.5 The Committee overturned the Officer recommendation and refused the application for the reasons relating to the impact on the rural character of the area, perceived coalescence, and the setting of the High Weald National Landscape.

2.6 The decision notice was formally issued on 17th October 2025.

- 2.7 The Appellant submitted this appeal against the refusal of the Application, with a formal start date of 16th February 2026.
- 2.8 As per paragraph 9.8 of the Council's Statement of Case (CD 15.2), as a result of the progress of the emerging District Plan, the Council now argues that approval of a development on the scale of 1,450 houses is premature. It would undermine the strategic growth and proposed housing allocations that have been identified in the emerging Plan.
- 2.9 A Statement of Common Ground (SoCG) (CD 7.1) has been prepared between the Council and the Appellant, clarifying the areas of agreement and disagreement between the parties. This has been updated to reflect the latest progress on the emerging District Plan including in respect of prematurity.

3 THE DEVELOPMENT PLAN AND OTHER RELEVANT MATERIAL CONSIDERATIONS

- 3.1 Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, read together with section 70 of the Town and Country Planning Act 1990, planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point for planning decisions.
- 3.2 In Mid Sussex, the Development Plan consists of the following so far as relevant to this appeal:
- The Mid Sussex District Plan 2014 – 2031
 - Mid Sussex Site Allocations Development Plan Document
 - Cuckfield Neighbourhood Plan
 - Ansty, Staplefield and Brook Street Neighbourhood Plan
- 3.3 The relevant policies of the Development Plan are cited within paragraphs 5.4 – 5.6 of the Council's Statement of Case (CD 15.2) and are not repeated here.
- 3.4 As noted in the Council's Statement of Case (CD 15.2), the National Planning Policy Framework (NPPF) (2024) is also a relevant material consideration to the determination of this case.
- 3.5 Paragraphs 49 to 51 of the NPPF provide guidance on the weight that should be given to emerging plans. Paragraphs 49 to 51 state that:
- “49. Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

50. However, in the context of the Framework – and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its 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; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

3.6 In section 4 below, I explain how the emerging District Plan has progressed since the Council’s decision to refuse permission. In section 5, I explain the implications of this in terms of paragraphs 49- 51 of the NPPF.

4 PROGRESS OF THE EMERGING DISTRICT PLAN

- 4.1 The Draft District Plan 2021 – 2039 was formally submitted to the Secretary of State for examination on 8th July 2024. Having regard to national policy as it existed at that time, the submitted District Plan identified a need for 19,620 new homes within Mid-Sussex i.e. an annual requirement of 1,090 dpa. However, as the submitted District Plan explained, in preparing the new Plan the Council was fully cognisant of the housing need within the Northern West Sussex Housing Market Area (HMA), which the Strategic Housing Market Assessment (SHMA) concludes is the primary HMA for Mid Sussex. Against that backdrop, the submitted District Plan allocated sufficient new sites to meet all of Mid Sussex's own need, together with a surplus of 996 homes, which the Plan explained could be used for resilience or to help meet the unmet need arising in the Northern West Sussex HMA in accordance with the agreed priority order, as set out in Chapter 2 of the draft Plan (CD 5.18).
- 4.2 The Inspector initially appointed to examine the submitted District Plan was Ms Louise Nurser. Following the conclusion of the Stage 1 Hearings, Ms Nurser wrote to the Council advising that she considered the submitted District Plan had failed the Duty to Co-operate. She invited the Council to decide whether it wished to withdraw the draft Plan or request her to write a formal decision letter. In particular, Ms Nurser was critical of the Council for having failed to identify to which of its neighbours the surplus in housing should be attributed.
- 4.3 Having taken advice, the Council concluded the Inspector's reasons were legally flawed and that it would not, therefore, withdraw the submitted District Plan. In addition to sending a Pre-Action Protocol Letter to the Secretary of State, the Council wrote to Ms Nurser inviting her to re-open the examination to consider further submissions.
- 4.4 Ms Nurser agreed to that request and was in the process of arranging a date for a further hearing, when the Government announced that it was proposing to abolish the Duty to Co-operate and would shortly be laying the necessary statutory instruments to remove the need for plans which were already at examination to satisfy the duty.

- 4.5 This announcement made it possible to resume the examination of the submitted District Plan on the basis that (even if Ms Nurser’s position on compliance with the Duty to Co-operate had remained unchanged) this would not have prevented adoption of the Plan. However, due to Ms Nurser’s other commitments at the time of the announcement, it was not possible for her to continue to Stage 2 Hearings in a timely manner, and a new Inspector (Mr Jonathan Bore) was appointed to take over the Examination.
- 4.6 A set out in paragraph 5.12 of the Council’s Statement of Case (CD 15.2), Mr Bore has since delivered his preliminary observations on the Development Management Policies of the submitted District Plan. The scheduled hearing sessions into all other aspects of the Plan were held over a period of three weeks between 24 February 2026 and 19 March 2026, following which Inspector Bore wrote to the Council with his interim conclusions and further actions points based on matters covered in the examination so far (CD 5.35). Of particular relevance to this s.78 appeal is the Inspector’s actions relating to the submitted District Plan’s housing requirement and the implications of this for finding additional site allocations. A summary of these points is provided in the following sub-sections.

Emerging District Plan Housing Requirement

- 4.7 At the end of the first week of the Examination, and in light of the significant unmet needs arising in Crawley (and, to a lesser extent, Brighton & Hove) Mr Bore asked the Council to test a higher housing requirement and associated housing trajectory, noting this will involve the identification of further housing allocations (CD 5.34). In his Post Hearing Letter (CD 5.35), the Inspector requested the Council test an overall housing target in the range of 1,200-1,300 dwellings per annum (dpa) and that additional housing sites should be identified to meet a requirement “towards the upper end” of this range. He also confirmed that the plan period should be extended to 2040 (CD 5.35).

4.8 As set out in the Inspector's Post Hearing Letter (CD 5.35), the submitted District Plan is being examined under the September 2023 NPPF. Therefore, the starting point for determining local housing need (LHN) is the figure derived from the LHN formula that existed at that time. The submitted District Plan was based on the LHN figure of 1,090 dpa. However, using the most recent evidence for inputs gives a figure of 999 dpa. Inspector Bore considers this to be appropriate as a starting point for the period from 2025 onwards but determined that the figures for the period 2023-2025 should reflect the higher LHNs that existed in each of those two years. As set out in the Housing – Post Hearing Update Topic Paper (MS-TP4) (CD 5.40) this means that the LHN for Mid Sussex for the plan period is 19,243 homes comprising the following contributions:

- 2021 - 2023 (1,090 dpa x 2 years)
- 2023 - 2025 (1,039 dpa x 2 years)
- 2025 - 2040 (999 dpa x 15 years)

4.9 As set out in paragraph 4.1, the submitted District Plan included a supply surplus to provide resilience and meet some of the unmet needs of neighbouring authorities. However, it did not specifically indicate how that surplus should be treated. Inspector Bore confirmed that any provision for unmet needs should be quantified and added to the LHN figure, to enable the Council to arrive at a final figure for the plan's housing requirement (CD 5.35).

4.10 It was therefore agreed that in testing a higher housing requirement the Council would seek to make provision for the unmet housing needs of neighbouring authorities in the same housing market areas, principally:

- Some 50% of Crawley's unmet housing needs which comprises **3,573** homes.
- A contribution to unmet needs of the south coast (principally Brighton and Hove). At the hearings a figure of 100 dpa was suggested by the Inspector. Following discussions at the hearings for the examination of the Horsham Local Plan (where Mr Bore is also the Inspector), he requested a more evidence-led approach be developed to support the indicative figure discussed at the hearings for the Mid Sussex District Plan. The Housing – Post Hearing Update Topic Paper (MS-TP4) explains that a figure of 72 dpa can be evidenced from migration/commuting data, which results in a figure of **1,075** homes across the plan period. The Council proposes this approach as it translates historic flows of people directly into unmet need. This avoids

double-counting with the standard method which already incorporates historic migration trends.

4.11 Taken together, Mid Sussex’s LHN combined with the contributions to unmet housing needs of its neighbour’s results in an indicative housing requirement of **24,071** for the plan period 2021-2040, with an annualised requirement of **1,267** dpa. As detailed in the Housing – Post Hearing Update Topic Paper (MS-TP4), the Council is seeking a stepped housing requirement. The annualised requirement for the remainder of the Plan period is set out in Table 1 below.

Table 1: Annualised housing requirement for the remainder of the Plan period.

	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/26	2036/37
Annual requirement	999	999	1298	1298	1298	1298	1453	1453	1453	1453	1453

4.12 At the hearings, there was a discussion on the need for, and approach to be taken to headroom. Headroom is the theoretical excess of housing supply over housing requirement. As Inspector Bore observes in his Post Hearing Letter (CD 5.35), adequate headroom ensures that a plan is resilient should, for example, delivery fall short on one or more allocated sites. In its Housing – Post Hearing Update Topic Paper (MS-TP4), the Council explains that having considered the range of options available, it wishes to retain explicit provision for headroom as part of future supply and that it will continue to apply the methodology it set out in the Housing Topic Paper (January 2026) (CD 14.1) to identify an appropriate level of headroom provision.

4.13 Accounting for the increased site allocations required to meet the housing requirement; as well as the latest information on housing supply, the Council has identified the need for headroom of **766** homes over the Plan period. This headroom will not form part of the housing requirement but will constitute allocations over and above the requirement.

Site Assessment Review

- 4.14 To test the higher housing requirement requested by the Inspector (and to account for the level of headroom identified), the Council is currently undertaking a re-appraisal of all sites previously rejected through the District Plan process, including the Appeal Site.
- 4.15 In response to representations made at the examination hearings, the Inspector requested the Council produce a document setting out how it intended to undertake the assessment of additional sites.
- 4.16 The Site Selection Methodology Review is set out in MS-12 of the District Plan Examination (CD 5.36), which provides further detail on how the Site Selection Methodology (SSP1) (CD 5.41) will be applied to find additional sites to seek to meet the housing target set by Inspector Bore. The Methodology Review was informed by observations made by Inspector Bore throughout the course of the Examination. The Council gave interested parties the opportunity to comment on the draft methodology. A summary of the representations received and the Council's response to these comments is set out in MS-14 (CD 5.42).
- 4.17 In his Post Hearing Letter, the Inspector confirmed that "the methodology in MS-12 is sound and reflects the plan's spatial strategy." This conclusion provides clarity on a number of issues of principle raised during the hearings and in the representations made on MS-12 (CD 5.36, and as summarised in MS-14 (CD 5.42)).
- 4.18 First, in the Site Search Methodology adopted by the Council for the preparation of its submitted District Plan, the Council had employed the concept of "showstoppers" – policy constraints which were considered to be of such significance that sites which were affected by them were ruled out at Stage 2(b). On this basis, the Council had (for example) ruled out any possibility of site allocations which would amount to major development in a National Landscape.

- 4.19 In the course of the hearing sessions, Inspector Bore indicated that he considered the use of the term “showstopper” a mistake, because plan-making was not simply an exercise in considering the negative impacts of development, but also the opportunities which a particular site presented. In that context, even proposals which, in policy terms, might be considered to face what Inspector Bore described as “strong headwinds” might turn out to be more favourable overall. In this regard, Inspector Bore emphasised that the choice between major development in a National Landscape which brought about significant wider benefits, and development outside the National Landscape which was less beneficial was a matter of political judgment for the Council.
- 4.20 On this basis, the Council’s review of sites has included all sites previously rejected, including those previously considered to be the subject of “showstopper” constraints.
- 4.21 Second, a number of respondents felt that precedence should be given to Principle 3 of the emerging District Plan spatial strategy (‘Growth at existing sustainable settlements where it continues to be sustainable to do so’), over the newly introduced Principle 4 (‘Opportunities for extensions, to improve sustainability of existing settlements’).
- 4.22 Principle 3 reflects the spatial strategy of the adopted District Plan in supporting growth at sustainable settlements. However, in recognition that some sustainable settlements have either no or limited further growth potential and that it would not be possible to meet LHN and contribute towards need arising elsewhere on this basis alone, the submitted District Plan introduced Principle 4. Principle 4 supports growth at settlements that are not currently sustainable (e.g. only have a limited range of services) but where the scale of development will provide services and infrastructure to meet the needs of both the existing and new community (e.g. provision of education, health, retail and employment) so that they are capable of being made sustainable.

- 4.23 Some respondents considered that giving equal weight to both Principles would mean that growth at sustainable settlements was not prioritised and instead a cascade approach should be employed in applying the Principles of the spatial strategy. However, during the hearing sessions, Inspector Bore indicated that all the principles should be given equal weight, and these observations were incorporated in the Methodology Review. In his Post Hearing Letter (CD 5.35), the Inspector confirmed that the spatial strategy set out in the submitted District Plan is sound, and that this included giving equal weight to both Principles.
- 4.24 The Site Selection Methodology Review (CD 5.36) is summarised as follows:
- 4.25 **Information Gathering:** In March 2026, the Council requested updated proformas from agents/developers who promoted sites in the 2024 Strategic Housing and Employment Land Availability Assessment (SHELAA) that are not proposed for allocation in the submitted District Plan. The proforma requested details regarding the latest status of the site, including the latest expected yield and land uses, details of promotion agreements and anticipated delivery of the developments.
- 4.26 Concurrently, the Council sought any updates from sites proposed for allocation in the submitted District Plan in relation to the potential yields from those sites.
- 4.27 The Council also undertook site assessments for any new sites submitted to the Council for consideration, which were not previously assessed in the 2024 SHELAA.
- 4.28 **Individual site assessments:** The Council reviewed and updated all site assessments, including previously rejected sites, taking account of new information from developers and updates to the evidence base. Mitigation of impacts was re-considered where supported by evidence provided by the developer.

4.29 Sites discounted at Stage 2(a) Relationship to Existing Settlements were re-appraised to assess whether changes in planned or emerging allocations (including in neighbouring authorities) materially alter the original reasons for rejection. Where this occurred, sites were progressed for further assessment. The same approach was applied to new sites not assessed in the 2024 SHELAA.

4.30 The Council's technical specialists were consulted, as needed, to inform decision-making.

4.31 Having regard to the updated site assessments and the feedback received at the hearings, the Council:

- Decided whether newly promoted sites should be discounted following further assessment.
- Reconsidered whether sites previously rejected at Stage 2(b) Showstoppers should be advanced, assessing each site's specific circumstances and potential benefits to ensure a robust judgement, which is compliant with paragraph 11b of the NPPF.

4.32 **Overall assessment of sites:** The Council then considered how the sites individually or collectively contributed to the delivery of the proposed spatial strategy, contributed to the delivery of wider local social and economic benefits and other local priorities, contributed to meeting unmet need in relation to the location where it arises, and the site/s desirability in terms of delivery and providing sites with a range of sizes.

4.33 This assessment balanced any negative impacts/harms with benefits in line with NPPF paragraph 11b including how sites contributed to positive planning and that housing need (in particular, unmet need in neighbouring authority areas) is high.

- 4.34 In selecting sites for inclusion on the long list particular regard was given to their ability to contribute to the Council's five year housing land supply. As pointed out by a number of representors at the hearing sessions, the suite of site allocations in the submitted District Plan was heavily reliant on a small number of larger sites. While the Council has established procedures in place to help bring large sites forward, many representors (the Appellant included) considered it was unsound to rely on this. As the Appellant's witness, Mr Stephen Brown, stated at the District Plan hearing (Day 2, 25 minutes) (CD 19.10) "it's obvious that the answer is an appropriate basket of sites, large and small, those that deliver infrastructure and those that can deliver quickly". Therefore, to maximise the Council's ability to demonstrate it has a five year housing there is a need for a range of site sizes.
- 4.35 This part of the process concluded with a 'long list' of sites (published in Site Selection Review – Initial Conclusions Report, CD 5.43) on 15 May 2026. Of the 35 sites on the long list, 30 are smaller scale sites which are expected to either wholly or partially be delivered within the next five years of the Plan.
- 4.36 The 'long list' of sites is now subject to further engagement (referred to as 'fact checking') with site promoters/developers, after which any updates to the site assessment will be made. At this point changes may be made to the list of sites on the long list. It is anticipated that this fact checking will have been completed by the start of the inquiry for this appeal but not by 2 June deadline for rebuttals on the planning proofs.
- 4.37 **In-combination testing.** Following the fact checking, the (updated) long list will be subject to in-combination testing, which includes:
- Transport modelling
 - Sustainability Appraisal
 - Habitat Regulation Assessment
 - Liaison with infrastructure bodies/providers (such as the West Sussex County Council Education, NHS, utilities) to understand infrastructure constraints, inform potential policy wording and develop a package of mitigation as appropriate for inclusion within an updated Infrastructure Delivery Plan.

4.38 The long list of sites was published without prejudice to the final decision by the Council on any further sites that it will ultimately propose for allocation, recognising that this decision can only be arrived at once further in-combination assessment has been undertaken.

4.39 Further to a programming meeting held between this Council, Horsham District Council and Inspector Bore on 24th April 2026, the Council are liaising with the Inspector on the District Plan timetable and expect to publish a timetable imminently.

4.40 Whilst the timetable is still to be confirmed by the Inspector, the Council's anticipated key dates are as follows:

- w/c 18 and 25 May 2026 – fact checking with site promoters/developers
- w/c 1 June to w/c 13 July 2026 – in-combination testing
- August / September 2026 – main modifications consultation
- w/c 2 November 2026 – additional hearings (if required)
- w/c 21 December – receipt of Inspector's report

Ansty's status in relation to the emerging Plan

4.41 The appeal site was first promoted to the Council in April 2015, but at this stage little detail was provided on anticipated yield. In May 2019, Savills were instructed to act for the landowner Fairfax, and in February 2021 a detailed submission was made, proposing 1,600 dwellings and the following on-site infrastructure:

- Primary School
- Leisure
- Neighbourhood Centre
- Community Facilities
- Self/Custom Build
- Sports Pitches
- Allotments and Community Orchard
- Village Park

- Country Park

4.42 The site was included in a Regulation 18 Draft District Plan that was taken to Scrutiny Committee for Planning and Economic Growth and Net Zero on 19 January 2022. The recommendations of the report (CD 19.1) were that:

- the Committee consider and comment on the Consultation Draft Plan; and
- the Council approves the Consultation Draft Plan for a six week public consultation.

4.43 The evidence prepared to support this version of the Plan, including the Sustainability Appraisal, concluded that the site represented an option for allocation. The transport modelling undertaken at that time did not indicate that there would be any showstoppers to the site coming forward but identified 23 junctions with severe impacts and 24 junctions with significant impacts. Transport assessment is an iterative process, and at this time further modelling still needed to be undertaken, to assess the potential impact of sustainable transport mitigation measures, with the aim of removing all severe impacts.

4.44 The Scrutiny Committee resolved to defer the discussion of the District Plan Review so that further work and consideration could take place and the outcome of any changes to Government policy was known. The Committee also resolved to establish a working party to review the plan evidence, and appropriateness of sites (CD 19.2). Therefore, this version of the emerging District Plan was not approved by Council or published for public consultation.

4.45 The Regulation 18 Draft District Plan was taken back to Scrutiny Committee on 18 October 2022 (CD 19.3). This updated version of the Regulation 18 Plan did not include the appeal site as a proposed site allocation. The report to Scrutiny Committee explained the reasons for this change which at that time related to impacts on the highway network (paragraph 64), with further detailed information being available in October 2022 that was not complete when the original Scrutiny report was published in January 2022.

- 4.46 Further detail on the highways issue is set out in the Site Selection Conclusions Paper (CD 5.14). The Regulation 18 Mid Sussex Transport Study (CD 5.45) (Scenario 4) demonstrated that development at Ansty, in isolation, would generate a severe and unacceptable impact on 4 junctions in the highway network.
- 4.47 The Transport Study undertook modelling to establish whether these severe impacts could be mitigated by sustainable measures. The findings showed that the levels of sustainable mitigation required would far exceed the amount modelled, and this would not have been feasible or justified.
- 4.48 The Transport Study then assessed the potential for physical mitigation through junction upgrades, which could increase capacity, but which would not align with the County Council's strategic aims.
- 4.49 The conclusion of the Transport Study was that seeking additional sustainable mitigation was unlikely to solve the severe issues and that there was no evidence to suggest that physical mitigation was achievable given land constraints, likely costs, and limited benefit (i.e. would not sufficiently reduce traffic volumes to within capacity).
- 4.50 Despite the submission of further information by the promoter during Regulation 18 consultation and ahead of Regulation 19 publicity (CD 19.4 and CD 19.5), the Council remained concerned that the impact on the highways network would be severe and unacceptable. This included re-assessing a reduced yield for the site (1,450) and the addition of a SEN school, which did not change the overall conclusions reached by the Council. On this basis, the appeal site was not included as an allocation in the Regulation 19 version of the District Plan.
- 4.51 The appeal site has been re-assessed as part of the further site appraisal process detailed above.

- 4.52 It should be noted that in MS-12 (CD 5.36), paragraph 7, first bullet explains that [emphasis added]: *“the Council will review all site assessments having regard to any newly submitted information from agents/developers, as well as updates from the Council’s evidence base. As explained at the hearing sessions, as part of the review of the site assessment **the Council will re-consider the potential for impacts identified to be mitigated.** Because the Council does not have the resources to undertake this exercise for each and every site against every criterion, **any updated assessment will need to be informed by relevant work undertaken by the agent/developer. This information should be provided as part of the updated information request to be issued by 9 March 2026** (including by reference to information already submitted to the Council that should be relied upon). The Council will then review any information received and use this to inform an updated assessment.”* In response to this request for updated information,
- 4.53 In March 2026, the Appellant submitted a completed proforma (CD 19.6) and Position Statement (CD 19.7) relating to the site. The submitted information aligns with Scheme A which is the subject of this appeal and included the concept masterplan submitted as part of the planning application in November 2023. The Position Statement made reference to documents that formed part of the planning application but did not duplicate these documents. The submission from the Appellant does not provide any further or additional information related to the reasons for refusal and in particular in relation to the impact on the setting of the National Landscape.
- 4.54 The submitted proforma states that the first 50 completions on site will occur in 2028/2029, with the development complete by 2039/40.

- 4.55 The re-appraisal of the appeal site as part of the District Plan site assessment process has led to the Council concluding that the site should **not** be on the 'long list'. The Site Selection Review – Initial Conclusions Report (including appendices) (CD 5.43) provides a detailed explanation of the re-appraisal of the site and the rationale for the site being excluded from the long list.
- 4.56 The primary consideration for not allocating Ansty in the Regulation 19 District Plan was the highways impact, as set out in paragraph 4.50 above. In re-appraising the site, it has been concluded (as set out in the Statement of Common Ground (CD 7.1)), that when considered in isolation, the proposed development would have an acceptable impact on the local highway network. Further detail on this conclusion is set out in the Highways specific SoCG (CD 7.2). In brief, the planning application was supported by a Transport Assessment (CD 1.50) and five Technical Notes as appendices (CD 2.14, 2.31, 2.37, 2.38 and 2.42). These documents were reviewed by National Highways, the Local Highway Authority (West Sussex County Council), Mid Sussex District Council and Active Travel England. Overall, the application was found to comply with Policy DP21 of the District Plan. Therefore, as part of the site re-appraisal process it is considered that, in isolation, the development would have an acceptable impact on the highway network.
- 4.57 As set out within MS-12 (CD 5.36), the decision to exclude Ansty from the 'long-list' was arrived at by balancing negative impacts/harms with benefits in line with NPPF paragraph 11b including how Ansty could contribute to positive planning, that housing need (in particular, unmet need in neighbouring authority areas) is high and the site's potential contribution to the five year housing land supply.

5 IMPLICATIONS OF THE EMERGING DISTRICT PLAN FOR THE PRESENT APPEAL

5.1 In the light of section 4 above, I consider the emerging District Plan is relevant to this appeal in two key respects:

- A) The grant of planning permission through this s.78 appeal would be contrary to the plan-led approach the Government intends to see delivered through the planning system. Paragraph 50 of the NPPF sets out the limited circumstances in which an application can be deemed as premature. Both the criteria outlined in paragraph 50 are relevant and applicable in respect of the appeal proposals. Granting permission would undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development – issues that are central to the emerging District Plan.

- B) Irrespective of A), since the refusal of the planning application in October 2025, the emerging District Plan has advanced through examination, with hearing sessions held over a period of three weeks between 24 February 2026 and 19 March 2026. As a result, the weight that must now be afforded to the relevant policies of the emerging Plan has increased. In addition, the position in respect of five-year housing land supply has shifted, such that the weight afforded to Ansty's housing provision in the planning balance has become significantly diminished.

Issue A - Prematurity

- 5.2 As noted above, paragraph 50 of the NPPF states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its 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; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.3 Additionally, paragraph 51 of the NPPF details that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.
- 5.4 In this case, the emerging District Plan has not only been submitted for examination but is now a considerable way through its examination in circumstances where, although Inspector Bore's final report has not yet been received, he has already made known his views on a number of key issues. There is therefore considerably greater certainty not only that (with the modifications Inspector Bore recommends – many of which he has already made known) that the emerging District Plan will be found sound, but also as to its content. Having regard to paragraph 51, it is clearly sufficiently advanced that prematurity can be an issue.
- 5.5 As regards test (a) of paragraph 50, matters relating to the application of the emerging Plan's spatial strategy, additional site allocations and the resultant housing supply are most appropriately dealt with through the District Plan examination process, rather than matters for detailed consideration through this s.78 appeal. This is supported by the Procedure Guidance for Local Plan Examinations (CD 19.9, at para 5.15) which explains how omission sites e.g. those sites not proposed for allocation will be addressed through the examination. The appeal site represents an omission site in the context of the emerging District Plan.

5.6 Based on the Procedure Guidance and discussions with Inspector Bore at a joint local plan programming session with Horsham District Council and Mid Sussex District Council held on 24 April 2026, it is expected that the remainder of the examination process will focus on whether the modifications proposed to the submitted District Plan (e.g. the sites on the long list) are sound including the application of MS-12 (CD 5.36) in terms of informing those sites that were selected and omission sites that were rejected. It is not expected that the merits of omission sites including the appeal site will be discussed unless Inspector Bore concludes that sites on the long list – individually or in-combination – cannot be found sound.

5.7 Given this, the balancing exercise undertaken in respect of the appeal site through the site selection process is not repeated here in full. However, the Council prepared a Site Selection Methodology (SSP1) (CD 5.41) to guide the selection of sites for inclusion in the submitted District Plan. At paragraph 14 of this document, it states: *“For the purposes of the Site Selection process, sites have been classified into the following categories (as different considerations are made for ‘Significant’ sites during the process)”*

Classification	Approximate yield
<i>Small scale</i>	5-49
<i>Medium scale</i>	50-299
<i>Large scale</i>	300-999
<i>Significant</i>	1,000+

5.8 Paragraph 22 of the same document goes on to say: *“A distinction is made during the assessment process between ‘Significant’ sites (capable of delivering 1,000 homes or more) and other sites, as sites of significant scale can act as ‘stand-alone’ settlements supported by on-site infrastructure and services which could enable them to be self-sufficient and deliver sustainable places.”*

5.9 From the description of ‘Significant’ sites within the Site Selection Methodology it is clear that such sites represent strategic locations for development within the District, which in the context of Mid Sussex represent substantial development. In the Site Selection Conclusions Paper (SSP3) (CD 5.14), the appeal site is clearly identified as constituting a ‘Significant’ site.

5.10 As set out in paragraph 4.55, the appeal site has not been included on the Council's 'long-list'. Instead, having applied the agreed site selection methodology (MS-12) (CD 5.36), the Council has selected a suite of sites which it considers can best meet the needs of Mid Sussex and its neighbouring authorities having regard to a range of factors.

5.11 Having made these judgements, allowing the appeal at Ansty would undermine the plan-making process. The appeal site is contrary to the views reached by the Council through this process and specifically would pre-determine decisions about the:

- **Scale of development.** As set out in my Proof, Inspector Bore has clearly articulated his expectations regarding the scale of additional residential development the emerging District Plan should seek to meet. That figure is not in dispute. However, Inspector Bore has left it to the Council's discretion to determine the most approximate mix of sites and the relative scale of each one to meet the overall housing requirement. As set out in paragraph 4.34, representors at the District Plan examination have already raised concerns about the Council's over-reliance on significant scale sites to meet housing needs. Therefore, in publishing the long list, the Council gave careful consideration to the size of sites and associated scale of development including how the Council could maximise delivery of development within the next five years of the Plan through the identification of smaller sites. In undertaking that re-assessment the Council has concluded that it can best meet its own needs and its neighbours' needs through allocating mainly small and medium scale sites, alongside two large ones (using the definitions set out in the table above). Therefore, granting an appeal for a significant scale site would pre-determine the Council's approach to meeting identified housing needs.
- **Location of development.** As explained at paragraph 4.21, the spatial strategy for the submitted District Plan integrates two distinct strands: principle 3 ('Growth at existing sustainable settlements where it continues to be sustainable to do so') and principle 4 ('Opportunities for extensions, to improve sustainability of existing settlements'). Based on the basket of sites available and accounting for the factors outlined in MS-12 (CD 5.36), the Council has determined that focusing growth in existing sustainable settlements where this aligns with principle 3 represents the most

appropriate way to meet the housing requirement outlined by Inspector Bore. It also enables the Council to focus development in those locations closest to where the unmet housing needs from neighbouring authorities arises. Therefore, approving a development which departs from this conclusion would prejudice the Council's ability to distribute development across the District in a manner it considers to be most appropriate.

- **Phasing of development.** As set in paragraphs 5.34 - 5.41, the Council's work on site deliverability has demonstrated that when accounting for a more realistic delivery trajectory for the appeal site, it makes, at best, a limited contribution to the five year housing land supply.

5.12 Critically, the implications of allowing the appeal are not limited to leaving the Council with a strategic allocation which is not one of its own choosing and is not necessary in order to meet the level of need identified by Inspector Bore: It could also force the Council to reduce the number of sites on the long list which can be allocated. In particular, as set out in paragraph 4.37, there is a need to undertake in-combination testing of the long list of sites to establish if the cumulative impact of bringing forward the proposed site allocations would be acceptable including in relation to highways terms. If the appeal for Ansty were to be allowed before the examination of the District Plan concludes, the site would need to be treated as a commitment and therefore added to the reference case in transport modelling terms.

- 5.13 Of itself, the need to undertake this process would inevitably add further delay to the adoption of the Plan. At this time, it is not possible to be definitive on the extent of re-work that would be required and therefore the precise delay. However, if the appeal were allowed it would require the baseline transport model to be updated and re-calibrated, in-combination testing to be re-run and the implications of this testing to be assessed. This could easily result in a further three to six month delay to the District Plan examination and potentially much longer depending on the outcomes of the testing.
- 5.14 More importantly, this would mean that in assessing the in-combination effects of the additional site allocations, should there be any adverse impacts on any junctions which would require the Council to amend the phasing of development (e.g. delay it) or the quantum of development, the only way this could be achieved would be by the Council amending its proposals in relation to its proposed site allocations rather than the appeal site. Given the issues identified earlier in the plan making process in relation to the in-combination highway impacts of allocating the appeal site (see paragraphs 4.42 to 4.50), there is a significant risk that the development could affect the phasing of development in the emerging District Plan (as well as potentially the overall scale of development that could be allocated through it). Such a circumstance would be highly prejudicial to the Council's ability to deliver 'good growth' for its residents, since it would have to delay or remove development at locations that it considers more appropriate than the appeal site.
- 5.15 In relation to test (b) of paragraph 50, the emerging District Plan is at an advanced stage, given it was submitted to the Secretary of State on 8th July 2024 and has been under examination since. The Inspector has directed further work required to identify main modifications needed to make the plan capable of being found sound. Granting planning permission for this Appeal would clearly prejudice the outcome of the plan-making process.
- 5.16 The Council therefore consider that there are strong grounds for refusing the planning permission based on prematurity.

- 5.17 The issue of prematurity was considered in a series of linked appeals (refs. APP/W4325/W/22/3313729, 3313734, 3313737, 3313741, 3313743, 3313775 and 3313777) made by Leverhulme Estates Limited against the decision of Wirral Metropolitan Borough Council.
- 5.18 In concluding on the matter of prematurity, the Inspector highlighted that the planning system should be genuinely plan led, and that the strategy that was promoted by the Council was underpinned by its evidence base. The Inspector accepted that the strategy remains to be tested but confirmed that the place to test the strategy is at the Examination of the local plan. The Inspector concluded that to form any judgement on the acceptability of the scheme would be, in itself, premature.
- 5.19 The Inspector's decision in this case is considered to support the Council's argument with regards to prematurity.
- 5.20 I therefore strongly assert that granting permission for this Appeal would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new development that are central to the emerging District Plan, contrary to paragraph 50 of the NPPF.

Issue B – Planning balance

5.21 Whether or not dismissal of the appeal on grounds of prematurity would be justified, the fact that the Council is now in the advanced stages of producing a new District Plan is relevant to the weight to be attached to the fact that the Council cannot currently demonstrate a five year housing land supply (5YHLS), and to the contribution the appeal site would make to meeting that need.

The District Plan will resolve the shortfall in the 5YHLS

5.22 It is common ground that, as at the date of this evidence, the Council cannot demonstrate a five-year housing land supply. However, in considering the weight to be attached to this, it is necessary to consider the length of time for which that has been the case, the reasons for it and the extent to which the Council is already taking steps to resolve that issue, and will be able to resolve it without any need for the appeal scheme.

5.23 Historically, the Council has a strong track record of supporting delivery of homes. This has been recognised by previous appeal Inspector's including in the case of Albourne appeal (Appeal Ref: APP/D3830/W/23/3319542) (CD 11.4), where the issue of the Councils land supply was considered. In conclusion, the Inspector's report stated:

“From the Council's evidence it is clear that Mid Sussex has a history of housing delivery and it is not an area with a record of persistent under delivery of housing. I am confident that the Council understands and acknowledges its obligations under the HLS and HDT. The Site Allocations DPD has allocated more land for housing than the DP required, and the Council approaches the issue of housing in a positive and proactive manner.

Overall, I find that the Council has taken and continues to take a proactive approach to housing delivery at both plan making and decision making. From the evidence to this Inquiry and in particular the summary contained within the Housing Land Supply Position including 5-year Housing Land Supply Statement, the Council is effectively using a variety of tools and mechanisms to ensure housing can be delivered in a timely manner.....There is a methodical and robust analysis of lead in times and build out rates and therefore in my opinion, the Council has a good understanding of housing and infrastructure delivery within their administrative area.”

5.24 This conclusion is also supported by Inspector Bore in his Post Hearing Letter (CD 5.35).

5.25 As set out in paragraph 4.8, accounting for Mid Sussex’s own needs and the identified contribution to unmet housing needs of neighbouring authorities the housing requirement for the emerging District Plan increases to 24,071 for the plan period 2021-2040, with an annualised requirement of 1,267 dpa.

5.26 As explained in the Housing – Post Hearings Update Topic Paper (CD 5.40), the Council has undertaken further work looking at the latest supply position as of 1 April 2026 (e.g. commitments and completions) and the contribution from windfall. Accounting for this information, updates to the originally proposed site allocations and the sites on the long list, the total proposed supply over the plan period is 24,837. The proposed supply includes an allowance for headroom to provide resilience and flexibility (as detailed at paragraphs 4.12 and 4.13).

5.27 This proposed supply means that the LHN for Mid Sussex can be met in full alongside the contribution requested by Inspector Bore to its neighbours’ unmet needs.

5.28 The Council has also undertaken further work looking at its five year housing land supply as well as its ability to demonstrate a rolling housing land supply across the plan period. The detail of this work is set out in the Housing – Post Hearings Update Topic Paper (CD 5.36).

5.29 Upon the adoption of the District Plan, the Council envisages being able to demonstrate a five year housing land supply, which does not assume or rely on the appeal site making a contribution.

5.30 In short, the Council's current inability to demonstrate a 5YHLS is a relatively recent problem which has essentially been caused by the stalling of the progress in bringing forward the new District Plan throughout most of 2025. But for that, the new Plan would already have been adopted and would provide a 5YHLS. However, the plan is now "back on track" and is expected to be adopted by early 2027. At that point, the Council will once again have a 5YHLS. The appeal site is therefore not needed to address the problem presently faced by the Council.

The Appeal Site will not materially contribute to the 5YHLS in any event

5.31 As part of re-assessing the appeal site, the Council considered the contribution that it could make to the five-year housing land supply.

5.32 The Ansty Site would provide 1,450 dwellings (C3 use class) and 90 residential care units (C2 class).

5.33 As part of the site re-assessment process, in March 2026, the Appellant submitted a completed proforma (CD 19.6) which states that the first 50 completions on site will occur in 2028/2029, with the development complete by 2039/40.

5.34 As set out in paragraph 2.14 of the Council's response to Matter 2 Housing Supply and Headroom (MS02) (CD 5.32) the Council has a good understanding of its historic delivery record. This has enabled the Council to understand typical lead in times for the implementation of planning consents and to use this information to sense check the information provided by site promoters on their expected delivery trajectory.

5.35 The table below shows the average number of years between an Outline or Full planning application being received and the first completions being delivered. These lead-in times reflect the Council's pro-active approach to delivering development, identifying barriers, working closely with developers, and doing what it can to facilitate timely delivery. This in turn reduces the risks and likelihood of delay in the delivery of housing.

5.36 This understanding of local delivery rates enables the Council to make informed judgements regarding its housing trajectory.

Table 2: Delivery rates

Site Size	Average number of years between receipt of planning application and first completions
1000 units or more	4.4
999 to 400 units	5.0
399 to 100 units	3.8
99 to 50 units	2.6
49 to 30 units	3.3

5.37 The Council's analysis shows that the average time between receipt of planning permission and first completions for developers of over 1,000 units is 4.4 years. This timescale is informed by delivery at Brookleigh (Northern Arc at Burgess Hill; allocation DP9 in the adopted District Plan) and is consistent with the Start to Finish report (CD 19.11) which indicates up to six years between receipt of outline planning application to delivery of the first dwelling for sites of this size (page 9). This Report goes on to say: *"this means at the time of its granting, an outline permission will on average deliver limited amounts of housing within the next five-year period"*.

5.38 The Start to Finish report also notes (at page 25) that *“we present some statistical averages to assist the debate, but the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and it is these – alongside the characteristics of individual sites – that needs to be considered carefully by local authorities relying on these projects to deliver planned housing. The averages presented in our analysis are not intended to be definitive or a substitute for a robust, bottom-up justification for the delivery trajectory of any given site factoring in local absorption rates.”*

5.39 The Start to Finish report also notes that for a site the size of the appeal site, the average time to obtain detailed consent following the grant of outline planning permission is 2.5 years (page 9). This does not account for the further period required to build the development once detailed consent has been secured and/or other activities required to facilitate development, including selling the site to a developer. Indeed, in relation to selling the site to a developer, the Start to Finish report notes (at page 9) that: *“The CMA explains that land promoters are contractually obligated to begin the sale of land as soon as practically possible after receiving outline planning permission. The CMA found that whilst in 2022 65% of sites sold by promoters were sold within 12 months of obtaining planning permission, their data implied a large variation in the time taken to sell a site. Reasons included low interest in the site, protracted price negotiations, withdrawal from a sale, and multi-phased sales.”*

5.40 Therefore, in re-assessing the site, the Council considered the following trajectory to be more likely which reflects 3 years 2 months from grant of outline consent to delivery first home:

MSDC anticipated delivery timeline		
Appeal approved		Autumn 2026 (October 2026) (est)
Site sold on to developer	6 months	April 2027
Work on REM application/ pre- app	12 months	April 2028
Approval of REM / discharge condition	10 months	February 2029
Start on site ground works	6 months	August 2029
Start houses		September 2029
First completions	4 months	December 2029

		1 st April 2029/30 monitoring year – 16 units (4 units per month) 1 st April 2030/31 monitoring year – 50 units = 66 units in 5 year supply
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5.41 This would mean the appeal site could only make a limited contribution to the five-year housing land supply, should the still fairly ambitious delivery timescales be achieved.

5.42 In comparison, if this appeal were allowed towards the end of 2026, the Appellant’s trajectory allows for a maximum of two year between grant of outline planning permission and the first 50 completions on site. The Council do not consider that this is a realistic estimate of delivery for the appeal site.

5.43 Based on the analysis undertaken by the Council, allowing the appeal would make a limited contribution to the Council’s five year housing land supply; and would not enable the Council to remove the proposed stepped requirement set out in the Housing – Post Hearings Update Topic Paper (CD 5.40).

6 CONCLUSIONS

- 6.1 In conclusion, the grant of planning permission through this s.78 appeal would be contrary to the plan-led approach the Government intends to see delivered through the planning system. Paragraph 50 of the NPPF sets out the limited circumstances in which an application can be deemed as premature. I am firmly of the view that both the criteria outlined in paragraph 50 are relevant and applicable in respect of the appeal proposals. Granting permission would undermine the plan-making process by pre-determining decisions about the scale, location and phasing of new development – issues that are central to the emerging District Plan.
- 6.2 Since the refusal of the planning application in October 2025, the emerging District Plan has advanced through examination. As a result, the weight that must now be afforded to the relevant policies of the emerging Plan has increased. In addition, the position in respect of five-year housing land supply has shifted – upon adoption of the emerging District Plan, the Council will be able to demonstrate a five year-housing land supply to accommodate its own needs and those of neighbouring authorities - which does not include the appeal site. The appeal site would only be able to make a limited contribution to the five-year housing land supply, given anticipated delivery rates.
- 6.3 I therefore respectfully request that the Inspector dismisses the Appeal.