
APPELLANT'S STATEMENT OF CASE

**LAND EAST OF ANSTY WAY, CUCKFIELD
BYPASS, CUCKFIELD, WEST SUSSEX**

Appeal against the decision of Mid Sussex District Council to refuse outline planning permission 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. (All matters reserved except for access)

Prepared by: Woolf Bond Planning Ltd

**On behalf of: Fairfax Acquisitions Limited And
The Norris Family**

LPA Ref: DM/23/2866

WBP Ref: 9161

November 2025



Woolf Bond Planning
Chartered Town Planning Consultants

Contents

1.	Introduction and Overview.....	2
2.	The Appellant’s Position on the Main Issues for Determination in this Appeal.....	11
3.	Planning Obligations and Conditions	21
4.	Planning Balance	22
5.	The Justification for the Inquiry Procedure	34

1. Introduction and Overview

General

- 1.1. This Statement of Case has been prepared by Woolf Bond Planning Ltd in support of an appeal (“the Appeal”) by Fairfax Acquisitions Limited And The Norris Family (“the Appellant”) against the decision of Mid Sussex District Council (“the Council”) to refuse their outline application (“the Application”) 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. (LPA Ref: DM/23/2866) (“the Application Scheme”, now “the Appeal Scheme”) on land East of Ansty Way, Cuckfield (the “Application Site”, now the “Appeal Site”). All matters other than access were/are reserved.
- 1.2. The Appellant issued a notice of an intention to submit an appeal to PINS and the Council on Monday 13th November 2025.
- 1.3. The Appellant is seeking the Inquiry procedure (see Section 5 below). Accordingly, this Statement of Case (“SoC”) is accompanied by a draft Statement of Common Ground (“SoCG”) that the Appellant will seek to agree with the Council.
- 1.4. The accompanying draft SoCG sets out the position in relation to the following matters:
 1. Description of the Appeal Site and the Surrounding Area
 2. Appeal Scheme Description
 3. The Decision Making Framework – The Development Plan and Material Considerations
 4. Consultation Responses and Public Representations

- 1.5. As part of the SoCG process, the Appellant will also seek to agree a full schedule of plans to be approved as part of the Appeal Application¹, draft conditions and a list of Core Documents with the Council.

The Council's Decision to Refuse Planning Permission

- 1.6. The Application (DM/23/2866) was recommended for approval by the Council's professional officers, but was refused by the Council's District Planning Committee on 16 October 2025, with the decision Notice issued on 17 October 2025. The Application was refused for a single reason for refusal, covering three component parts as follows:

1. *"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".*
2. *"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."*
3. *"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 -*

¹ This will relate to the location plan, access plans and a full suite of parameter plans.

2031, the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

- 1.7. The Council has confirmed as part of this decision that they are unable to demonstrate a five-year supply of deliverable housing sites but the harm to the High Weald National Landscape in accordance with paragraph 11(d)(i) could not be outweighed by material considerations.
- 1.8. In addition, including for the reasons set out in the LVIA and the Officer's Report to Committee, there is no suggestion by the Appellant or the Council that the Appeal Site is within a valued landscape. Accordingly, it forms no part of the case for this Appeal that the Appeal Site is within a valued landscape.

Overview of the Appellant's Case

- 1.9. While presented as a single reason for refusal within the decision notice, there are several elements to the Council's position, as demonstrated above, with various Development Plan Policies being cited as justification of this decision.
- 1.10. It is considered that the reasons for refusal can be broken down into the following headings to be dissected within this statement of case:
- (i) Development in the Countryside
 - (ii) Perceived coalescence with Cuckfield
 - (iii) Loss of Trees
 - (iv) Setting of the High Weald National Landscape (HWNL)
 - (v) Planning Obligations

Development in the Countryside

- 1.11. The starting point in the determination of the Appeal Scheme is that the Site falls outside of the built-up area of Ansty as defined by the adopted Mid Sussex District Plan (2018), the made Ansty, Staplefield and Brook Street Neighbourhood Plan (2017); and the made Cuckfield Neighbourhood Plan (2014). As such the Appeal Site is located within the defined countryside.

-
- 1.12. In addition, the Appeal Site is not allocated for residential development in the Development Plan. Accordingly, the proposed development does not accord with the development plan, when read as a whole.
- 1.13. Although there is conflict with the District and Neighbourhood Plans, the weight to be attached to this conflict is limited. This is because (i) the development plan is out of date in terms of the spatial application of its housing policies, and (ii) the Council is not able to demonstrate a five-year supply of deliverable housing land per the requirements of paragraph 78 of the NPPF.. This shortfall, combined with the age of the Local Plan, triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 1.14. In so far as there are no strong reasons for refusal at paragraph 11(d)(i) of the NPPF, the Appeal falls to be positively assessed under paragraph 11(d)(ii).
- 1.15. This would be in accordance with planning law², It is wholly necessary to consider other material planning considerations when determining this planning appeal. The policies contained within the NPPF are material considerations which should be taken into account in the determination of this appeal (as confirmed by paragraph 231 of the NPPF).
- 1.16. The Council purports to be able to show a 3.38 year supply of deliverable housing land, representing a shortfall of 2,304 dwellings. This represents a chronic undersupply of market and affordable housing.
- 1.17. The emerging District Plan (currently at Examination), acknowledges the need for new development in the countryside as it promotes the creation of several new “Sustainable Communities” and other housing allocations on green field sites that are outside the “built-up area boundaries” set out in the current District Plan.
- 1.18. As per the supporting text to Policy DPH 1 (of the Regulation 19 Draft of the Mid Sussex District Plan 2021 – 2039 (dated December 2023)) the draft plan

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

is intended to meet a Local Housing Need of 1,090 dwellings per annum (dpa). However, under the new Standard Method, the annualised housing need is now 1,358 dpa, to which a 5% buffer must then be applied, bringing the requirement to 1,426 dpa³.

- 1.19. In addition, a number of MSDC's neighbouring and nearby Local Authorities, such as Crawley, Brighton & Hove, and Tandridge, are all subject to constraints that limit housing delivery, and therefore in the formation of their Local Plans will be looking to their neighbours to assist in delivering the number of homes that they need to deliver, under the duty to cooperate. Based on the Inspector's Findings (4 April 2025) and subsequent letter on 3 November 2025, it is clear that the Council has not met its duty to cooperate and help neighbouring authorities in their on-going unmet housing needs⁴.
- 1.20. Under these circumstances a significant quantum of additional development in the countryside is inevitable and the fact that the site is located in the countryside does not provide a strong reason to refuse this Appeal. The Site has been shown to be a sustainable location for the Scheme proposed.

Settlement Coalescence

- 1.21. The Site does not lie in a designated Local Gap and would remain clearly separate from nearby settlements such as Cuckfield and Haywards Heath with open fields and countryside lying between the application site and the existing settlement boundaries. The Site is over 500m from the built-up boundary of Cuckfield at its closest point.
- 1.22. Alongside this, with the presence of the A272, a firm and clearly demarcated boundary exists preventing any further expansion towards Cuckfield that would result in the coalescence of settlements.
- 1.23. There will be no tangible coalescence between Ansty and Cuckfield, with the perceived coalescence being very limited.

³ Based on March 2025 affordability ratio and May 2025 dwelling stock figure

⁴ Example: Paragraph 41 of the Planning Inspectorates Stage 1 Findings (4 April 2025)

Loss of Trees

- 1.24. The Scheme includes 943 surveyed trees or groups of trees on or near the Site. In order for the development to go ahead it would result in the loss of 116 trees. Noting that 98 trees were considered low quality (Category C) and 4 were unsuitable for retention. 14 "Category B" trees of moderate quality are needed to be removed, which is less than 4% of a total of 412 identified "Category B" trees in the Tree Survey.
- 1.25. Development of this scale will inevitably lead to a degree of tree loss can be mitigated and enhanced through replacement and additional tree planting secured through the landscaping details submitted at reserved matters stage.
- 1.26. New landscaping and tree planting is proposed as part of this Scheme, mitigating and compensating for the proposed tree loss. There will be an overall net gain in trees planted as a result of the Appeal Scheme.

High Weald National Landscape

- 1.27. The High Weald National Landscape is located immediately to the north-west of the site. The boundary of the National Landscape is defined by the A272 corridor, which forms the north-western boundary of the site. The site therefore lies within the setting of the High Weald National Landscape.
- 1.28. It is accepted that there is some impact on the setting of the High Weald National Landscape. However, steps have been taken to minimise this impact in line with Paragraph 189 of the NPPF.
- 1.29. Paragraph 189 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty **within** National Landscapes. However, as stated above the Appeal Site is located outside of the National Landscape but within its setting, where para 189 states;

'development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated (National Landscape) areas.'

- 1.30. The Landscape Visual Impact Assessment concludes that the Site is visually well contained and overall, the assessed landscape and visual receptors are not considered to experience residual effects of major adverse significance as a result of the proposed development.
- 1.31. Whilst the proposal would introduce built form to a green field site, a high quality scheme could be secured to reflect the characteristics of the local vernacular. The design quality would moderate the adverse significance of effect.
- 1.32. Nevertheless, given the sensitivity of the National Landscape this minor impact is to be weighed in the negative side of the planning balance.

Planning Obligations

- 1.33. Point 3 of the Reason Refusal makes reference to Policies that can still be given full weight as they relate to planning obligations considered necessary to mitigate the impacts of the development.
- 1.34. As set out in Section 3 below, the Appellants will negotiate with the Council an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990. This will fully address the reason for refusal identified in the third paragraph and will meet all policy requirements of Policies DP20, DP21, DP31 and DP38 of the Mid Sussex District Plan 2014-2031 and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

Council's Planning Balance

- 1.35. In the final paragraph of the reason for refusal, the Council expressly acknowledges that it cannot demonstrate a five-year housing land supply, engaging the presumption in favour of sustainable development. The Council contends that the harm to the National Landscape triggers the exception set out Paragraph 11(d)(i) of the NPPF.
- 1.36. For paragraph 11(d)(i) to be engaged there must be a “**strong reason**” for refusing the development proposed, and this reason must relate to areas or

assets of particular importance. NPPF Footnote 7 confirms that the National Landscape is one such area or asset of particular importance.

- 1.37. NPPF 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...*". As the Appeal Site is not in the National Park, this "**great weight**" does not apply, and therefore this part of Paragraph 189 does not provide a strong reason for refusal.
- 1.38. NPPF Paragraph 189 goes on to state that development within the setting of these areas "*...should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*". This does not preclude development in the setting of a designated area, to the contrary, it clearly implies that development can be accommodated, subject to sensitive location and design. As set out below, the Appeal Scheme is sensitively designed and located and does minimise adverse impacts on the National Landscape. As a result, Paragraph 189 cannot be considered a strong reason for refusing the Application (as required by Paragraph 11(d)(i)).
- 1.39. The Mid Sussex District Plan (page 56) acknowledges that 60% of the District is designated National Landscape. Therefore, development must be accommodated in the remaining 40% of the District (which includes this Site). Exclusion of land simply on the grounds that it is near the National Landscape would further reduce the land available for much needed development within the District.
- 1.40. It is therefore the Appellant's Case that the exception at 11(d)(i) is not engaged and so the presumption in favour of sustainable development does apply. The Appeal falls to be decided under 11(d)(ii), with some of the policies that the Council seek to rely upon in their Reason for refusal being out-of-date.
- 1.41. Based on the reason for refusal, the adverse impacts of granting planning permission are (a) development in the countryside that is considered to be out of keeping with the rural character; (b) perceived settlement coalescence; (c) loss of trees; and (d) adverse impact on the setting of the High Weald National

Landscape. Individually or in combination, they would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

Summary

- 1.42. Although the Appeal Scheme conflicts with the out-of-date settlement policy boundaries, and is in conflict with the development plan when taken as a whole, the weighty material considerations (including the tilted balance under NPPF) support the grant of planning permission for the development of much needed homes (including affordable), with all the supporting services and facilities that comprise a new Garden Community.

2. The Appellant's Position on the Main Issues for Determination in this Appeal

Main Issues for Determination

2.1. The main issues for determination in this appeal are considered to be:

- The principle of development in the countryside;
- Perceived settlement coalescence;
- Loss of trees;
- Impact on the setting of the High Weald National Landscape.

The Principle of Development in the Countryside

2.2. The Council's position (as set out in their reason for refusal) is that the principle of development is unacceptable, because is located in the countryside outside the settlement boundary and out of keeping with the rural character of the area. These factors, coupled with the proposed scale, render (in the Council's view) the scheme unacceptable in principle due to conflict with a number of Development Plan policies and other guidance, as follows:

- MSDP DP12 (Protecting and Enhancement of Countryside).
- MSDP DP13 (Preventing Coalescence)
- ASNP AS1 (New Housing Development)
- ASNP AS2 (Preventing Coalescence)
- CNP CNP3 (Preventing Coalescence between Cuckfield and Haywards Heath)
- CNP CNP5 (Protect and Enhance the Countryside)

2.3. The Appellant will present evidence to address this reason for refusal as follows.

2.4. It is widely accepted that the Development Plan's settlement boundaries are out-of-date as they fail to address objectively identified housing needs as required by the NPPF.

2.5. Policy DP4 of the MSDP (Housing) is also out of date, being based on outdated calculation of the Local Housing Need. The built-up area boundaries in the

Development Plan (which subsequently define the areas of Countryside protected by DP12 *et al*) are aligned to the DP4 level of housing provision and as such they are also out of date. Furthermore, there is at best, only 3.38 years' housing land supply which, as per footnote 8 NPPF, renders the most important policies out of date for the purposes of paragraph 11(d) NPPF. It is the Appellant's position that the tilted balance is therefore engaged.

- 2.6. The Council accepts that the built-up area boundaries in the current District Plan are out of date, as evidenced in the allocation of numerous large sites beyond those boundaries in the emerging District Plan.
- 2.7. When recently allowing the appeal at Land off Mill Lane, Sayers Common (APP/D3830/W/25/3361729) (October 2025) the Inspector states:

23. The harm I have identified arises from the conflict between the appeal proposal and the Council's strategy for the location of development set out in District Plan Policies DP4, DP6, DP12 and DP15. Amongst other things, these policies focus new development within defined settlement boundaries, allowing new housing in the countryside in very limited circumstances and protecting the intrinsic value of the countryside.

24. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework aims to achieve sustainable travel and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Framework does not contain any policies which specifically prohibit development outside towns and villages. District Plan Policies DP4, DP6, and DP15, insofar as they relate to the location of development, take a more prohibitive approach than that contained in the Framework. As such, the conflict between the proposal and these policies should be given limited weight.

25. Whilst the Framework identifies that planning decisions should recognise the intrinsic character and beauty of the countryside, I have already identified that the appeal site in itself makes a moderate contribution to the rural character of the area given its location. I attach moderate weight to the conflict with District Plan Policies DP12 and DP15 insofar as they relate to protecting the intrinsic character and beauty of the countryside.

26. The Council acknowledges that it cannot demonstrate a 5-year supply of deliverable housing sites. The reported supply is

equivalent to 3.38 years. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 2.8. Similarly, in the appeal at Scamps Hill, Lindfield, RH16 2GT (Appeal Ref: APP/D3830/W/24/3350075) the Inspector also concluded that Paragraph 11(d) of the NPPF was triggered (paragraph 109) and the presumption in favour of sustainable development engaged.
- 2.9. It is the Council's position that in this instance the Scheme triggers the exclusion under 11(d)(i) because the proximity of the National Landscape providing a strong reason for refusal.
- 2.10. In this regard the Appellant would point to two appeals, the first at Copythorne Road, Brixham (Appeal Ref: APP/X1165/W/24/3354507) (decided 19 June 2025). This appeal related to the development of 77 dwellings within the South Devon National Landscape. In this instance, paragraph 11(d) was once again engaged, however, because the site was within the National Landscape, the Inspector concluded that:

97. The spatial strategy of the plan must be considered in light of the engagement of paragraph 11 d). Given the scale, nature and location of the development adjoining the built up area of Brixham, the conflict with the spatial strategy policies of the development plan attracts limited weight.

98. The conflict with the policies that seek to further the purposes of the NL do not attract reduced weight. However, having considered the proposal in light of paragraph 190 of the Framework, I consider that there would be exceptional circumstances to justify it and that it would be in the public interest. As such, Footnote 7 of the Framework and the protection it affords to the NL as an area of particular importance does not disengage paragraph 11 d). Similarly, as I find that the integrity of the SAC would not be harmed by the proposal, this

does not provide a strong reason for refusal of the development either.

- 2.11. NPPF Paragraph 190 sets out exceptions in which major development would be acceptable within a National Landscape. As the Appeal Site is not within the National Landscape, this Paragraph of the NPPF is not directly relevant. However, the fact that simply being within the National Landscape was not in itself a '**strong reason**' for refusal the Copythorne Road appeal is made clear by the reference to the "*engagement of paragraph 11 d)*" is highly relevant to this Appeal. Despite that site being within the National Landscape, the Inspector still carried out an assessment of weight to be given to the benefits of that appeal and allowed the appeal concluding:

112. For the foregoing reasons, the proposal would represent sustainable development in the terms of the Framework, which is a material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole.

- 2.12. The key benefit in this instance was addressing a shortfall in housing land supply.
- 2.13. The second Appeal at Land off Midhurst Road at Scotland Park, Haslemere, Surrey GU27 3DH (Appeal Ref: APP/R3650/W/3327643) (dated 28th October 2025). This site is located wholly within the Surrey Hills National Landscape, and as a result the following was agreed:

22. The five-year housing land supply is agreed as being 1.28 years. The parties agree that paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged, and that therefore the most important policies for determining the appeal are out of date.

23. Importantly it is agreed that the development is "major" development in NL terms. It is also agreed that paragraphs 189/190 of the Framework are relevant policies for the purposes of footnote 7 and para 11(d)(i).

2.14. The Inspector concluded:

114. I have very carefully considered the amended duty related to NLs, and am very conscious of the conservation and enhancement which the proposal would bring to most of the site area. Nevertheless I do recognise that there remains a residual harm to the landscape arising from the housing element. However, there are justified benefits and mitigation measures, as set out above, which outweigh the harmful effects.

2.15. Key policies were again considered out of date, while NPPF Paragraphs 189 and 190 were relevant. However, once again, the location within the National Landscape did not provide a “strong reason” for refusal that justified dismissal of the Appeal. Instead, a balancing exercise was carried out and the benefits of development within a National Landscape were concluded to outweigh the harm.

National Landscape Appeals

2.16. Appeal Ref: APP/X1165/W/24/3354507 – (19 June 2025) Copythorne Road, Brixham (Torbay Council, appeal allowed for up to 77 dwellings)

2.17. Appeal Ref: APP/R3650/W/23/3327643 – (28 October 2025) Land off Midhurst Road at Scotland Park, Haslemere, Surrey GU27 3DH (Waverley Borough Council, appeal allowed for up to 111 dwellings)

2.18. The Appellant's position is that, as per the reasoning above, Policies DP12, AS1, AS2, and CNP5 are out of date as they fail to meet objectively identified housing needs. They frustrate delivery of identified housing needs. Further the proximity of the National Landscape is not sufficient to provide a “strong reason” for refusal or provide a justification under NPPF Paragraph 11(d)(i) dismissing this appeal.

2.19. In conclusion, the Appellant affords **limited weight** to the site's location beyond a defined settlement boundary.

Perceived settlement coalescence

- 2.20. The first paragraph of the Council's reason for refusal mentions "*perceived coalescence with Cuckfield*", and sites the following policies that address settlement coalescence:
- MSDP DP13: Preventing Coalescence
 - ASNP AS2: Preventing Coalescence
 - CNP CNP3: Preventing Coalescence between Cuckfield and Haywards Heath
- 2.21. The Appellant's position is that, for the reasons already set out, the weight to be given to these policies is reduced as a result of the presumption in favour of sustainable development being engaged. This is supported by Paragraphs 13.20 and 13.21 of the Officer's Committee Report.
- 2.22. The reason for refusal only refers to "*perceived*" coalescence and it is clear there will be no actual coalescence of these settlements as a result of the Proposed Scheme.
- 2.23. Policy DP13 and in a similar manner CNP3 state that "The individual towns and villages in the District each have their own unique characteristics. 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 the next.**" (our emphasis)
- 2.24. The policy goes on to say that "*Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the **separate identity and amenity of settlements and would not have an unacceptably urbanising effect on the area between settlements***".
- 2.25. At its nearest point, the Site is over 500m from Cuckfield's built up area boundary and there would be clear sense that travelling between these two locations that you have left one before arriving at the next. The LVIA submitted with the Application also concludes:

The Proposed Development is considered to form an easterly extension of Ansty and is confined to the south of the A272 behind retained vegetation and a green corridor. Therefore the Proposed Development does not lead to any actual or perceived coalescence with Cuckfield due to the intervening agricultural landscape on rising ground remaining open and undeveloped.

2.26. It is considered on the above basis that the development would not harm the separate identity and amenity of settlements and would not have an unacceptably urbanising effect on the area between settlements.

2.27. A Local Gap is suggested in the ASNP between Ansty and Cuckfield. but there is no robust evidence within the Neighbourhood Plan to be able to judge whether the proposed development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity. The evidence within the Neighbourhood Plan must also demonstrate that existing local and national policies cannot provide the necessary protection. The Appeal Scheme is not considered to conflict with any of the local policy considerations on coalescence.

Loss of Trees

2.28. The Council makes explicit reference to loss of trees in the first paragraph of their reason for refusal.

2.29. The Arboricultural Impact Assessment & Method Statement (AIA) (version of 22 May 2025) submitted with the application is based on Concept Masterplan Drawing Number D3012-FAB-00-XX-DR-Y-009 and considers the impact on trees in detail.

2.30. The tree survey identifies 943 trees or groups of trees, four of these were dead, with the remainder categorised and divided based on the impact of the Concept Masterplan:

Category of tree or group of trees	Number Identified	To be Removed	To be Retained
A (high quality)	20	0	20
B (moderate quality)	412	14	398
C (low quality)	451	98	353
U (unsuitable for retention)	56	4	52
Total	939	116	823

- 2.31. Trees categorised as “unsuitable for retention” are likely to be removed irrespective of the impact of the Scheme as proposed and therefore are not relevant to this Appeal.
- 2.32. Based on the current Masterplan, the tree survey concludes that 98 out of the remaining 112 trees (or groups of trees) to be removed are Category C (low quality) with only 14 of Category B (moderate quality) to be removed. All 20 high-quality trees will be retained.
- 2.33. However, irrespective of the impact on Site, as noted in the Officer’s Report o Committee (paragraph 2.17), the Appellant is seeking to provide a 20% biodiversity gain which is beyond policy requirements. In addition, the landscaping details submitted at reserved matters stage can provide for the replacement of these trees alongside additional betterment of trees on-site.
- 2.34. The illustrative Masterplan for instance explicitly identifies areas where new trees and woodland are proposed on Site.

Impact on the Setting of the High Weald National Landscape

- 2.35. The Council’s position, as set out in the reason for refusal, is that the Appeal Scheme would have a *“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”*. On that basis, the Council cites a conflict with the following Development Plan policies and other guidance:

-
- MSDP DP16 (High Weald Area of Outstanding Natural Beauty)
 - ASNP AS1 (New Housing Development)
 - CNP CNP5 (Protecting and Enhancing the Countryside)

2.36. The LVIA submitted with the Application was summarised as follows (Section 10.0):

This LVIA considers that, as with the development of any green field site, there would be some significant adverse landscape and visual effects arising as a result of the Proposed Development during construction, at Year 1 and Year 15, which are considered to be the residual effects.

The Proposed Development is considered to form an easterly extension of Ansty and is confined to the south of the A272 behind retained vegetation and a green corridor. Therefore, the Proposed Development does not lead to any actual or perceived coalescence with Cuckfield due to the intervening agricultural landscape on rising ground remaining open and undeveloped. A number of receptors within the High Weald AONB have been assessed to inform an overall judgement of the effects of the Proposed Development on setting to the AONB. This LVIA concludes that there would be Minor Adverse residual visual effects on the setting of the AONB due to the role of the topography and vegetation in filtering and screening views of the Proposed Development from publicly accessible locations within the AONB.

The Site is visually well contained and overall, the assessed landscape and visual receptors are not considered to experience residual effects of major adverse significance as a result of the Proposed Development.

2.37. The Officer's assessment in the Committee Report agrees with the LVIA conclusions stating:

"Overall, a development of the size proposed will result in some harm to the adjacent protected landscape and as such there would be a conflict with policy DP16 of MSDP. However, steps have been taken to the minimise the impact on the setting of the AONB, and there is scope for this to be further reduced at the detailed application stage.

In the circumstances, your Planning officer considers there is no conflict with para 189 of the NPPF."

- 2.38. It has been established through the courts (R (Ardleigh Parish Council) v Tendring District Council [2024] EWHC 648) that in the context of paragraph 189 of the NPPF, in regard to the protection afforded to AONBs (National Landscapes), that development within the setting of an AONB (National Landscapes) should be located and designed to avoid impacts on the designated area. However, it does not seek to protect or enhance the landscape and scenic beauty of the setting of an AONB (National Landscape) for its own sake.
- 2.39. The Appellant accepts that there will be localised landscape harm, to the setting of the High Weald National Landscape.

3. Planning Obligations and Conditions

Planning Obligations

3.1. The Appellant will negotiate with the Council an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure developer contributions to address the following:

- 435 affordable homes (30% of proposed homes)
- Financial contributions towards Gypsy & Traveller Pitches and additional Sussex Police capacity
- The provision of a primary school and land for a SEND school
- Financial contributions towards secondary and sixth form education
- Public transport, active travel and highway works contributions
- Offsite sports pitch improvements
- Provision of on-site sports and social facilities
- The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission.

3.2. A signed and dated Section 106 agreement will address the third paragraph of the reason for refusal.

Conditions

3.3. The Appellant will work with the Council to agree a suitable list of conditions in advance of the inquiry.

4. Planning Balance

General

- 4.1. In all cases, the Appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. However, as set out above, the 'most important policies' for determination of the application are out of date.
- 4.2. Additionally, the NPPF is a material consideration; and paragraph 11(d) together with footnote 8 directs that as there is not a five-year supply of housing land in Mid-Sussex, the tilted planning balance is engaged.
- 4.3. In *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin) the High Court considered the meaning of the phrase "the policies which are most important for determining the application are out-of-date" in paragraph 11(d) of the NPPF.
- 4.4. At paragraph 56 of the decision the Court clarified that:

"To answer the question posed by paragraph 11(d) it is necessary, having identified those policies which are most important for the determination of the application, to examine them individually and then consider whether taken in the round, bearing in mind some may be consistent and some in-consistent with the Framework, and some may have been overtaken by events and others not, whether the overall assessment is that the basket of policies is rightly to be considered out-of-date. That will, of course, be a planning judgment dependent upon the evaluation of the policies for consistency with the Framework (see paragraph 212 and 213) taken together with the relevant facts of the particular decision at the time it is being examined.."

- 4.5. And at paragraph 58:

"this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged. In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and

having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose."

- 4.6. In this case, and based upon the Court's reasoning, the basket of "most important policies" for determination of this application are indeed out of date.
- 4.7. The most important policies applicable to this appeal are those related to the spatial strategy and settlement boundaries. Overall, these are out of date by virtue of being based upon a significantly lower housing requirement, and the substantial ongoing shortage of housing supply.
- 4.8. Policies related to landscape attract reduced weight as they are in turn derived from the Planning Boundaries and approach to countryside protection. As per *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord Carnwath said [63] the Inspector was "clearly entitled" to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements. There are obvious parallels with the situation arising here in Mid Sussex.
- 4.9. In any event, irrespective of whether or not the basket of policies most applicable to the application is out of date, it is clear that there is a very substantial housing supply shortfall in Mid Sussex, and an absence of a five year supply. As such, the NPPF directs that the tilted balance is engaged.

-
- 4.10. The Appeal Scheme falls to be determined under the presumption set out at paragraph 11(d)(ii). In the circumstances, there are no strong reasons that would justify the refusal of planning permission when applying the consideration at footnote 7 of the NPPF.
- 4.11. As such, there is no clear reason for refusal on the basis of any footnote 7 matters.
- 4.12. As such, **the question for the decision maker is whether the adverse impacts of granting planning permission “significantly and demonstrably” outweigh the benefits when assessed against the NPPF as a whole** (paragraph 11(d)(ii) NPPF) and in particular, having regard to NPPF policy on sustainable locations, the efficient use of land, design quality and affordable housing need. Each of these considerations lends support to this proposal.
- 4.13. Paragraph 11(d)(i) of the NPPF is not engaged as and the proximity of the National Landscape to the site is not in and of itself a strong reason to refuse the application and the presumption in favour of sustainable development applies.
- 4.14. Accordingly, although there is a degree of conflict with Development Plan policy in relation to policies DP12, DP13 and DP15 of the MSDP, policies AS1 and AS2 of the ASNP and policies CNP3 and CNP5 of the CNP; the weight to be attached to policies DP6, DP12 and DP13, as well policies AS1, AS2, CNP3 and CNP5 is **limited** because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 4.15. Moreover, the “most important policies” are out-of-date for the purposes of paragraph 11(d) of the NPPF, and as there are no strong reasons for refusal in respect of footnote 7 matters, permission should be granted unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁵”

The Reasons for Refusal and Impacts of the Proposal

- 4.16. The Council's decision notice sets out a single reason for refusal in four paragraphs. The third paragraph addresses matters that can be resolved via execution of a legal agreement to secure various mitigation measures and infrastructure contributions. Accordingly, these matters can be fully addressed by the Appellant negotiating an agreement or agreements with the Council.
- 4.17. In summary, the Appellant's position on the other points raised in the reason for refusal is:
- Development in the Countryside – it is accepted that the proposal conflicts with the spatial strategy and planning policy, but this attracts only **limited weight** as Policies DP12, DP13, AS1, AS2, CNP3, and CNP5 are manifestly out of date. The Site's location on the edge of the National Landscape within the countryside does not provide a “strong reason” to dismiss this Appeal, and therefore the planning balance must be considered in full. Further, the presumption in favour of sustainable development (or ‘tilted balance’) is engaged.
 - Perceived Settlement Coalescence – the proposed Scheme does not result in any actual settlement coalescence. The Site does not lie in a designated Local Gap and would remain clearly separate from nearby settlements such as Cuckfield with open fields and countryside lying between the Application Site and the existing settlement boundaries.

⁵ The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. (NPPF Footnote 9)

-
- Loss of Trees – no good quality trees will be lost and the number of moderate quality trees to be lost represent a small portion of their overall number. Replacement trees can be secured both on-site and off-site through the landscaping scheme and biodiversity net gain.
 - Setting of the High Weald National Landscape (HWNL) – a development of this size will result in some harm to the setting of the adjacent National Landscape. However, as directed by paragraph 189 of the NPPF, steps have been taken to minimise the impact on the setting of the National Landscape, and there is scope for this to be further improved at the detailed application stage.

The effects on the setting of the National Landscape will be moderated by the new built form and open space to the west of the Site. The submitted parameter plans position the proposed school playing fields, retention of open fields alongside the A272 and the introduction of new tree belts to enable the minimisation of the National Landscape impact.

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

The Site is visually well contained and overall, the assessed landscape and visual receptors are not considered to experience major adverse residual effects due to the mitigation. The landscape impacts are to be weighed in the negative side of the planning balance.

- 4.18. As this appeal is required to be determined under the presumption set out at paragraph 11(d) and there are no strong reasons that would justify the refusal of planning permission when applying the consideration at footnote 7 of the NPPF (paragraph 11(d)(i) then **the question for the decision maker is whether the adverse impacts of granting planning permission “significantly and demonstrably” outweigh the benefits when assessed against the NPPF as a whole** (paragraph 11(d)(ii) NPPF) and in particular,

having regard to NPPF policy on sustainable locations, the efficient use of land, design quality and affordable housing need. The Scheme benefits are therefore considered below.

Scheme Benefits

4.19. This section summarises benefits associated with the Appeal Scheme.

Economic

4.20. The Appeal Scheme generates a series of local and Borough-wide economic benefits including through (i) construction of the scheme and the range of employment generated as a result; (ii) employment opportunities created on site in the schools, health hub, sports facilities and local centre. and (iii) the on-going expenditure from the households purchasing and occupying the new homes.

4.21. Increased house building in an area where there is both need and demand for new housing in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.

4.22. The principal economic benefits arising from the scheme are summarised below:

- (i) It is estimated that the construction phase of the Proposed Development would support an average of 490 construction jobs over the 6.5-year construction period (equivalent to 12% of the 2021 construction workforce in Mid Sussex).
- (ii) It is expected that construction workers on-site would spend a total of £5.4m in the local area over the duration of the construction period (£836,000 per annum)
- (iii) It is estimated that the Proposed Development would support 180-185 Full-Time Equivalents (FTEs) across a range of industries, equivalent to approximately 235 jobs once operational.
- (iv) It is estimated that the Proposed Development would generate between £360,000 - £400,000 in additional worker expenditure per annum from those operational jobs.

- (v) Overall, the Proposed Development will support between an estimated 1,015 net additional jobs (730 - 735 FTEs) across the UK
 - (vi) The Proposed Development will lead to an estimated additional output in GVA terms of up to an estimated £12.0m per year
 - (vii) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of over £7.9 million⁶. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
 - (viii) The residents of the development would be expected to spend £32.4m annually. Once operational worker and residential expenditure is combined this represents between around 60% of annual spend that currently takes place in the Local Area.
 - (ix) Additional tax revenues of between £3.6m - £4.8m would be generated.
 - (x) £2.6m in Council Tax receipts annually to the District Council.
 - (xi) S.106 Contributions towards transport and junction improvements that will benefit the wider area.
- 4.23. By providing land of the right type, in the right place, and at the right time to support economic growth, the proposed Garden Community development on the Appeal Site fully accords with the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 4.24. This is further emphasised in the Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' where paragraph 11 states *"getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year"*.
- 4.25. The economic benefits are to be weighed in the planning balance.

⁶ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.co.uk/the-buying-process/home-buying-advice/>) which shows an average of £5,462 per dwelling – Updated at July 2025 via Bank of England Inflation Calculator.

Social

4.26. The Appeal Scheme will significantly help support a strong, vibrant, and healthy community, through its delivery. The impact of the proposed Appeal Scheme is as follows in social terms for both the new residents and the current surrounding community:

- i. The Appeal Scheme will provide a range of housing types and sizes, including up to 1,450 dwellings to address identified housing needs including 435 affordable dwellings (30%) and 30 self-build plots.
- ii. An improved bus service which will enable greater connection to the wider District for all.
- iii. The Proposed Development will deliver a 2.5-Form Entry primary school which will have the potential to provide capacity for approximately 525 students. Therefore, the new primary school would completely support the new primary-age population arising from the Proposed Development as well as providing further capacity to support local demand created in the future through other nearby housing developments.
- iv. The Local Area of the Proposed Development is currently deprived in the IMD domain of Barriers of Housing and Services (see paragraph 3.30). The Proposed Development will significantly contribute to the alleviation of this deprivation by providing the crucial service of a primary school.
- v. The Proposed Development will deliver a SEND school on Site, providing capacity for approximately 132 students.
- vi. The Proposed Development will deliver a nursery with capacity of approximately 141 children, within the primary school facility as per the latest Department for Education guidance. It is expected that the Proposed Development will lead to additional demand of up to 115 early years places. Considering the nursery provision and increased early years demand created by the Proposed Development, the early years deficit in the Local Area would decrease from 37 places in 2032 to 12 places.
- vii. The Proposed Development is expected to deliver 28ha of publicly accessible open space, which includes allotments, artificial turf pitches, equipped play areas, amenity green space, parks and gardens, teenage areas, and tennis courts. The Proposed Development will fully support its new residential population and their requirements for different types of open space. In particular, the provision of parks and gardens is over three times the suggested requirement, meaning that the provision will also benefits other local residents around Ansty in the future.

-
- viii. The health space will be designed to best meet the needs of the community and will at a minimum mitigate the increased demand in healthcare from new residents at the Proposed Development.
 - ix. Providing interactive open spaces where people can meet, exchange ideas, and learn from each other is crucial in fostering social connectivity and community development. Research has shown that such spaces provide opportunities for individuals to engage in face-to-face interactions, build relationships, and develop a sense of belonging.⁷ These interactions facilitate the exchange of knowledge, experiences, and perspectives, promoting learning and personal growth.⁸ By creating environments that encourage interaction and collaboration, these spaces contribute to social capital formation, community resilience, and positive social outcomes.⁹
 - x. The Care Home (up to 90 residents) and the health hub at the Proposed Development, in addition to meeting the housing needs of the Local Area, will reduce the burden on the NHS through health cost-savings
 - xi. The construction phase of the proposed development will offer a range of employment and training opportunities across different trades and skillsets, ranging from masonry and carpentry, through to heating, ventilation and air conditioning ('HVAC'), as well as plumbing and electrical engineering.
 - xii. The proposed development will promote greater social inclusion and support the health and wellbeing of residents through high-quality, thoughtful design. It aims to enhance access to clean air, minimise the impact of disruptive noise, and encourage a more active lifestyle through integrated walking and cycling infrastructure.
 - xiii. Improved life outcomes for residents through access to quality housing and supportive environments;
 - xiv. The creation of a restorative environment, including both private and public open spaces, which encourage outdoor activity and social engagement;
 - xv. A reduction in residents' vulnerability to illness and disease associated with poor-quality or outdated housing—ultimately contributing to reduced pressure on health services, including potential cost savings to the NHS.

4.27. Overall, the social benefits of the scheme are to be weighed in the overall planning balance.

⁷ Jennings, 2019. The Relationship between Social Cohesion and Urban Green Space: An Avenue for Health Promotion

⁸ Make, 2023. Knowledge exchange and social connection

⁹ What works wellbeing, 2023. Places, spaces and social connection: five years of new learning

Environmental

- 4.28. In terms of the environmental role, the Appeal Site is not located on land designated for its landscape value.
- 4.29. The proposed development will deliver a total of 28 hectares of on-site open space, comprising a range of different typologies to meet the diverse needs of residents and the wider community. The open spaces have been designed to offer a variety of functions, including areas for recreation, leisure, and community interaction, while also supporting the health and wellbeing of residents and contributing to the overall quality of life within the development and surrounding area.
- 4.30. The proposed development will deliver a significant improvement over current on-site conditions, achieving an overall Biodiversity Net Gain (BNG) of 20%.
- 4.31. This outcome will be achieved through a landscape-led approach that seeks to integrate, protect, and enhance the Site's diverse natural features. The design prioritises ecological sensitivity and resilience, enabling nature, ecosystems, and people to thrive in harmony.
- 4.32. The development includes a variety of new open spaces, each with a clearly defined purpose and tailored to the needs of different users. This approach not only supports ecological enhancement but also fosters a strong sense of place, ensuring that public spaces are inclusive, functional, and accessible.
- 4.33. In addition to boosting biodiversity, the scheme will deliver high-quality green and blue infrastructure, contributing to physical and mental wellbeing for both new and existing residents. Key features will include a community park, visitor parking, and pedestrian/cycle links that encourage active travel and connectivity across the Site.
- 4.34. Furthermore, the inclusion of play spaces and incidental natural play features will provide valuable recreational opportunities for children and families, supporting both community engagement and environmental education.

- 4.35. The Appeal Scheme has committed to reducing CO2 emissions by more than 50% than required in Part L of the Building Regulations. This will be achieved by:
- Reducing energy demand in proposed homes and buildings through passive design measures.
 - Installing renewable energy including a mix of Air Source Heat Pumps, solar water heating, solar PV panels and Ground Source Heat Pumps.
- 4.36. Electric vehicle charging will be delivered in line with Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
- 4.37. Details on public and sustainable transport options for new residents will be provided through a Travel Plan Welcome Pack at the point of first occupation.
- 4.38. Cycle parking will be integrated into the development through minimum sizing of properties' garages to accommodate cycles, garden cycle stores and communal secure cycle storage areas.
- 4.39. Water efficient measures (including sanitation measures, washing machines and dishwashers) will be delivered in properties in line with the policy DM 39 and Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency.
- 4.40. On the basis of the above, there are environmental benefits which would arise from the proposals. They are also to be weighed in the overall planning balance.

Harms and Benefits Conclusion

- 4.41. The table below summarises these adverse impacts and benefits.

Harms
Conflict with Development Plan settlement boundaries (development in the countryside)
Loss of Agricultural Land
Impact of the Setting of the High Weald National Landscape (HWNL)
Benefits
Provision of up to 1,015 market homes
Provision of up to 435 affordable homes
Provision of up to 90 residential care units
Provision of retail, community and employment uses
Provision of sports facilities
Provision of development in a sustainable location, which supports healthy walkable lifestyles
Delivery of green space and allotments
Economic benefits – Creation of jobs during the construction phase and increased spend during the operational phase
Biodiversity Net Gain
Enhanced connectivity, footpaths, cycle links and bus service enhancements

- 4.42. When carrying out the planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, **the adverse impacts are not significantly, nor demonstrably, outweighed by these benefits.**
- 4.43. By contrast, the benefits **significantly outweigh** the limited adverse impacts, and planning permission should therefore be granted.

Overall Planning Balance

- 4.44. There is no “strong reason” for refusing the Appeal Scheme under paragraph 11(d)(i) to the NPPF. It is therefore necessary to turn to the tilted balance under paragraph 11(d)(ii).
- 4.45. Applying this test, the identified adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (quite the opposite). As such, the Appeal Scheme benefits from the presumption in favour of sustainable development.
- 4.46. The Appellant therefore consider that the Appeal should be allowed.

5. The Justification for the Inquiry Procedure

5.1. In accordance with the provisions set out in the PINS Guidance 'Criteria for determining the procedure for planning, enforcement, advertisement, and discontinuance notice appeals' (April 2022) (as amended and updated, most recently in August 2024), an Inquiry will be the most appropriate procedure in this instance because:

- There is a need for the evidence on landscaping, and the application of planning policy, the housing land supply position and planning balance, to be tested through formal questioning by an advocate.
- The issues are complex; and
- The Appeal has generated substantial local interest, sufficient to warrant an inquiry.

5.2. As this Appeal is made against the Planning Committee's decision to overturn a clear and ambiguous officer recommendation to grant planning permission, the full case to be advanced by the Council is not yet known to the Appellant.

5.3. In response to the Council's reasons for refusal and in addressing the third party comments upon the Application, ahead of knowing the full case to be made by the parties, the issues to be assessed in the determination of the Appeal could be complex and evidence may need to be presented by professional witnesses in relation to the following matters/disciplines:

- The application of **local and national policy**.
- The **landscape and visual impacts** of the Appeal Scheme.
- The impacts on the Appeal Scheme on the setting of a **National Landscape**.
- The acceptability of the Appeal Scheme in **design/masterplanning** terms.
- The acceptability of the Appeal Scheme in **highway/locational** terms.

-
- The impacts of the Scheme in relation to the setting of **designated heritage assets**.
 - The impact of the Scheme in relation to **biodiversity/ecological** considerations.
 - The extent and materiality of the shortfall in the **five-year housing land supply position** having regard to the overall planning balance.
 - The need for and benefits of **affordable housing**.
 - The need for **custom/self-build homes**.
 - The need for and benefits of **care (C2 use)**.
 - The judgment to be taken in carrying out the overall **planning balance**.
- 5.4. The Appellant may need to call up to 11 witnesses to deal with the issues above.
- 5.5. The Appellant reserves the right to review its position on this following receipt of the LPA's Statement of Case.
- 5.6. There is significant local public interest in the Application, with 490 objections submitted. As such, it is envisaged that the Appeal is likely to require 12 days for the evidence to be considered in full.
- 5.7. Material facts and matters of opinion are in dispute on a wide range of technical issues, such that evidence will need to be tested through formal questioning by an advocate.
- 5.8. Finally, legal submissions will need to be made in relation to a range of matters, including the application of the NPPF, including the tilted balance of paragraph 11 and the section 38(6) test.

Documents to be referred to in Evidence (Not Exhaustive)

- Officer's Report to Committee 16th October 2025 DM/23/2866
- Appeal Reference APP/D3830/W/25/3361729 - Land off Mill Lane, Sayers Common BN6 9JA, decided 2 October 2025
- Appeal Reference: APP/D3830/W/24/3350075 - Scamps Hill, Lindfield, RH16 2GT, decided 2 May 2025
- Appeal Ref: APP/X1165/W/24/3354507 - Copythorne Road, Brixham, decided 19 June 2025
- Appeal Ref: APP/R3650/W/3327643 - Land off Midhurst Road at Scotland Park, Haslemere, Surrey GU27 3DH, decided 28 October 2025
- Updated Statement of Common Ground on Housing Land Supply in relation to Appeal reference: APP/D3830/W/24/3350, dated 18/12/2024.
- Mid Sussex Strategic Housing Market Assessment (October 2021)
- Mid Sussex Housing Need and Requirement Topic Paper (July 2024)