

**Town and County Planning Act 1990
Section 78 (As Amended)**

PLANNING STATEMENT OF COMMON GROUND

Prepared by:

Woolf Bond Planning Ltd

for

Fairfax Acquisitions Limited and The Norris Family

and

Mid Sussex District Council



Land East of Ansty Way, Cuckfield

PINS Ref: 6002030

LPA Ref: DM/23/2866

WBP Ref: 9161

May 2026

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1.0 INTRODUCTION

- 1.1. This Statement of Common Ground (“SoCG”) relates to a Town and Country Planning Act 1990 Section 78 Planning Appeal lodged by Woolf Bond Planning Ltd on behalf of Fairfax Acquisitions Limited and The Norris Family against Mid Sussex District Council’s decision to refuse outline planning permission 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) (LPA Ref: DM/23/2866).
- 1.2. The Statement records the matters upon which the parties have agreed with the intention of leading to the preparation of more focused proofs of evidence.
- 1.3. Additional Topic-based Statements of Common Ground are also expected to be prepared, the content of which will be dependent upon the position taken by the Local Planning Authority. However, and at this stage in the process, the Appellant expects such topic-based SoCGs to cover matters such as (i) landscape, (ii) heritage, (iii) highways, (iv) housing land supply, (v) older person care (vi) design, (vii) trees, (viii) custom/self-build and (ix) ecology.

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

The Appeal Site

- 2.1. The Appeal Site extends to approximately 100ha and is shown edged red on the Site Boundary Parameter Plan (Reference: D3012-FAB-00-XX-DR-Y-038).
- 2.2. The Site is located immediately to the east of the settlement of Ansty, between the A272 to the north and northwest and the B2036 to the southwest. Other boundaries are formed by mature trees and hedgerows, with open countryside beyond.
- 2.3. The majority of the Appeal Site comprises undulating arable farmland with belts of woodland.
- 2.4. A watercourse, Copyhold Gill, passes through the northern part of the site and then turns southwards to follow the eastern boundary of the site. Smaller streams and drains flow across the site to join the Copyhold Gill.
- 2.5. The Site does not fall within a Conservation Area, nor are there any listed buildings within the Site's boundary. However, the Site does surround two listed buildings, "The Place" and "Barns to north of Forsyth's Farmhouse" ("Old Place" and "The Barn House" on some records), which are around 500m east of Ansty and are excluded from the Site boundary. In addition, there are other heritage assets in the vicinity of the site.
- 2.6. It is proposed that access be taken from two points on the A272 (one to the north, the other to the west) and one point on the B2036 to the southwest. A Public Right of Way passes east/west through the middle of the site and connects to other Public Rights of Way on the eastern boundary.
- 2.7. The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and the Proposals Map indicates that the Site is not covered by any statutory designations for

landscape character or quality, however as previously acknowledged the High Weald National Landscape lies just to the northwest and west of the Site.

Local Context

- 2.8. The area immediately surrounding the Appeal Site is primarily rural in character, with the exception of the village of Ansty (a Category 4 “small village” in the District Plan) to the west of the site and a wastewater treatment works to the northeast, just off the A272.
- 2.9. To the north of the Site (over 500m north of the Site and the A272 at its closest point) is the larger settlement of Cuckfield (a Category 2 “larger village”), while Haywards Heath (a Category 1 “main service centre”) is around 3km to the east of the Site.

Accessibility

- 2.10. The Appeal Site is well located in relation to the nearby settlements. The large village of Cuckfield is within walking and cycling distance of the site and currently provides key services, including, a secondary school, shops, public houses, and places of worship. It should also be kept in mind that the proposed development includes its own primary school and other key services.
- 2.11. The larger settlement of Hayward Heath is nearby, and it is proposed that new bus stops and bus services would be delivered as part of this development. The bus services would serve the existing settlements of Ansty and Cuckfield, as well as the new development.
- 2.12. Accordingly, and on the basis that the proposed supporting infrastructure is delivered on-site, the Appeal Site affords a sustainable location in which to meet identified housing needs.
- 2.13. Overall, and for the reasons stated, save for the Council’s objection to the Scheme in relation to the setting of a National Landscape, there are no environmental or statutory designations that would otherwise serve to limit the development potential of the Site.

3.0 THE APPEAL SCHEME PARTICULARS

The Appeal Scheme Description

3.1. The Appeal Scheme description is as follows:

“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).”

3.2. The Appeal Scheme proposes a new Garden Community connected to the village of Ansty, comprising:

- Up to 1,450 dwellings
- Including 30% affordable housing (435 dwellings)
- Also including up to 30 self-build plots
- Up to 90 residential care units (Use Class C2)
- A primary school
- Land for a Special Educational Needs School
- A health hub, with a new GP surgery
- A village centre with retail, employment and community uses
- Sports and recreational facilities
- Public open space and with landscape buffers around sensitive areas
- Enhanced bus services
- Connections to existing pedestrian and cycle routes
- Allotments
- Associated infrastructure works including vehicular access points

3.3. Access will be taken from the A272 at two locations (one to the north, the other to the west) and one point on the B2036 to the southwest. (These are referred to the North, West and South accesses respectively on some of the application documents)

- 3.4. Only the principle of developing the site as described above and associated works, together with the means of access are to be determined as part of this appeal. Appearance, landscaping, layout, and scale are reserved for subsequent determination.

The Original Appeal Scheme Plans (Scheme A)

- 3.5. The Appeal Scheme is set out on the following original plans:

The Scheme

- Site Boundary Parameter Plan No. D3012-FAB-00-XX-DR-Y-038- Rev 05
- Access and movement Parameter plan No. D3012-FAB-00-XX-DR-Y-036- Rev 14
- Green Infrastructure Parameter Plan No. D3012-FAB-00-XX-DR-Y-037- Rev 10
- Land Use Parameter Plan No. D3012-FAB-00-XX-DR-Y-039- Rev 13
- Building Heights Parameter Plan No. D3012-FAB-00-XX-DR-Y-040 – Rev 13
- Density Parameter Plan No. D3012-FAB-00-XX-DR-Y-045 – Rev 12
- Combined Site Boundaries Plan No. D3012-FAB-00-XX-DR-Y-054 – Rev 02
- Highways Plan – Southern Site Access Roundabout- 2207280-005 – Rev E
- Highways Plan – Western Site Access Roundabout – 2207280-004 – Rev G
- Highways Plan – Northern Site Access Roundabout - 2207280-003 – Rev G

Supporting Plans

- Concept Masterplan No. D3012-FAB-00-XX-DR-Y-009 -Rev 14

The Alternative Appeal Scheme Plans (Scheme B)

- 3.6. Following discussions with West Sussex County Education about the land within the Appeal Site to be provided for education purposes, a series of ‘Alternative’ Plans have been consulted upon.

- 3.7. The ‘Alternative Plans comprise as follows:

The Scheme

- No change to the Site Boundary Parameter Plan No. D3012-FAB-00-XX-DR-Y-038- Rev 05

- Access and movement Parameter plan No. D3012-FAB-00-XX-DR-Y-**036- Rev 16**
- Green Infrastructure Parameter Plan No. D3012-FAB-00-XX-DR-Y-**037- Rev 11**
- Land Use Parameter Plan No. D3012-FAB-00-XX-DR-Y-**039- Rev 16**
- Building Heights Parameter Plan No. D3012-FAB-00-XX-DR-Y-**040 – Rev 15**
- Density Parameter Plan No. D3012-FAB-00-XX-DR-Y-**045 – Rev 14**
- No change to the Combined Site Boundaries Plan No. D3012-FAB-00-XX-DR-Y-054 – Rev 02
- No change to the Highways Plan – Southern Site Access Roundabout- 2207280-005 – Rev E
- No change to the Highways Plan – Western Site Access Roundabout – 2207280-004 – Rev G
- No change to the Highways Plan – Northern Site Access Roundabout - 2207280-003 – Rev G

Supporting Plans

- Concept Masterplan No. D3012-FAB-00-XX-DR-Y-**009 -Rev 17**

3.8. In both instances, the Plans listed under ‘The Scheme’, above, comprise the plans which are submitted for approval via this Appeal. The other ‘Supporting Plans’ are submitted for illustrative purposes only/ background information but can be subject to a condition requiring the reserved matters scheme to be in general conformity with these plans.

3.9. At the time of writing the ‘Alternative Plans’ remain subject to public consultation. The final decision on whether the plans are to be considered will be made by the Inspector.

4.0 PLANNING POLICY

The Development Plan

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the legal requirement that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This represents the S.38(6) 'balance'.
- 4.2. The approved Development Plan comprises the following:
- The Mid Sussex Development Plan (MSDP) 2014-2031 (adopted March 2018)
 - Mid Sussex Site Allocations Development Plan Document (SADPD) (adopted June 2022)
 - The Ansty, Staplefield and Brook Street Neighbourhood Plan (ASNP) (made February 2017)
 - The Cuckfield Neighbourhood Plan (CNP) (made May 2014)
- 4.3. The Development Plan policies applicable to the determination of the Appeal are listed below.

Mid Sussex District Plan

- DP4: Housing
- DP6: Settlement Hierarchy
- DP12: Protecting and Enhancement of Countryside
- DP13: Preventing Coalescence
- DP16: High Weald Area of Outstanding Natural Beauty
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20: Securing Infrastructure
- DP21: Transport

- DP22: Rights of Way and other Recreational Routes
- DP23: Communication Infrastructure
- DP24: Leisure and Cultural facilities and Activities
- DP25: Community Facilities and Local Services
- DP26: Character and Design
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- DP31: Affordable Housing
- DP33: Gypsies, Travellers and Travelling Showpeople
- DP34: Listed Buildings and other Heritage Assets
- DP35: Conservation Areas
- DP37: Trees, Woodland and Hedgerows
- DP38: Biodiversity
- DP39: Sustainable Design and Construction
- DP41: Flood Risk and Drainage
- DP42: Water Infrastructure and the Water Environment

Mid Sussex Site Allocations Development Plan Document

- Policy SA38: Air Quality

Ansty, Staplefield and Brook Street Neighbourhood Plan

- AS1: New Housing Development
- AS2: Preventing Coalescence
- AS4: Housing Mix
- AS8: Improvement of Community Facilities
- AS11: High Speed Broadband
- AS14: Walking and Cycling Routes

Cuckfield Neighbourhood Plan

- CNP3: Preventing Coalescence between Cuckfield and Haywards Heath
- CNP4: Protect and Enhance Biodiversity
- CNP5: Protect and Enhance the Countryside
- CNP8: Affordable Housing
- CNP9: Small Scale Dwellings
- CNP16: Transport Impact of Development
- CNP21: Securing Infrastructure

Development Plan Status

- 4.4. The Development Plan policies applicable to the determination of the Appeal are listed below.
- 4.5. The adopted MSDP makes provision for a minimum of 16,390 dwellings in the period 2014 to 2031 as set out in Policy DP4. This is based on an Objectively Assessed Need of 14,892 dwellings over the period, with an additional 1,498 dwellings to address unmet need Northern West Sussex Housing Market Area. The SADPD is intended to meet this identified need with a stepped trajectory (of 876 dpa for the first 10 years and 1,090 dpa for the remaining 7 years).
- 4.6. As per paragraph 3.10 of the MSDP, the evidence for this need is drawn from the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), its Update (November 2015) and Addendum (August 2016). The built-up area boundaries and therefore the areas defined as countryside in the MSDP and the allocations in the SADPD flow from that spatial strategy and the assessment of housing need at that time.
- 4.7. In summary, the Appellant's position is that the Development Plan is out of date in relation to housing requirements and provision set out in MSDP Policy DP4.

- 4.8. The MSDP, SADPD, ASNP, and CNP do not seek to identify or meet the full objectively assessed needs for market housing using a NPPF compliant assessment (derived via the standard method). Nor do they identify or meet objectively assessed needs for affordable housing.
- 4.9. On that basis, Policy DP4 is out of date, and so too are the associated 'built-up area boundaries' set out the Development Plan documents which seek to deliver the housing need identified in the MSDP.
- 4.10. There is an inability to meet identified needs within existing settlement limits. As such, the weight that can be afforded to the conflict between the Appeal Scheme and the countryside and coalescence Policies DP4, DP6, DP12, DP13, AS1, AS2, CNP3, and CNP5, which seek to limit housing development in certain areas, needs to be considered. This will be subject to addressed in evidence.
- 4.11. In all other respects, the Appeal Scheme is considered to be compliant with the development management policies within the suite of Development Plan documents, other than the minor loss of good quality agricultural land and the loss of a small number of Category B trees, which the Council's officer report attributed minimal weight.
- 4.12. Furthermore, The Council accepts they are unable to demonstrate an adequate supply of deliverable housing land. As set out in the Appeal Decision relating to Land off Mill Lane, Sayers Common, the supply is reported to be 3.38 years. Their Housing Need and Requirement Topic Paper (July 2024) states that there is a "high" level of affordable housing need (Paragraph 19).
- 4.13. A separate Housing Land Supply Statement of Common ground will be agreed with the Council to avoid the need for housing land supply calculations to be subject of further evidence. The Neighbourhood Plans were both made more than five years ago so do not alter the tilted balance in terms of the operation of paragraph 14 NPPF.

- 4.14. On that basis, the weight to be attached to the conflict with Policies DP4, DP6, DP12, and DP13 of the MSDP; AS1 and AS2 of the ASNP; and, CNP3 and CNP5 of the CNP, CC02 of the MDD and AD1 of the NHP, (which relate to the Site’s location beyond defined built-up area boundaries) is reduced due to the operation of paragraph 11(d) NPPF.
- 4.15. As acknowledged in the District Plan Review, the Council could not meet its housing needs by adhering to the settlement boundaries in the current District Plan.
- 4.16. This is the case given the proposal to allocate significant areas of additional land beyond the current settlement boundaries for housing. It is clear that the current “built up area boundaries” (defining the settlements) cannot be maintained in their current position if the identified housing need is to be met. This is a material consideration that weighs against the conflict between the Application Site and the out-of-date settlement boundaries defined under Policies DP4, DP6, DP12, DP13, AS1, AS2, CNP3 and CNP5 of the Development Plan.

The Emerging Local Plan

- 4.17. At Submission (July 2024) the emerging District Plan (policy DPH1) established a housing requirement of 1,090 dwellings per annum for 2021-2039
- 4.18. The Appeal Site was promoted to the Council as posed as an allocation as part of the Regulation 18 consultation draft District Plan. However, the Site was not included in the Regulation 19 consultation draft District Plan. Based on the information available to the Council at the time, the impacts of in-combination testing on four junctions was found to be severe. There was no evidence at the time that they could be mitigated through additional sustainable transport measures or physical mitigation. On that basis the Council concluded the impacts were unacceptable. That was the only reason the Site was not carried forward as an allocation in the District Plan. As the Application process has since confirmed, all highway matters on the site considered in isolation have been satisfactorily addressed.

- 4.19. The emerging District Plan Review was the subject of Stage 1 Hearings in October 2024. Subsequent to those Hearings, in her letter of 4 April 2025, the Inspector concluded that the Council has not met the Duty to Cooperate in its preparation of the Plan. The Inspector then pointed out that such a failure in the Duty to Cooperate (“DtC”) is fatal to the progression of a Plan and cannot be rectified following submission.
- 4.20. There then followed an exchange of correspondence between the Council and the Inspector, which resulted in the appointment of a new Inspector and the resumption of the District Plan Examination. Hearing sessions took place in February and March of this year.
- 4.21. At the Examination Hearings, in light of the unmet needs arising in Crawley (and to a lesser extent Brighton and Hove) the Inspector asked the Council to test a higher housing requirement and associated housing trajectory, acknowledging that this would require the identification of further housing allocations. The Inspector requested that the Council test an overall housing target in the range of 1,200 – 1,300 (dpa) and that additional housing sites should be identified to meet a requirement at the upper end of this range. The Council are currently undertaking this work with a view of publishing a ‘long-list’ of potential sites to meet this requirement. Sites on the long list will be subject to in-combination testing (such as transport modelling and Sustainability Appraisal) before the Council finalises any additional proposed allocations and then consults on them. The Council intends to publish the long-list of sites on Friday 15th May. In-combination testing will commence thereafter.
- 4.22. In the absence of an up-to-date Plan, and for the purpose of determining this Appeal, the presumption in favour of sustainable development (paragraph 11(d) NPPF) is engaged. The policies which are most important for determining the application are out-of-date due to their inconsistency with the NPPF’s objective of significantly boosting the supply of housing.
- 4.23. As a result, planning permission should be granted unless there is a “strong reason for refusal” on footnote 7 grounds or “*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 combination” (NPPF Paragraph 11(d)i and 11(d)ii).

- 4.24. The Appellant’s position is that the Scheme delivers a number of significant benefits that clearly outweigh the conflict with the spatial strategy and the other identified harms.
- 4.25. The Council’s position is that the harms identified to the setting of the National Landscape in isolation, and/or that impact taken together with the resulting landscape impacts and coalescence between the settlement of Ansty and Cuckfield provide a strong reason for refusal (para 11d(i) of the NPPF).
- 4.26. Taking all of the above into account, the Council considers that the application represents a major housing development on an unallocated site, in conflict with the Development Plan, when read as a whole, and that there are no material considerations (including para 11 of the NPPF) which justify a determination which is not in accordance with the Development Plan. The Appellant disagrees.

Other Material Considerations

- 4.27. Other material considerations relevant to the determination of this Appeal include, but are not limited to, the following:
- NPPF and associated PPG.
 - Identified Housing Needs and 5 Year Housing Land Supply Position.
 - Affordable Housing Needs.
 - Mid Sussex District Plan Review.
 - Recent LPA and appeal decisions relating to development proposals in Mid Sussex District Council’s administrative area:

- Appeal Ref APP/D3830/W/24/3350075 - Scamps Hill, Lindfield, RH16 2GT (appeal allowed for up to 90 dwellings)
- Appeal Ref APP/D3830/W/25/3361729 - Land off Mill Lane, Sayers Common BN6 9JA (appeal allowed five dwellings)
- Other appeal decisions relating to National Landscapes:
 - Appeal Ref: APP/X1165/W/24/3354507 – (19 June 2025) Copythorne Road, Brixham (Torbay Council, appeal allowed for up to 77 dwellings)
 - 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)
- District SPD documents.

4.28. Set out below is further detail on a number of these material considerations.

National Planning Policy Framework

4.29. The National Planning Policy Framework (NPPF) was most recently updated in December 2024 (with minor revisions published in February 2025). It is a material consideration of particular standing in the determination of planning applications.

4.30. The content of the NPPF as it relates to the proposed development of the application site is addressed in the order set below:

- The presumption in favour of sustainable development
- Decision making taking
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Achieving well-designed places
- Meeting the challenge of climate change, flooding, and coastal change
- Conserving and enhancing the natural environment.

4.31. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

Economic Role

- 4.32. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the Appeal Scheme on the basis that it is located within a sustainable location, where new local services and facilities will be developed. The Scheme also provides for housing development of the type and mix required to meet identified needs.
- 4.33. The scheme further addresses the economic role in terms of increased LPA Revenues, Construction impacts (increased GVA, jobs etc.) and the creation of retail increased expenditure in the wider area.

Social Role

- 4.34. The social role requires the planning system to provide the supply of housing required, creating a high-quality built environment, accessible to local services and reflecting the community's needs. All of these requirements can be achieved with the Appeal Scheme.

Environmental Role

- 4.35. The environmental role requires the planning system to protect and enhance the natural, built, and historic environment.

Decision Taking

- 4.36. Section 4 of the NPPF sets out the approach to decision-taking. Paragraph 39 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

- 4.37. The Appeal Site is located in a sustainable location (on the basis the proposed infrastructure is delivered on-site) and will improve the economic and social conditions of the area. It will also help to provide sports facilities, a village centre and health hub and recreational open space.

Delivering a Sufficient Supply of Homes

- 4.38. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes.
- 4.39. Paragraph 62 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method in national planning guidance as a starting point, with alternative approaches only being justified in exceptional circumstances. It also adds that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 4.40. Paragraph 72 sets out the need to provide a five-year supply of deliverable sites for housing. It also requires sites or broad locations for growth for years 6-10 and beyond.
- 4.41. The Appeal Scheme proposes up to 1,450 dwellings that would make a material contribution towards the substantial shortfall in supply. In the circumstances of this case, it is agreed that it represents a material consideration that should be given substantial weight.
- 4.42. The Appellant's will work with the Council in seeking to agree Housing Land Supply Statement of Common Ground, based upon the most up to date information.

Promoting Sustainable Transport

- 4.43. Paragraph 110 states the following:

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- 4.44. The Appeal Site, on the basis that the proposed infrastructure is delivered on-site, can be considered to be sustainable, and located adjacent to a smaller settlement but with walkable access to the services and facilities of Cuckfield. The Scheme will provide a new village centre, with additional services, education and health facilities as well as new sports provision which will not only benefit the new community but also the wider community in making the area more sustainable. The Scheme will benefit from new regular bus services to Haywards Heath (which will also serve the existing settlements of Ansty and Cuckfield. Accordingly, the Scheme is consistent with Section 9 and paragraph 110 of the NPPF.

Achieving Well-Designed Places

- 4.45. Section 12 sets out the approach to achieving well-designed places.
- 4.46. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It is added that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.47. Paragraph 136 adds that trees make an important contribution to the character and quality of urban environments, with planning policies and decisions to ensure opportunities are taken to incorporate trees within developments. While some moderate quality trees will be lost, the outline scheme incorporates a number of areas where new tree planting is proposed.

- 4.48. The Design and Access Statement and Landscape Appraisal submitted with the Application detail the overall design response.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.49. Section 14 sets out the approach to supporting the move towards a low carbon future as well as the approach to the management of development and flood risk.
- 4.50. These requirements were addressed in the Energy and Sustainability Statement and the Flood Risk Assessment and Drainage Strategy submitted with the Application.

Natural Environment

- 4.51. Section 15 sets out the approach to conserving and enhancing the natural environment.
- 4.52. Paragraph 187 states that planning policies and decision should contribute to and enhance the natural and local environment including by inter alia, protecting and enhancing valued landscapes in a manner commensurate with their statutory status of identified quality in the development plan.
- 4.53. Paragraph 189 sets out the consideration to be given to development in the setting of National Landscapes, requiring that development be sensitively located and designed to avoid or minimise adverse impacts.
- 4.54. The Appellant considers the Proposed Scheme meets this requirement, and the LVIA submitted with the application concluded that there would be a minor adverse impact on the National Landscape and no residual effects of major adverse significance as a result of the Proposed Development.
- 4.55. The Council considers that the LVIA submitted with the application undervalued some identified landscape and visual effects and that the Proposed Scheme would have irreversible and adverse landscape and visual effects that would 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.

- 4.56. Paragraph 193 sets out the approach to avoiding significant harm to biodiversity when determining planning applications.
- 4.57. Valued habitats within the Appeal Site, such as ancient woodlands, will be preserved and protected by landscaped buffers.

Historic Environment

- 4.58. Section 16 sets out the approach to conserving and enhancing the historic environment. The Council's Conservation Officer has acknowledged that there would be "less than substantial" harm to the designated heritage assets in all cases. It is agreed that the, , the less than substantial heritage harm is outweighed by the public benefits of the scheme.

Local Housing Need and 5 Year Housing Land Supply Position

Five-year Housing Land Supply

- 4.59. The Council accepts that they cannot demonstrate the necessary five-year supply of housing land, but the extent of the shortfall is not quantified.
- 4.60. In the Housing Land Supply Statement of Common Ground for the Land off Scamps Hill, Lindfield, dated 18/12/2024, the Council set out that the standard method requirement for Mid Sussex, following introduction of revisions to the NPPF in December 2024, was 1,356 dwellings per annum, equating to 6,780 dwellings over the five-year period. As per the requirements of NPPF, paragraph 78a, a 5% buffer is added, which increases the requirement to 7,119 dwellings. The supply over the period 1 April 2024 to 31 March 2029 was disputed between that appellant and the Council, with that appellant contending that the Council had a 2.41-year supply, while the Council contended that they had a 3.38-year supply.

- 4.61. The Government has since published revised information on the median workplace affordability ratios (24 March 2025) and dwelling stock (22 May 2025) which impact the calculation, however, the Mid Sussex Local Housing Need has only changes slightly, increasing from 1,356, to 1,358 dwellings per annum.
- 4.62. The Appellant also reserves the right to review their five-year housing land supply case on account of the publication of any more recent information or additional analysis of the sources of supply, should that materialise prior to the inquiry.
- 4.63. The Ansty, Staplefield and Brook Street Neighbourhood Plan was made in February 2017 and contains housing allocations. The Cuckfield Neighbourhood Plan was made in May 2014 and also contains some housing allocations. However, both predate the current District Plan (and therefore do not address the current housing need) and both are well over five years old so do not meet the tests of Paragraph 14 of the NPPF.
- 4.64. As confirmed in case law (see *Hallam Land Management Ltd v Secretary of State* [2018] EWCA Civ 1808), the extent of the shortfall is relevant to the weight that can be given to out-of-date policies, as well as to the benefits of housing delivery. In addition, Paragraph 232 of the NPPF requires that the weight to be given to policies according to their degree of consistency with the Framework – with more weight given to policies which are consistent with the NPPF’s objectives and goals. Accordingly, the extent of the shortfall is substantially material to assessing the merits of housing delivery from the Appeal Scheme.
- 4.65. The Appellant will liaise with the Council with a view to preparing a separate statement of common ground on housing land supply. This will include matters in relation to the five-year requirement and the deliverability or otherwise of the identified components of supply, hopefully narrowing the issues between the parties on this issue and saving time and resources at the inquiry.
- 4.66. The Council’s inability to demonstrate five-year supply of housing land supply engages the presumption in favour of sustainable development pursuant to NPPF paragraph 11(d).

Affordable Housing Needs

- 4.67. The Appeal Scheme proposes the on-site provision of up to 435 affordable dwellings, which amounts 30% of the total number of dwellings to be provided., which is compliant with Development Plan policy DP31.
- 4.68. The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework (2012, 2018, 2019, 2021, 2023 and 2024 versions).
- 4.69. The NPPF is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.
- 4.70. The NPPF sets a strong emphasis on the delivery of sustainable development, including affordable homes, at paragraphs 20 and 63.
- 4.71. Paragraph 61 clearly sets out the Government's aim to "boost significantly the supply of homes" while throughout the NPPF the importance of affordable housing is highlighted (paragraphs 11dii, 63, 64, 65, 66, 67, 71, 76, 82, 154f, 156 and 157).
- 4.72. The need for affordable housing and importance is emphasised in many Government publications, including:
- Building the Homes We Need ministerial statement by the Deputy Prime Minister on 30th July 2024.
 - Written Ministerial Statement made by the Minister of State for Housing and Planning on 12 December 2024 (Publication of new NPPF).
 - Statements by the Chancellor associated with the publication of the National Infrastructure Strategy (19th June 2025)
 - House of Commons Committee of Public Accounts – Planning and the Broken Housing Market (19th June 2019).

- 4.73. The Mid Sussex Strategic Housing Market Assessment (“SHMA”) (October 2024) concludes that the provision of new affordable housing is an important and pressing issue in the area. This finding is repeated in the 2024 SHMA. It indicated an annual net need for 383 “Affordable/Social Rented” dwellings and 311 “Affordable Home Ownership” dwellings, a total of 694 dwellings per annum . This can be compared with the new Total Need of 1,356 dwellings per annum and represents 51% of the total housing need each year.
- 4.74. This contrasts with a requirement for 30% in District Plan Policy DP31.
- 4.75. The Council’s most recently published Housing Land Supply Position was ‘as at 1st April 2023’ and ‘published July 2023, updated October 2023’. It therefore predates the above-mentioned Appeal Statement of Common Ground and five-year housing land supply stated therein (5.04 years) has been superseded in the Council’s own calculations by the figure of 3.38 years in the Scamps Hill, Lindfield Appeal Statement of Common Ground. However, this does not consider affordable housing separately.
- 4.76. The Housing Topic Paper (January 2026) states that the Local Affordability Ratio is 11.35, meaning that the average home costs over 11 times average earnings.
- 4.77. The delivery of 435 affordable homes, in a location that can be made sustainable where there is significant demand is a material consideration of substantial weight.
- 4.78. These matters will be addressed in evidence.

5.0 MATTERS NOT IN DISPUTE (between Appellant and Council)

- 5.1. It is accepted that the Council is not currently able to demonstrate a five-year supply of deliverable housing land.
- 5.2. The development policies for the supply of housing are out of date.
- 5.3. It is agreed that paragraph 11(d) of the NPPF is engaged.
- 5.4. It is agreed that the Appeal Site, subject to a suitable s106 Agreement to secure the delivery of the appropriate on-site infrastructure, can be considered to be a sustainable location.
- 5.5. It is accepted that the significant public benefits outweigh the less than substantial harm to designated heritage assets.
- 5.6. It is agreed that the Appeal Site does not comprise a valued landscape.
- 5.7. It is accepted that the provision of up to 1,450 dwellings from the Appeal Scheme is a benefit that should be afforded substantial weight.
- 5.8. It is accepted that the provision of up to 435 affordable homes from the Appeal Scheme is a benefit that should be afforded substantial weight.
- 5.9. It is accepted that the provision of up to 30 custom/self-build plots from the Appeal Scheme is a benefit that should be afforded substantial weight.
- 5.10. It is accepted that the provision of up to 90 residential care units (C2 class) from the Appeal Scheme is a benefit that should be afforded substantial weight.

5.11. It is accepted that the following are benefits that attract significant weight:

- Financial contributions towards Gypsy & Traveller Pitches
- The provision of a primary school and land for a SEND school
- Financial contributions towards secondary and sixth form education
- Public transport improvements
- Offsite sports pitch improvements
- Provision of on-site sports and social facilities, including health hub
- The provision of off-site BNG enhancements.

5.11. It is agreed that there no ecological issues that would prevent development, subject to suitable conditions being applied.

5.12. It is agreed that there are no land contamination, noise pollution, air pollution or light pollution issues that would prevent development, subject to suitable conditions being applied.

5.13. It is agreed that there are no flooding, surface water drainage or foul water drainage issues that would prevent development, subject to suitable conditions being applied.

5.14. It is agreed that at the site level there are no highway network or road safety issues that prevent development, subject to suitable conditions being applied, however, there could be in-combination effects with site allocations in the emerging District Plan that are not known at this stage.

6.0 MATTERS IN DISPUTE (between Appellant and Council)

- 6.1. The following matters are the issues considered to be in dispute.
- 6.2. The degree of harm the development will have on general landscape character of the area and in particular whether there is an impact on the setting of the High Weald National Landscape.
- 6.3. The extent of any impact the development has on the perceived coalescence between Ansty and Cuckfield.
- 6.4. Whether any impact on the High Weald National Landscape, and its setting, constitutes a strong reason for refusal (footnote 7 NPPF paragraph 11d (i)), which means permission should be refused.
- 6.5. Whether, in the alternative to the above, the cumulative adverse impacts identified by the Council significantly and demonstrably outweigh the benefits of the Scheme in the context of paragraph 11d(ii) of the NPPF.
- 6.6. The weight to be given to the emerging Local Plan and the extent to which the Appeal Scheme could be said to represent premature development in respect of paragraphs 50 and 51 of the NPPF, which is not yet a matter for evidence at this stage of the Appeal. The parties may need to address this question subject to the stage reached in the emerging Local Plan by process

7.0 HEADS OF TERMS FOR LEGAL AGREEMENT

- 7.1. It is agreed between the parties that the Appellant will provide planning obligations, in the form of an undertaking under Section 106 of the Town and Country Planning Act (1990) in favour of Mid Sussex District Council and Surrey County Council.
- 7.2. The legal agreement will ensure the financial contributions and other compliant obligations to enable the proposed development to go ahead are provided in accordance Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 56, 57 and 58 of the NPPF.
- 7.3. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following may be provided for in a legal agreement:
- 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 work contributions
 - Offsite sports pitch improvements
 - Provision of on-site sports and social facilities
 - The provision of an on-site health hub, with a new GP surgery
 - The provision of a village centre with retail, employment and community uses
 - The provision of off-site BNG enhancements as part of the Parkland Reserve planning permission.
- 7.4. The legal agreement will be completed during the Inquiry.

8.0 CONDITIONS

- 8.1. It is agreed that there should be a schedule of conditions agreed between the parties, for discussion with the Inspector during the Inquiry.

- 8.2. The schedule will be compiled and submitted to the Inspector prior to the Inquiry.

9.0 CORE DOCUMENT LIST

- 9.1. It is agreed that there should be a common list of reference documents and these are to be referenced as Core Documents to the Inquiry. The list will be compiled, and a full set of the documents will be provided for the Inspector.

