
Planning and Affordable Housing Statement

**LAND NORTH OF BALCOMBE ROAD,
HAYWARDS HEATH**

OUTLINE PLANNING APPLICATION

FOR

**THE ERECTION OF UP TO 125 DWELLINGS,
WITH ASSOCIATED WORKS, PARKING,
LANDSCAPING, PUBLICLY ACCESSIBLE
OPEN SPACE, WITH ACCESS FROM
BALCOMBE ROAD.**

Prepared by:

Woolf Bond Planning Ltd

On behalf of:

Fairfax Acquisitions Ltd

Fairfax

December 2025

WBP Ref: 8160



Woolf Bond Planning
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1 INTRODUCTION AND EXECUTIVE SUMMARY

The Application Scheme

- 1.1. Our client, Fairfax Acquisitions Ltd, is seeking outline planning permission (with all matters reserved except for access) for the development of land north of Balcombe Road, Haywards Heath for up to 125 dwellings, associated works, parking, landscaping, publicly accessible open space, with access from Balcombe Road.
- 1.2. The Scheme secures 125 much need new homes (including 30% affordable homes, up to 37 dwellings) in a sustainable location, directly adjacent to the Built-Up Area boundary of Haywards Heath.
- 1.3. The Site benefits from a convenient access to a comprehensive range of employment, retail, health, education and leisure services and facilities located within Haywards Heath.
- 1.4. Details of the proposed development are provided in section 4 below, along with details of the relevant plans and supporting technical information.
- 1.5. The Application Site is edged red on the accompanying Site Location Plan No. 2508-PL01 Rev A. It extends to approximately 9.4ha.
- 1.6. Details of the proposed development are provided in section 4 below, along with a summary of the relevant plans and supporting technical information. The package of information provided includes sufficient detail to evaluate and assess the planning and layout merits of the proposed development.
- 1.7. The Site abuts the Built-Up Area Boundary of Haywards Heath, a Category 1 Settlement (as defined in Mid Sussex District Plan Settlement Hierarchy) and is the administrative centre of Mid Sussex District.
- 1.8. The package of information provided includes sufficient detail to evaluate and assess the planning and layout merits of the proposed development.

- 1.9. The many benefits of the scheme include the delivery of much-needed market and affordable homes in a sustainable location, within walking and cycling distance local services and facilities.
- 1.10. The Site is available now, offers a suitable location for development now and development is achievable with a realistic prospect that housing will be delivered within five years.

Pre-application Engagement

- 1.11. The Application Scheme has been developed through a process of community and stakeholder engagement.
- 1.12. The proposed plans have been informed by pre-application discussions with Council officers (LPA Ref: DM/25/1425) as well as a local contextual analysis and a detailed assessment of national, local and neighbourhood planning policy.
- 1.13. The Scheme advanced at the pre-application stage was for up to 114 dwellings.
- 1.14. Following a review of the consultation responses received, including the LPA's formal pre-application advice, and a review of the various technical considerations, including, but not limited to drainage, landscape and ecology, the scheme advanced under this planning application is for up to 125 dwellings.
- 1.15. Alongside the pre-application discussions with Council officers, the Applicant undertook an online consultation event from 29th October until 23rd November 2025. Further details of the online consultation is covered in the Statement of Community Involvement ("SCI"), there was a dedicated website at <https://haywardsheath.your-feedback.co.uk>.

The NPPF (Dec 2024)

- 1.16. The Application is advanced and is to be considered in the content of the revised NPPF (Dec 2024), which sets out a revised approach to addressing the acute and entrenched housing crisis faced across the Country, with Mid Sussex

District proving to be no exception given current¹ median workplace-based affordability ratios is 11.35.

- 1.17. As the Written Ministerial Statement (“WMS”) dated 12 December 2024 explains, publication of the revised NPPF marks the next step in the Government delivering on their promise to radically reform the planning system.
- 1.18. The WMS states that the measures set out in the revised NPPF reflect the Government's commitment “not to duck the hard choices that must be confronted in order to tackle the housing crisis because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.”
- 1.19. Indeed, at the recent Labour Party Conference (September 2025) the Secretary of State for Communities and Local Government, Steve Reed, reiterated the Government's direction to “build, baby, build “.

“We know that national renewal depends on the renewal of every town, village and community that makes up our great country....“We’ll build the homes people need. We’ll build the communities where they can thrive....“We’ll bring in the investment and the jobs that will open up opportunities.”

- 1.20. Another recent statement of intent from the Government is set out in the letter from Baroness Taylor to Cotswold District Council on 18th August 2025². This acknowledged the very significant national housing crisis. It reaffirms the clear expectation for all areas to facilitate delivery of homes to address the national housing crisis.
- 1.21. In the circumstances, this Planning Application is advanced on a Site that is agreed with the LPA as representing a sustainable location for growth (the LPA's pre-application response alongside its inclusion as a provisional housing allocation in the Submitted Mid Sussex District Local Plan (Site ref DPA7) confirms)), and one that is demonstrably in the public interest.

¹ Published 24th March 2025

² See further reference in Section 6 of this Statement with respect to Affordable Housing

- 1.22. In so far as the current Mid Sussex District Local Plan 2014-2031 (adopted 28th March 2018) is agreed as being out of date, the Council is tasked with meeting the mandatory local housing need derived from the application of the new standard method.
- 1.23. For the District, that requirement under the December 2024 edition of the NPPF³ is 1,358dpa taking account of the release of updated affordability data in March 2025 and latest information on dwelling stock in May 2025) (plus the necessary buffer) under the new standard method. This is a substantial increase compared to the figure which underpinned the adopted Mid Sussex District Plan 2014-2031 which sought at least 16,390 dwellings over this period⁴.
- 1.24. The current Local Housing Need (LHN) of 1,358dpa is also a substantial increase from that included in the Submitted Mid Sussex District Plan 2021 – 2039 which seeks at least 1,090dpa.
- 1.25. The current LHN of 1,358dpa is therefore 394 dwellings above the current equivalent annual rate of the existing Local Plan 2013-31 (964dpa). This is a 40% uplift. It is also 268 dwellings above the annual rate of the submitted Local Plan, which is over 24% higher.
- 1.26. The latest Housing Delivery Test (HDT) results were published on 12 December 2024, with Mid Sussex achieving 142% of the required housing delivery over the 3-year period 2020-2023. The requirement, over that period, was 2,339 homes, with 3,328 homes delivered over that same 3-year period.
- 1.27. Pursuant to paragraph 78 National Planning Policy Framework (“NPPF”), as delivery is above 85% over that 3-year period, a 5% buffer is to be added to the standard method housing requirement for the purposes of analysing future supply.

³ Reflecting the updated median workplace-based affordability ratio published on 24th March 2025, and the dwelling stock data released on 22nd May 2025.

⁴ Equates to 964dpa, although was phase as 876dpa April 2014-March 2024 and then 1,090dpa April 2024-March 2031

- 1.28. With the inclusion of the 5% buffer on the current LHN figure of 1,358dpa, there is a minimum requirement for 7,130 dwellings in the current five year period (1,426dpa). Applying the Council's supply for the period April 2024 to March 2029 of 4,815 dwellings⁵, results in a shortfall of 2,315 dwellings compared to the 7,130 dwellings requirement. This is equivalent to a supply of only 3.38 years. This represents a significant shortfall as has been accepted by the Council⁶.
- 1.29. The Application Site falls within the area subject to the Ansty, Staplefield & Brook Street Neighbourhood Plan ("ASBSNP").
- 1.30. Whilst the ASBSNP contains a number of housing site allocations⁷, it was made on 2nd February 2017. As the fifth anniversary of the making of the ASBSNP occurred on 2nd February 2022 (more than three years ago), paragraph 14 of the NPPF is not engaged.
- 1.31. The access on Balcombe Road is within the extent of Haywards Heath Town Council which has also prepared a Neighbourhood Plan (made 14th December 2016). Again, although the Haywards Heath Neighbourhood Plan (HHNP) contains a number of housing site allocations⁸, it was made on 14th December 2016. As the fifth anniversary of the making of the HHNP occurred on 14th December 2021 (nearly four years ago), paragraph 14 of the NPPF is not engaged.
- 1.32. In these circumstances, the presumption in favour of sustainable development is engaged on account of (i) the lack of a five year supply of deliverable housing land; and (ii) the need to breach out of date settlement boundaries in order to

⁵ As confirmed in the table following paragraph 5.2.24 of the Proof of Evidence (19th November 2024) of Gareth Giles on behalf of the Council to the appeal against non-determination of planning application DM/24/0446 on land at Scamps Hill, Lindfield (PINS ref APP/D3830/W/24/3350075).

⁶ The Inspector in the appeal decision for Scamps Hill, Lindfield (2nd May 2025) at paragraph 96 confirms that the housing land supply was between 2.41 years (appellant) and 3.38 years (Council) and that the shortfall was significant (LPA ref DM/24/0446 and PINS ref APP/D3830/W/24/3350075).

⁷ Barn Cottage, Ansty for approximately 8 dwellings (Policy AS5) and land off Bolney Road, Ansty for approximately 18 dwellings (Policy AS6).

⁸ Hurst Farm, Hurstwood Lane for 350 dwellings (Policy H1); land south of Rocky Lane and west of Weald Rise and Fox Hill village for 190 dwellings (Policy H2); Caru Hall for 12 dwellings (Policy H3); rear of Devon Villas for 10 dwellings (Policy H4); Beech Hurst depot for 15 dwellings (Policy H5); Harlands Road car park for 40 dwellings (Policy H6); and Downlands Park for 20 bungalows for elderly (Class C2) (Policy H7).

meet ongoing housing need

- 1.33. In so far as there are no NPPF footnote 7 constraints, the Scheme falls to be determined under the presumption in favour of sustainable development at paragraph 11 (d) of the NPPF (on account of accepted housing land supply deficit).

The Scheme Benefits

- 1.34. As set out in this Planning Statement, the overarching benefit of this scheme is the provision of housing and open space, in a sustainable location, to help meet identified needs within the District.
- 1.35. The Application Site was identified in the Submitted Mid Sussex District Plan 2021-2039 (December 2023) as an allocation for 60 dwellings under site ref DPA7: Land east of Borde Hill Lane. Whilst the Inspector examining the Local Plan did not consider that the submitted document was legally compliant⁹, as it had failed the Duty to Co-operate, this does negate the acceptance of the Site for development by virtue of its allocation. This is notwithstanding that the submitted Local Plan has very limited, if any weight.
- 1.36. As set out in this Statement, the Scheme accords with the relevant planning policy considerations, including the presumption in favour of sustainable development set out in paragraph 11 (d) of the NPPF.
- 1.37. In assessing the merits of the Application, the benefits of the scheme include the following:
- Provision of much needed homes in a sustainable location, helping to meet identified housing needs (for both market and affordable housing) in the context of a duty to significantly boost the supply of housing. This includes 30% affordable housing for which there is clear evidence of need.
 - Delivery of homes in an accessible location and delivery of new energy efficient housing stock.

⁹ In her letter of 4th April 2025

- Increased local expenditure to sustain local services and facilities.
 - Provision of additional green infrastructure, which links into existing green infrastructure routes, and provides enhanced opportunities for public recreation and additional habitat and ecological corridors.
 - The Scheme satisfies the economic, social and environmental roles of sustainable development, as sought by the NPPF.
- 1.38. The benefits are to be weighed against the harms arising, which include conflict with the Development Plan (in terms of the principle of development) and loss of agricultural land.

Planning Policy considerations

- 1.39. The conflict with Development Plan policy for the location of development (beyond the settlement boundary) is afforded reduced weight due to the spatial strategy being out of date and inconsistent with the NPPF's aim to boost housing supply and address housing needs.
- 1.40. As set out in the planning balance section of this Statement, the most important Development Plan policies are out of date and there is no strong reason for refusal on footnote 7 grounds.
- 1.41. The tilted balance of paragraph 11(d)(ii) applies. There are no adverse impacts which significantly and demonstrably outweigh the above benefits, when assessed against the NPPF as a whole.
- 1.42. The Site is in a sustainable location (adjacent to one of the most sustainable settlements in the Mid Sussex District – Category 1), makes effective use of land adjacent to the settlement boundary in a manner which provides for a logical and contained extension to Haywards Heath.
- 1.43. The proposal can bring forward a well-designed extension to Haywards Heath and will provide 30% affordable housing. These matters are given particular regard in the new wording of paragraph 11(d)(ii).
- 1.44. The Site is located adjacent to a category 1 settlement within Mid Sussex District and growth should rightly be attributed to locations like these.

- 1.45. There is a chronic and substantial housing supply shortfall and affordability issues in Mid Sussex District, and this proposal can make a significant contribution to market and affordable housing. There is limited prospect of this housing shortfall being addressed in the short-term until the examination of the submitted Local Plan has concluded, for which the timetable remains uncertain.
- 1.46. The Application Site is included as a housing allocation in the draft Local Plan (currently at examination) and forms part of the Council's strategy for addressing growth.
- 1.47. The submitted Plan was prepared to provide a minimum of 1,090dpa rather than 1,368dpa required by the NPPF. This further reinforces the role of the Site in contributing towards addressing the chronic and substantial housing supply shortfall in the district.
- 1.48. The Government is clear that the ongoing planning reforms represent a "modernised Green Belt policy, fit for the 21st century"¹⁰ to support delivery of the homes we as a country need.
- 1.49. The proposal should be approved without delay.

Content

- 1.50. The remainder of the statement is set out as follows:

Section 2: Site Location and Context

Section 3: Planning History and Pre-Application Process

Section 4: The Proposed Development

Section 5: The Planning Policy Context and Material Considerations

Section 6: Affordable Housing

Section 7: Assessment of the Main Issues and Planning Balance

Section 8: Summary and Conclusion

¹⁰ Angela Rayner, 13 December 2024 Letter to Housing Industry Stakeholders titled 'Building the Homes we Need'

2 SITE LOCATION AND CONTEXT

District and Settlement Context

- 2.1. The Site is located to the north-west of Haywards Heath – one of the District’s three main towns which also functions as the administrative centre.
- 2.2. Figure 1 below shows the Mid Sussex District boundary, the location of Haywards Heath and the extent of the South Downs National Park and High Weald AONB (now known as a “National Landscape”) which jointly cover approximately 60% of Mid Sussex District.

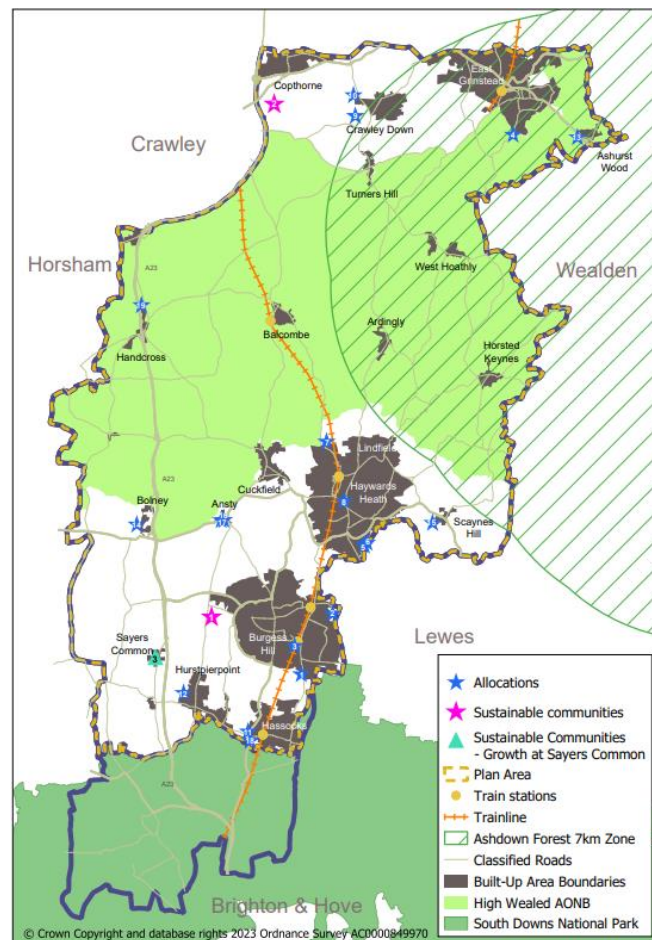


Figure 1

Extract of Key diagram from Submitted Mid Sussex Local Plan 2021-2039' showing application site's location (ref no. 7) to northwest of Haywards Heath alongside the extent of nationally significant landscape constraints across the district

- 2.3. Within the submitted Local Plan, Haywards Heath is included in the highest tier of the district's settlement hierarchy, alongside the other two towns (Burgess Hill and East Grinstead). This location in the top tier reflects the hierarchy of the current Mid Sussex Local Plan Review (adopted 28th March 2018) as detailed in policy DP6.
- 2.4. Whilst the Application Site adjoins the town of Haywards Heath which lies at the top of the district's settlement hierarchy (Category 1), settlements further down the settlement hierarchy, (Category 2) have, in recent years, been the subject of recent appeal decisions allowing development outside Planning Boundaries at lower order settlements in order to address the district's pressing housing need¹¹.
- 2.5. This is discussed further below, in the Section 6 analysis of Policy DP12 and the approach to development beyond Planning Boundaries.
- 2.6. The Site straddles two parish areas, Ansty & Staplefield and Haywards Heath, each of which has a made Neighbourhood Plan containing policies applicable to the application. Both are of an age where paragraph 14 of the NPPF ceases to apply.
- 2.7. Further analysis of the planning policy context and planning balance is set out below in sections 5 and 7.

Site Context and Description

- 2.8. The Site comprises a 9.4ha parcel of land to the north of Balcombe Road, Haywards Heath Green, as shown outlined red in Figure 2, below.

¹¹ APP/PD3830/W/24/3350075 allowed 2nd May 2025 (Appeal against failure of Council to determine application DM/24/0446) Scamps Hill, Lindfield; APP/P1425/W/23/3319706. Lindfield is six settlements included in settlement category 2.

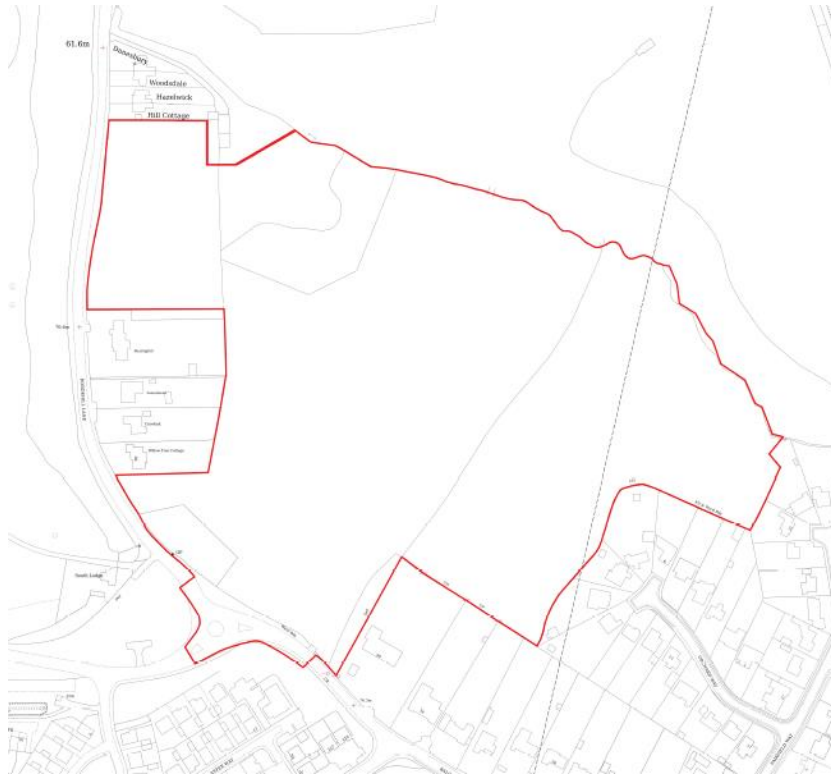


Figure 2 Site Location Plan

- 2.9. As explained in the supporting Transport Assessment, Haywards Heath Railway Station is within a 15-minute cycle ride of the Site via local roads. This provides onward access via public transport to Brighton, London Victoria, London Bridge, Crawley and Gatwick Airport. Round the station, there are two supermarkets (Sainsbury and Waitrose) alongside a range of other retail facilities. There are employment opportunities available near the station in the industrial estates along Burrell Road and Bridge Road together with the offices along Perrymount Road. These are all within 1.5km of the site.
- 2.10. The Site comprises agricultural land, broadly described as comprising three fields, interspersed with hedgerows. Land levels gently undulate across the site with higher levels generally along Borde Hill Lane and Balcombe Road.
- 2.11. Land to the west is characterised by the Borde Hill Registered Park & Garden, which is also within the High Weal National Landscape. To the south, the site is subject to the urbanising influence of residential development in Haywards

Heath. To the east, a rail line provides a hard boundary with a patchwork of woodland and small fields just beyond. Similarly, to the north, the land is characterised by tree lined fields with sporadic pockets of built form.

- 2.12. The Site is not located in a Conservation Area and the impact of the proposal upon designated heritage assets has been assessed through the accompanying Heritage Assessment (see below).
- 2.13. In landscape terms, whilst the site is located adjacent to the High Weald National Landscape, it is not subject to any landscape designations.
- 2.14. The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and Mid Sussex District Council's Planning Policies Map indicate that the Site is not covered by any statutory designations for landscape character or quality. The Site is not located within a Conservation Area and there are no statutory or locally listed buildings or scheduled monuments that would be affected by the proposal. Finally, and as evidenced by Environment Agency mapping, the Site is wholly within flood risk zone 1. Overall, and for the reasons stated, there are no environmental or statutory designations that would otherwise serve to limit the development potential of the Site.

3 PLANNING HISTORY AND PRE-APPLICATION PROCESS

Planning History

- 3.1. A review of the Council's Planning Register indicates that no relevant applications have been submitted on the site with the exception of the roundabout which is to be revised to form the site access. The roundabout was delivered as part of the development of 210 dwellings at Penland Farm, as indicated below.

| Application No. | Site Description | Proposal | Decision /Date |
|-----------------|--|---|--|
| DM/16/1803 | Penland Farm, Balcombe Road, Cuckfield | Detailed application for 210 dwellings | Approved 9 th June 2017 |
| 13/03472/OUT | Penland Farm, Balcombe Road, Cuckfield | Outline application for erection of up to 210 dwellings | Refused 9 th April 2014. Appeal allowed 12 th January 2015 |

Emerging Local Plan Site Assessment

- 3.2. The Site was included as a provisional allocation within the submitted Mid Sussex District Local Plan 202102039 (December 2023). This was under policy ref DPA7 which envisaged the delivery of 60 dwellings on the site. The extent of this is shown below which illustrates that the provisional area allocated include further land to the east of the application site.

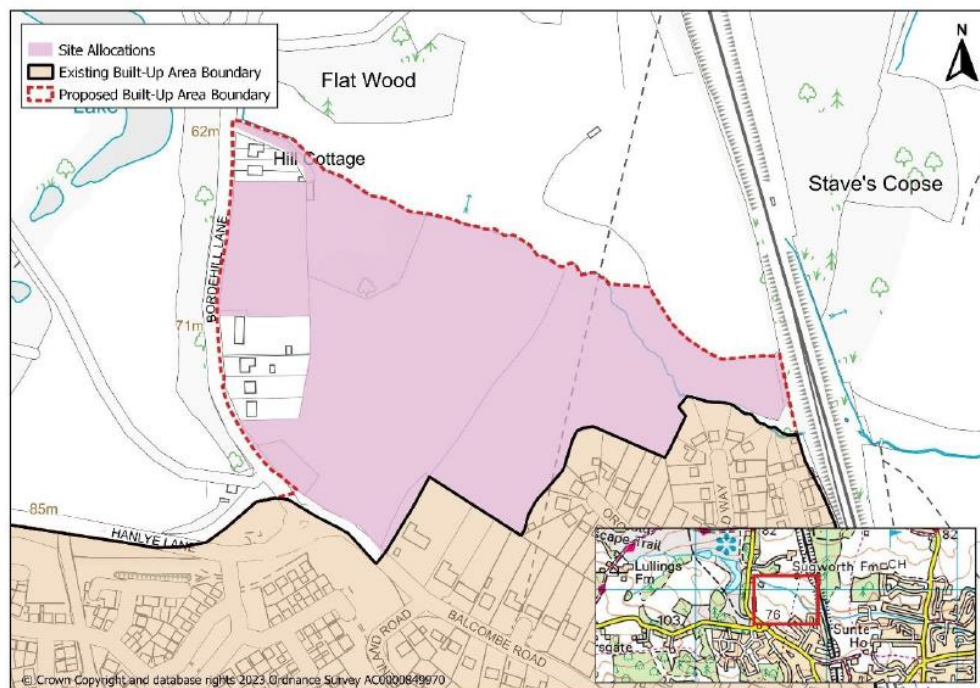


Figure 3 The DPA7 Allocation

- 3.3. Whilst the Inspector¹² indicated that the Plan should be withdrawn as they did not consider it fulfilled the Duty to co-operate, the Council¹³ indicated that their presentation of the actions regarding this may not have been fully explained. The Inspector¹⁴ indicates that they are prepared to receive the details of the actions undertaken, especially having regard to the Secretary of State's letter to the Planning Inspectorate¹⁵ highlighting recent pragmatism in the consideration of the Duty to Co-operate. This has been followed by a further letter of the Secretary of State¹⁶ confirming the removal of the legal test associated with the Duty to Co-operate in early 2026.
- 3.4. The Inspector's letter¹⁷ indicated that their earliest opportunity for further hearings on this matter is January 2026. As the final outcome of the examination of the Local Plan is unknown, there is no details regarding the status of the provisional allocation in the submitted Plan. Notwithstanding this,

¹² Letter of 4th April 2025

¹³ Letter of 22nd September 2025

¹⁴ Letter of 28th October 2025

¹⁵ Letter of 9th October 2025

¹⁶ Letter of 27 November 2025 together with associated Written Ministerial Statement

¹⁷ Letter of 28th October 2025

the inclusion of the application site within the provisional DPA7 allocation is an indication of the Council's acceptance of its suitability, achievability and availability and consequently its deliverability/developability.

- 3.5. The relevance of the acceptability of provisional allocations is illustrated in the Planning Committee Report for the meeting 9th October 2025, and specifically that on application DM/25/1129. This was a scheme on land at Foxhole Farm, Foxhole Lane, Bolney (provisional allocation DPA14) where up to 200 dwellings was proposed, reflecting the assigned capacity DPA14. The relevant paragraphs of the Committee Report are 11.12 and 11.23:

11.22 Notwithstanding the fact that minimal weight can be afforded to the Submission Draft District Plan as a statement of policy, it is relevant to note that all the sites that are proposed to be allocated for residential development in the Submission Draft District Plan are supported by a significant evidence base, which was formed during the site selection stage of the District Plan preparation.

11.23 All the sites that are proposed to be allocated for residential development in the Submission Draft District Plan have gone through the same site selection process. The methodology that was followed to develop a shortlist of potential housing sites that could be allocated in the Submission Draft District Plan was set out in the paper entitled District Plan Review: Site Selection Methodology, October 2023. The final decisions on which sites were allocated in the Submission Draft District Plan was informed by other evidence documents such as Sustainability Appraisal and Habitat Regulation Assessment. The site selection process was developed in order to determine the most sustainable and developable sites in accordance with the NPPF, which will ensure that the site selection is consistent with the principles of sustainable development and consistent with the policies within the NPPF.

- 3.6. Appendix 4 of 'The Site Selection Methodology Paper' for provisional allocation

DPA7¹⁸ indicates:

The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers, associated with this site. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.

In light of the above, it is considered that the site represents a suitable option for allocation. Therefore this site is allocated in the District Plan 2021 – 2039 Proposed Submission (DPA7).

- 3.7. Having regard to the approach of the Council in determining the application at Foxhole Farm, Bolney since the Local Plan Inspector's letter of 4th April 2025, the same principle can be applied to this proposal, especially as the Technical Reports submitted with the scheme confirm the acceptability of the scheme.

Pre-Application Process

- 3.8. The Applicant has engaged in pre-application consultation with the Council, with a request submitted in June 2025 in relation to a scheme for approximately 114 dwellings.
- 3.9. The Council's formal written advice was received on 18th July 2025. The key feedback received is summarised below:
- The approach to the Council's consideration of applications on provisional allocations in the submitted Local Plan is illustrated in the Committee Reports for the applications at the 17th July meeting.
 - Infrastructure requirements would be assessed based upon methodology in the submitted Plan.

¹⁸ SHELAA Site Ref 556

- The Council is unable to demonstrate a five year supply of housing land and consequently tilted balance within NPPF paragraph 11d applies.
 - Observations from the Council's Architect/Urban Designer included:
 - Need to consider topography and flood risk challenges. Therefore should shows detailed plans and sectional drawings for access and for site as a whole.
 - Need for detailed Flood Management strategy.
 - Should include viewing corridors especially to/from Sugworth Farm from site access and also looking south from this.
 - Comments on elements of layout regarding position of flats near open space and location of active frontages.
 - Density of scheme should be refined following detailed review of drainage and attenuation requirements known.
 - Should engage directly with Local Highway Authority and Lead Local Flood Authority.
 - Comments on the visual and landscape receptors, the methodology for the LVIA and how its conclusions have informed the proposal.
- 3.10. A comprehensive review of the Council's pre-application response has been undertaken by the consultant team and every point raised has been addressed accordingly. Overall, the scheme represents a materially improved proposal following a positive pre-application process. How the scheme responds is detailed further in the below sections of this statement.
- 3.11. The community has also been engaged, with a consultation website presenting information and inviting feedback. A Statement of Community Involvement is submitted with the application.
- 3.12. Following a review of the consultation responses received, including the Council's formal pre-application advice, and a review of the various technical considerations, including, but not limited to drainage, landscape and ecology, the revised scheme now advanced under this planning application is for 125 dwellings.

- 3.13. Changes have been made to the illustrative layout as explained in the technical reports submitted and relate to the parts of the site edged in blue (Figure 4 below refers) from that submitted with the pre-application proposal. A full explanation of the evolution of the Scheme design is included in the accompanying Design and Access Statement.



Figure 4 The pre-application Scheme

- 3.14. Compared to the pre-application submission (above), the apartments proposed east of the access have been relocated. There have also been adjustments to the illustrative layout in the north-west of the site (along Borde Hill Lane) together with the southern part of the site (adjoining Orchard Way). These changes have been made to reflect the detailed understanding and assessment of drainage matters on the site as advised in the Council's pre-application response.
- 3.15. Further details of the changes are illustrated in the Technical Reports submitted with the application.

4 THE PROPOSED DEVELOPMENT

General and Plans

- 4.1. This outline application has been developed and informed following pre-application discussions with Council officers, engagement with the public and a thorough review of the opportunities and constraints afforded by the Site.
- 4.2. The Proposed Development is described as follows:

“Outline planning application for the erection of up to 125 dwellings, with associated works, parking, landscaping, publicly accessible open space, with access from Balcombe Road.”

- 4.3. Only the principle of developing the Site for the stated land uses (including up to 125 dwellings), and the means of access to the Site are to be determined as part of this outline application.
- 4.4. Appearance, layout, scale and detailed landscaping proposals are reserved for subsequent determination, via submission and approval of reserved matter applications.

The Application Scheme Plans

- 4.5. The Proposed Development is set out on the following plans (to be approved as part of the application):
- Site Location Plan No. 2508-PL01 Rev A,
 - Land Use Parameters Plan No. 2508-PL03,
 - Access and Movement Parameters Plan No. 2508-PL04
 - Building Heights Parameters Plan No. 2508-PL05
 - Overall Parameters Plan No. 2508-PL07
 - Proposed Balcombe Road Access No. SDP-XX-XX-DR-D-305 Rev P2¹⁹

¹⁹ See page 29 of the Transport Assessment (page number of electronic file)

Supporting Plans (for Informative Purposes)

4.6. Supporting plans, submitted for informative purposes only, comprise the following:

- Illustrative Constraints and Opportunities Plan No. 2508-PL02 Rev B
- Illustrative Masterplan No. 2508-PL08,
- Landscape Masterplan No. D2935-FAB-00-XX-DR-L-1000²⁰

The Design Approach

General

4.7. The Indicative Framework Plan has also been informed by a thorough contextual appraisal of the Site and its surroundings, including the technical analysis which is reported in the various supporting technical reports submitted with the application.

4.8. The principal elements of the scheme are summarised as follows:

- The scheme provides for up to 125 dwellings;
- The scheme will include a mix of dwelling sizes and a mix of market and affordable homes;
- Extensive open space will be provided including children's play area;
- Landscape buffers;
- Vehicular, pedestrian and cycle access from Balcombe Road; and
- Associated biodiversity enhancements.

4.9. The component parts of the scheme are summarised below:

Residential

4.10. The Indicative Masterplan Plan demonstrates how the Site can be developed to deliver up to 125 dwellings, on approximately 5.4ha of the Site (around 57% of the total Site area (9.4ha)). The density in the residential areas is approximately 21dph, which has been designed in response to the topography

²⁰ Figure 6.1 in the LVIA

and constraints of the site.

- 4.11. The Scheme includes the provision of 30% affordable dwellings, which could result in up to 37 affordable dwellings. The precise housing mix will be developed and detailed at the later reserved matters stage.
- 4.12. The proposal includes approximately 4ha of public open space and landscaped areas, which is over 40% of the Site. This includes the Local Green Space on the western part of the Site, and the areas either side of the site access.

Landscaping and Public Open Space

- 4.13. The proposed development will provide an extension to the existing settlement to the north of Balcombe Road and east of Borde Hill Lane. The proposed development, comprising of up to 125 residential dwellings, landscaped buffers along the boundaries, belts of new trees, green links and focal green spaces within the site, along with new pedestrian routes and existing vegetation being retained where possible.
- 4.14. A high quality cohesive, multi-functional green infrastructure is proposed across the site to provide a rich and distinctive character.
- 4.15. The following guidance²¹ underpins the landscape strategy:
- Proposed development parcels are to be situated adjacent to existing adjacent built form.
 - Linear hedgerow features with associated trees to be retained and supplemented, with access between the development parcels to be sensitively located within the lowest slopes of the Site.
 - There are opportunities to utilise the new roundabout junction, associated with the recently completed Penland Farm development. The proposed access solution is to be sensitive to the evolving character of Balcombe Road, create a wooded 'arboreal' approach and be a high quality arrival space to the Site.
 - The proposed development parcels are to be responsive to the character of the adjacent ribbon development along Borde Hill Lane.
 - Development parcels are to form a positive interface between the new settlement edge and the proposed open space, with built form fronting on to the open space, and responsive to Sugworth Farmhouse to the north – retaining view corridors from gaps in vegetation at Balcombe Road.

²¹ Section 5.1 of the LVIA

- Development parcels are to be set away from the National Landscape and RPG edge to maintain the existing landscape setting in a manner consistent with the adjacent dwellings.
- 4.16. The Illustrative Masterplan proposals have been informed by a thorough landscape appraisal in order to create a sustainable form of development within a rich landscape environment.
- 4.17. A cohesive green infrastructure framework is proposed, providing an attractive setting to the proposed development. Vegetation cover would be increased along retained field boundaries, ensuring that the proposed built development would be well integrated within the local landscape.

Drainage Strategy

- 4.18. The surface water drainage strategy demonstrates that the Site on which residential development is proposed is located in Flood Zone 1 (lowest risk of fluvial flooding). Surface water will be restricted to greenfield rates and attenuated in ponds and swales on the Site, therefore not increasing surface water risk at the Site/ surrounding area. The location of the proposed attenuation ponds and swales is shown on the Indicative Framework Plan; annotated 'SUDS' (Sustainable Urban Drainage Systems).

Overview

- 4.19. The illustrative design shows that the opportunity exists for the creation of a high-quality landscape and ecology led residential scheme to be provided in this sustainable location.
- 4.20. The illustrative material demonstrates how a residential scheme, including new affordable homes and employment space, can be delivered without having undue impact on the site's immediate neighbours, the wider area or key landscape and ecological features.

Proposed Land Uses

- 4.21. On the basis of the foregoing, and having regard to the on-site opportunities and constraints informing the proposed development, the proposed land uses

are summarised in the table below.

| Land Use | Area |
|--|----------------------|
| Land for Housing | Approx. 5.4ha |
| Landscape amenity green space, including SuDs. | Approx. 4ha |
| Total Site Area | Approx. 9.4ha |

Summary of Supporting Material

4.22. As set out above, a range of technical studies and reports have been undertaken and prepared in support of this Application. These are comprised as follows.

- Design & Access Statement (Paul Hewett)
- Landscape and Visual Impact Assessment (fabrik)
- Flood Risk Assessment and Drainage Strategy (Aqua Terra)
- Transport Assessment (including Road Safety Audit and Access Plans), Travel Plan and Framework Construction Management and Logistics Plan (SDP Transport)
- Air Quality Assessment (Anderson Acoustics)
- Archaeological Desk-Based Assessment (Archaeology South East (ASE))
- Heritage and Archaeological Impact Assessment (ASE)
- Ecological Appraisal and Protected Species Surveys report (Ecology Co-op)
- Biodiversity Net Gain Statement and metric Calculation (Ecology Co-op)
- Energy and Sustainability Statements (including renewable/low carbon and sustainable use of resources statement) (Pinnacle)
- Lighting Statement (Pinnacle)
- Arboriculture Impact Assessment (Arbortrack)
- Statement of Community Involvement (Fairthorn)

4.23. The content of the technical reports submitted in support of this application are summarised below.

Design & Access Statement

- 4.24. The Design and Access Statement (“DAS”) provides a description and visual overview of the Site context, architectural character of the area, and rationale behind the evolution of the Scheme design in response to the identified constraints and opportunities afforded by the Site.

Landscape and Visual Impact Assessment

- 4.25. The LVIA (fabrik) sets out an analysis of the landscape and visual baseline of the Site, and presents an assessment of the impact of the Proposed development on both the character of the landscape, and visual effects.
- 4.26. The assessment concludes that, at the point of completion, there will be a moderate adverse impact on landscape character due to the perception of built form and settlement edge which will be apparent from the immediate landscape context. However, the proposed landscape planting will become established over time and reduce the magnitude of this impact, albeit it remains at ‘moderate adverse’ with respect to landscape effects.
- 4.27. With respect to visual effects, these are initially assessed as ‘moderate adverse to moderate-major adverse’ in year 1, although as section 9.3 of the LVIA indicates that in the long term, these reduce to **“moderate adverse or minor adverse, depending on the proximity and elevation. No significant visual effects arise at a wider landscape scale, with containment by landform and extensive tree cover ensuring that views beyond the immediate environs are extremely limited”**.

Flood Risk and Drainage Strategy

- 4.28. The Flood Risk and Drainage Statement (FRA) prepared by Aqua Terra details the drainage and flood risk matters including the baseline conditions, the overall flood risk posed and scope for mitigation.
- 4.29. The Site is classified as falling wholly within Flood Zone 1 and is considered to be at low risk of flooding from fluvial reservoir sources. There are some parts of the Site with surface water and it is proposed to provide attenuation within the Site to ensure run off rates are improved as compared with the baseline

situation.

- 4.30. The report concludes that there is no risk of flooding arising from the redevelopment of the Site.

Transport Statement

- 4.31. A Transport Assessment (SDP Transport) has been prepared and submitted with the Application.
- 4.32. The assessment shows that Site is well positioned in terms of walking accessibility; there are day-to-day facilities available within reasonable walking distances. There is walkable access to local services, which provide a reasonable level of access to key destinations. The nearest rail station is approximately 1.5km, which is a cyclable distance via local roads.
- 4.33. The impact of the Proposed Development (and specifically, the additional dwellings) on the local road network has also been assessed. The report concludes that there will be no significant impact on highway capacity and the Proposed Development will not cause any road safety issues as a result of the new access onto Balcombe Road.
- 4.34. A residential Travel Plan has been prepared and is submitted with the application; this will be further refined at the Reserved Matters stage.
- 4.35. The Travel Plan sets out range of different travel modes to and from the Site and encourages the use of more sustainable travel modes, identifying measures and targets which can assist with minimising the number of vehicle trips generated by the proposal.
- 4.36. A Stage 1 Road Safety Audit has been carried out (and is provided in the appendices to the Transport Assessment). This made a number of recommendations, to enhance safety of the proposed s278 highway works, and these have been adopted in the design and layout of the proposal now submitted for approval.

Heritage Statement

- 4.37. A Heritage Impact Assessment has been prepared (ASE) in support of the application. This identifies the closest heritage assets which could be affected as a result of development within their setting. This includes the Grade II* listed Borde Hill Registered Park & Garden that neighbours the site to the west, on the opposite side of Borde Hill Lane. There is also the Grade II Listed Sugworth Farmhouse to the north, and the South Lodge to Borde Hill, sited on the opposite side of the roundabout junction on the southern site boundary.
- 4.38. The Heritage Impact Assessment indicates the proposal is considered to have a neutral effect and cause no harm to the setting of Borde Hill Registered Park & Garden by virtue of the topography and the modern development to the south.
- 4.39. The Site within the agricultural setting of Sugworth Farmhouse but identifies that this is somewhat degraded by existing modern development along the ridge to the south and the rail line that runs to the east. With regard to South Lodge to Borde Hill, the Assessment highlights that the site only forms part of the general rural context of the building, which is peripheral to the site, and has no functional relationship with this heritage asset.
- 4.40. The Heritage Assessment concludes that development of the site will cause less than substantial harm to Sugworth Farmhouse and less than substantial harm at the lowest end of the scale to South Lodge.
- 4.41. The significance of the heritage assets will not be affected; their special architectural and historic interest will be preserved.
- 4.42. An Archaeological Desk Based Assessment has also been prepared (ASE). This concludes that the Site generally has low archaeological potential for all past periods of human activity. Any remains that might be present are considered likely to be of overall local and no more than regional significance. The potential impact of development could be appropriately mitigated through a programme of archaeological investigation and recording undertaken in advance of construction, if so required. This could be secured by condition.

Ecology

- 4.43. An Ecological Impact Assessment has been prepared (Ecology Co-op). Following a Preliminary Ecological Appraisal, undertaken by The Ecology Co-op in 2020, further ecological surveys were carried out, including protected species surveys and desk-top studies in 2020, these were updated in 2022 and were updated again in 2024 in order to provide sufficient baseline information for this assessment. The assessment sets out the findings of these surveys, and a full Ecological Impact Assessment in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines to inform a planning application for a residential development.
- 4.44. The site comprises three fields, a small parcel of woodland, hedgerows, a stream and a pond. Eight designated sites are present within a 5km radius of the site, and several priority habitats are present in close proximity to the site, within 50m.
- 4.45. There are eight designated sites present within a 5km radius of the land north of Balcombe Road. The nearest being the High Weald National Landscape adjacent to the Site.
- 4.46. There are no priority habitats present on the site itself. Directly adjacent to the west of the site's boundary is a large area of wood pasture and parkland priority habitat, along with priority habitat deciduous woodland and ancient woodland. Priority habitat deciduous woodland and ancient woodland patches are also present approximately 40m north and 45m east of the site.
- 4.47. The report assesses potential impacts arising as a result of the Proposed Development. Mitigation is recommended to ensure no significant effects. Subject to the implementation of avoidance, mitigation and enhancement measures as outlined in the report, adverse effects to protected species or designated Sites will be avoided and opportunities for key faunal groups will be retained and moreover enhanced post-development.
- 4.48. The Proposal is considered to not have any significant impacts on any statutory sites. Nor are there any non-statutory designated sites of nature conservation interest within or immediately adjacent to the Site.

- 4.49. A Biodiversity Net Gain Assessment has also been prepared and is submitted with the Application. This sets out details of the baseline habitats on the Site, which includes 79.14 habitat units, 13.05 hedgerow units and 8.80 watercourse units. In the post-development scenario, taking account of proposed biodiversity enhancement measures, there will be a net gain of 7.94 habitat units resulting in the percentage change of 10.03%. The watercourse calculation for the proposed scheme results in no net gain or loss. Additionally, there will be a net gain of 3.10 hedgerow units resulting in a percentage change of 23.79%. The current scheme meets and exceeds the 10% target for both habitats and hedgerows. The current scheme does not meet the 10% target for watercourse units and therefore must purchase credits elsewhere to meet the 0.88-unit deficit.

Energy and Sustainability

- 4.50. An Energy and Sustainability Statement has been prepared and is submitted with the application (produced by Pinnacle ESP). This sets out the energy and sustainability aspirations and goals of the Proposed Development (noting that the up to 125 dwellings are submitted in outline at present, with further design detail to follow at reserved matters stage).
- 4.51. This report provides:
- The calculation methods for the baseline energy requirements for the proposed development;
 - The reduction in energy demand as a result of energy efficiency measures; and,
 - The potential to approach zero carbon status using renewable energy technologies.
- 4.52. The projects design includes the introduction of passive energy efficiency measures into the development to minimise energy consumptions and dwelling heating consumption.
- 4.53. There is also a requirement to reduce CO2 regulated emissions across the development using renewable or low-carbon energy sources, where practical and feasible, to meet the Net Zero target. For this development it is suggested

that the use of electrical only HVAC systems would be appropriate, with:

- Heat pump driven heating and DHW systems as appropriate
- PV arrays to be used on appropriate roof spaces

4.54. In combination with the passive design and energy efficiency measures will create a very efficient development meeting near PassivHaus energy consumption standards, thus very low carbon and zero pollution development.

4.55. The Carbon Emission reduction targets have been set at 70%.

4.56. In addition, the embodied carbon of the construction techniques will be kept to a minimum via the use of re-used and recycled materials where practical.

Arboriculture

4.57. An arboriculture impact assessment (completed by arbortrack services) has been prepared and is submitted with the application, together with a Tree Constraints Plan which identifies trees and woodland areas within the Site and their respective condition and root protection areas.

4.58. The report confirms that the Proposed Development facilitates the retention of nearly all the trees across the Site. It will however be necessary to remove 6 trees and 3 partially in order to provide the Site; replacement planting is proposed to compensate for this.

4.59. The loss of these trees is a low and acceptable impact in the context of this site and these proposals and is likely to have a minimal amenity impact on the surrounding area. Trees 32 & 47a should also be removed for arboricultural best practice.

4.60. The loss of tree 50, a moderate quality mature English oak (*Quercus robur*), is regrettable but unavoidable, given access requirements, i.e. the reconfiguration of the existing roundabout.

4.61. The great majority of site works will take place beyond the RPAs of retained trees and canopies. Retained trees will be protected throughout the course of development by fencing to the specification recommended by BS5837:2012.

5 PLANNING POLICY CONTEXT AND MATERIAL CONSIDERATIONS

General

- 5.1. This section summarises the planning policy position against which the acceptability of the scheme is determined. It sets out relevant Development Plan policy, and other material considerations before going on to provide an assessment of the main issues for determination, with regard to those policies and material considerations, and the detail provided in the application package.

Statutory Starting Point

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires, by statute, that planning applications be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.

The Development Plan

- 5.3. The Development Plan, for the purposes of s38(6) PCPA 2004 comprises the following adopted/ made plans.

- Mid Sussex District Plan 2014-2031 (Adopted March 2018)
- Mid Sussex Site Allocations Development Plan Document (Adopted June 2022)
- Ansty, Staplefield & Brook Street Neighbourhood Plan (ASBSNP) (Made 2 February 2017)
- Haywards Heath Neighbourhood Plan (HHNP) (Made 15 December 2016)

- 5.4. Listed below are the specific policies of the Local Plan considered to be relevant to determination of this application. Those listed in bold are considered to be the most important to the determination of this application.

- **District Plan Policy DP4: Housing**
- **District Plan Policy DP5: Planning to Meet Future Housing Need**
- **District Plan Policy DP6: Settlement Hierarchy**
- **District Plan Policy DP12: Protection & Enhancement of the Countryside**
- District Plan Policy DP13: Preventing Coalescence

- District Plan Policy DP15: New Homes in the Countryside
- District Plan Policy DP20: Securing Infrastructure
- District Plan Policy DP21: Transport
- District Plan Policy DP22: Rights of Way & Other Recreation Routes
- District Plan Policy DP25: Community Facilities & Local Services
- District Plan Policy DP26: Character & Design
- District Plan Policy DP28: Accessibility
- District Plan Policy DP29: Noise, Air & Light Pollution
- District Plan Policy DP30: Housing Mix
- District Plan Policy DP31: Affordable Housing
- **District Plan Policy DP34: Listed Buildings & Other Heritage Assets**
- **District Plan Policy DP35: Conservation Areas**
- District Plan Policy DP37: Trees, Woodland & Hedgerows
- District Plan Policy DP38: Biodiversity
- District Plan Policy DP41: Flood Risk & Drainage

5.5. Listed below are the specific policies of the ASBSNP considered to be relevant to determination of this application. Those listed in bold are considered to be the most important to the determination of this application.

- **ASBSNP Policy AS1: New Housing Development**
- ASBSNP Policy AS4: Housing Mix
- ASBSNP Policy AS11: High Speed Broadband
- ASBSNP Policy AS14: Walking and Cycling Routes

5.6. Listed below are the specific policies of the HHNP considered to be relevant to determination of this application. Those listed in bold are considered to be the most important to the determination of this application.

- HHNP Policy E7: Sustainable Urban Drainage
- HHNP Policy E9: Reinforce local character
- HHNP Policy E11: Assessment of views
- HHNP Policy T1: Pedestrian and Cycle connectivity

5.7. Further analysis of the policy requirements, compliance with the same, and other material considerations, is provided in Section 6, below.

Other Material Considerations

5.8. A number of material considerations are of relevance to determination of the application. This includes:

- The National Planning Policy Framework (NPPF) (Dec 2024);
- Written Ministerial Statements regarding the housing crisis and the importance of boosting housing supply
- Mid Sussex District Council Supplementary Planning Documents (SPDs);
- Mid Sussex District Council's Five Year Housing Land Supply Position²²;
- The evidence base associated with the emerging Submitted Local Plan;
- Other decisions and appeal decisions which comment on the weight to be attributed to Development Plan policy and Council documents;
- The revised NPPF and the changes to the assessment of housing requirements.

5.9. Section 6, below, sets out an analysis of the key issues with regard to relevant Development Plan policy and other material considerations as identified above. In summary, the results of that analysis demonstrate that.

- The Application Site is in a highly sustainable location, adjacent to a one of the three most sustainable settlements in the district (Haywards Heath); although is outside the settlement boundary and therefore treated in policy terms as being in the 'countryside'. As such, development conflicts with the Development Plan;
- There is clear evidence of a pressing need for the development which is proposed on the Site and it is widely accepted that should development come forward as proposed, the future occupants would have ready access to a range of services and facilities and public transport, such that the development would be sustainably located despite its 'countryside' location.
- The spatial strategy is accepted as being out of date because it pre-dates and is inconsistent with the NPPF. That strategy planned for a level of

²² The 'Updated Statement of Common Ground on Housing Land Supply' for the Scamps Hill, Lindfield Appeal (LPA Ref: DM/24/0446) (PINS Ref: APP/D3830/W/24/3350075) confirms the Council's supply figure is 4,815 dwellings. This results in a **shortfall of 2,304 dwellings and a supply of only 3.38 years**. The Appellant argued a supply of 2.41 years. As recorded at paragraph 96 of the Appeal Decision (2 May 2025).

housing which falls significantly below current levels of housing need (which equates to an increase of approximately 40% compared to the equivalent annual requirement).

- Future supply is chronically short and the Council cannot demonstrate an up to date five year supply of deliverable sites for housing. As such, paragraph 11(d) NPPF is triggered. There are no footnote 7 matters which provide any strong reason for refusal for the purposes of paragraph 11(d)(i). As such, and in accordance with paragraph 11(d)(ii) planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF 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.”
- In *Suffolk Coastal DC v Hopkins Developments Ltd* [2017] UKSC 37 Lord Carnwath’s judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements.
- In the circumstances, the weight attributable to the conflict identified with Local Plan Policies DP6 and DP12 alongside ASBSNP Policy AS1 is reduced insofar as the settlement boundaries reflect out of date housing requirements.
- Whilst there will inevitably be some landscape impact resulting from the Scheme, this is to be expected if the Council is to demonstrate a five year supply of deliverable housing land, in a scenario where they accept development on greenfield sites beyond defined settlement boundaries is necessary in order to meet housing need. In this scenario, the Site is not within a designated valued landscape.

NPPF (December 2024)

- 5.10. The NPPF is a weighty material consideration, given that the most important Development Plan policies for determination of the application are out of date. As such, we highlight key NPPF paragraphs here, before moving on to provide an assessment of the key issues arising, relevant Development Plan policy and material considerations.
- 5.11. As the Written Ministerial Statement (“WMS”) dated 12 December 2024, made by the Minister of State for Housing and Planning explains, publication of the revised NPPF marks the next step in the Government delivering on their promise to radically reform the planning system.
- 5.12. The WMS states that the measures set out in the revised NPPF reflect the Government's commitment “not to duck the hard choices that must be confronted in order to tackle the housing crisis because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.”
- 5.13. In the circumstances, this planning application is advanced on a Site that is agreed with the Council as representing a sustainable location for growth (its inclusion in the provisional allocation (DPA7) in the submitted Local Plan)), and one that is demonstrably in the public interest.
- 5.14. Insofar as the Mid Sussex District Local Plan is agreed as being manifestly out of date, the council is tasked with meeting the mandatory local housing need derived from the application of the new standard method. For Mid Sussex District, that requirement is 1,358dpa (plus a 5% buffer).
- 5.15. This results in requirement for 7,130 dwellings to be met in the current five year period (1,426dpa). Applying the Council's purported supply of 4,815 dwellings²³, results in a shortfall of 2,315 dwellings. This is equivalent to a supply of only 3.38 years. This represents a substantial shortfall.

²³ April 2024-March 2029 as detailed in the evidence to the Scamps Hill, Lindfield appeal

5.16. In so far as there are no NPPF footnote 7 constraints, the Scheme falls to be determined under the presumption in favour of sustainable development at NPPF paragraph 11 (d) given the accepted housing land supply deficit.

5.17. The content of the NPPF as it relates to the Proposed Development of the Site is addressed in the order set out below:

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

Achieving sustainable development:

5.18. Paragraph 8 of the NPPF identifies the three dimensions to sustainable development, comprising (a) economic, (b) social and (c) environmental considerations:

Economic role

5.19. The economic role requires that the planning system ensure sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved via this proposal, on the basis that it is located within a sustainable location, within walking and cycling distance of local services and facilities. It also provides for housing development of the type and mix required to meet identified needs.

Social role

5.20. The social role requires that the planning system deliver sufficient supply of housing (to enable communities can access the homes they need), creating a high-quality, well designed built environment, accessible to local services and reflecting the community's needs. All of these requirements can be achieved

via this Proposal.

Environmental role

- 5.21. The environmental role requires that the planning system protect and enhance the natural, built and historic environment. This can be achieved with this Proposal, in a location that will not result in any significant adverse effects upon the character of the wider surrounding area, including in landscape terms. It will also deliver biodiversity improvements and a new expansive area of green space.
- 5.22. Pursuant to paragraph 11d, where the most important for determining the application are out of date (as is the case here), permission should be granted unless (i) policies in the NPPF protecting areas of importance provide a clear reason for refusal (which doesn't apply here) or (ii) any adverse impact of granting permission would "significantly and demonstrably" outweigh the benefits. They do not in this instance.
- 5.23. The analysis below demonstrates that the policies for the supply of housing in Mid Sussex District are out of date, in terms of both the housing requirement itself, and the Planning Boundaries which historically sought to identify where development would be supported.
- 5.24. This is due to the lack of housing land supply; footnote 8 to the NPPF makes clear that for the purpose of the paragraph 11(d) tilted balance, the most important policies will be considered 'out of date' where the Council cannot demonstrate a five year supply of housing. Furthermore, in Mid Sussex the policies related to the spatial strategy and delivery of housing are out of date (even if there were a sufficient supply of housing), as they are based on the District Plan 2014-2031 housing requirement which is significantly below the housing requirement required under the new standard method (Dec 2024).
- 5.25. Paragraph 14 states that in situations where the presumption at paragraph 11(d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits in a scenario where the local neighbourhood plan became part of the development plan five years or

less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

- 5.26. In the circumstances, the provisions of paragraph 14 are not engaged here.

Decision making

- 5.27. Section 4 of the NPPF sets out the approach to decision-making.
- 5.28. Paragraph 39 makes clear that **decision makers at every level should seek to approve applications for sustainable development where possible.**
- 5.29. As detailed above, the Council accepts that this Site is in a sustainable location, as evidenced by the pre-application response and also the approach taken to other development proposals on provisional allocations in the submitted Plan across the district.
- 5.30. Paragraph 49 of the NPPF refers to the weight to be given to policies in an emerging plan, according to the stage of preparation and extent to which there are unresolved objections.
- 5.31. The Inspector Examining the Submitted Plan has identified concerns regarding compliance with the Duty to Co-operate. Whilst it is acknowledged that there will be further consideration of this by the Inspector in the New Year, this does not provide comfort regarding the acceptability of the overall approach.
- 5.32. Furthermore, the submitted Plan was prepared consistent with an earlier version of the NPPF and therefore fails to plan for the mandated standard method housing requirement to be met in the District. Even should the submitted Plan be found sound, the Council is obligated to commence a complete review in order to address the higher housing requirements²⁴.

Delivering a Sufficient Supply of Homes

- 5.33. Section 5 of the NPPF sets out the government's revised approach to delivering a sufficient supply of homes.

²⁴ Paragraph 236 of December 2024 NPPF

- 5.34. As the WMS makes clear, the government is committed to addressing the acute and entrenched housing crisis. A planning and infrastructure bill is also due to be introduced to speed up and streamline the planning process.
- 5.35. The Government has made it clear that one of their main objectives is to build more homes of all tenures in seeking to provide for 370,000 new homes per annum.
- 5.36. The WMS makes it clear that decisions must be about how to meet housing needs not whether to do so at all. This approach heralds the imposition of mandatory housing targets.
- 5.37. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes.
- 5.38. 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 set out in national planning guidance, unless an alternative approach is justified.
- 5.39. Paragraph 78 sets the requirement for Councils such as Mid Sussex (whose Local Plan is more than five years old) to identify and update annually a five year supply of deliverable housing sites based upon the application of the Local Housing Needs, derived from the Standard Method. To which there is then added a 5% buffer to ensure choice and competition in the market.
- 5.40. Based upon the recent Housing Delivery Test ("HDT") results (Dec 2024), Mid Sussex is a 5% Authority.
- 5.41. Pursuant to footnote 8, a lack of such supply triggers the presumption in favour of sustainable development at paragraph 11(d) NPPF.
- 5.42. The Council accepts that they do not have a five year supply of deliverable sites and that the tilted balance of paragraph 11(d) is engaged. This scheme, delivering up to 125 dwellings, would make a notable contribution towards the housing shortfall in Mid Sussex District.

Healthy Communities

- 5.43. Section 8 sets out the approach to achieving healthy, inclusive and safe communities.
- 5.44. Paragraph 98 sets out a requirement to provide the social, recreational and cultural facilities and services needed.
- 5.45. Paragraph 100 sets out the importance of meeting education needs arising from existing and new communities requiring LPAs to take a proactive, positive and collaborative approach to meeting this requirement.
- 5.46. Paragraphs 100 and 101 attach great and significant weight to the importance of new, expanded or upgraded education facilities.
- 5.47. Paragraph 103 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 5.48. Paragraph 105 requires that the planning system protects and enhances public rights of way and takes opportunities to add links to the existing network.
- 5.49. The Application Scheme achieves this objective through the provision of a large area of Local Green Space.

Sustainable Transport

- 5.50. Section 9 sets out the approach to promoting sustainable transport.
- 5.51. Paragraph 109 requires transport issues to be considered from the earliest stages of development proposals, identifying transport solution that deliver well-designed and sustainable places.
- 5.52. Paragraph 110 states that the planning system should actively manage patterns of growth; focusing significant development on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes.

- 5.53. The Application Scheme has been subject to considered and collaborative pre application engagement with County Highways and the Council. Their advice has informed the overall approach to the proposed transport solutions as an integrated approach to the overall scheme design.
- 5.54. This Site is accepted by the Council as a sustainable location, and is within safe and convenient walking access to local services and facilities including the primary school.
- 5.55. Paragraph 115 sets out 4 criteria to be applied when assessing the suitability of specific applications for development.
- 5.56. The Application Scheme satisfies the requirements of paragraph 115 on account of ensuring the following:
- a) sustainable transport modes are prioritised
 - b) safe and suitable access to the site can be achieved for all users
 - c) the Development Framework Plan provides for a network of streets, parking areas with details to be secured at the reserved matters stage
 - d) impacts from the development on the transport network can be mitigated by means of necessary off site highway works to be secured through a legal agreement
- 5.57. Paragraph 116 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on Highway safety or the residual cumulative impacts on the road network following mitigation would be severe. That is not the case here.
- 5.58. Finally, and in addition, the Application Scheme also satisfies the provisions set out within paragraph 117 of the NPPF.

Achieving well-designed places

- 5.59. Section 12 sets out the approach to achieving well-designed places.
- 5.60. 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.

- 5.61. Good design is at the heart of sustainable development.
- 5.62. Paragraph 135 sets out assessment criteria to be applied in considering the suitability of developments in design terms. Again, all of these requirements are satisfied with the application scheme (the accompanying DAS refers).
- 5.63. Paragraph 136 adds that trees make an important contribution to character and quality and that opportunities should be taken to incorporate trees. This proposal retains the vast majority of trees on Site (losing only 6 trees and 3 partially with additional planting to be provided). Further detail will be secured at detailed design stage.

Meeting the challenge of climate change and flooding

- 5.64. Section 14 relates to flood risk and climate change, within the objective of seeking to ensure development avoids areas at higher risk of flooding.
- 5.65. As detailed above, a Flood Risk Assessment and Drainage Strategy has been prepared and ensures relevant policy and guidance is satisfied.
- 5.66. The Application Scheme will not cause any increase in flooding beyond the Site. Surface water will be attenuated on site in a network of swales and attenuation basins.
- 5.67. In accordance with the approach set out at paragraphs 173 and 175 of the NPPF, a sequential test has been undertaken in support of the application scheme. Section 6 below refers.

Natural Environment

- 5.68. Section 15 relates to the natural environment.
- 5.69. Paragraph 187 seeks to protect and enhance 'valued landscapes' (which does not apply here) and 'recognise the intrinsic character and beauty of the countryside'.

- 5.70. As the Application Site is not in any designated valued landscape, there is no constraint to development in this regard.
- 5.71. A LVIA has been prepared which demonstrates no significant impact on landscape character or views, given the Site's containment. Any impacts would be highly localised.

Historic Environment

- 5.72. Section 16 sets out the approach to conserving and enhancing the historic environment.
- 5.73. A heritage impact assessment and archaeological assessment are provided with the application and confirm there will be no significant adverse impacts.

Supplementary Planning Documents (SPD)

- 5.74. The Affordable Housing SPD supplements the requirement in Local Plan Policy DP31 which includes a District wide target for 30% affordable housing provision on sites delivering 11+ dwellings. The Proposed Development will deliver 30% affordable homes (up to 37 dwellings), thus achieving a policy compliant affordable housing provision.
- 5.75. The Council's Design Guide and the Development Infrastructure & Contributions SPDs are also material considerations.
- 5.76. The 'Updated Statement of Common Ground on Housing Land Supply' for the Scamps Hill, Lindfield Appeal (LPA Ref: DM/24/0446) (PINS Ref: APP/D3830/W/24/3350075) confirms the Council's supply figure is 4,815 dwellings. This results in a **shortfall of 2,304 dwellings and a supply of only 3.38 years**. The Appellant argued a supply of 2.41 years. These are the respective positions as recorded in paragraph 96 of the Appeal Decision (2 May 2025) and relate to the position assessed at 1st April 2024, as shown in the Table 1.

Table 1: The respective positions in the appeal at Scamps Hill, Lindfield²⁵

| Step | MSDC | Appellant |
|--|---------------|---------------|
| A - Annual requirement | 1,356 | 1,356 |
| B - Base year Requirement (A x 5): | 6,780 | 6,780 |
| C - Add 5% buffer pursuant to HDT (B x 5%) | 339 | 339 |
| D – Final five year requirement (B + C) | 7,119 | 7,119 |
| E - Annual requirement (D/5) | 1,424 | 1,424 |
| F – Deliverable supply (1/4/24 – 31/3/29) | 4,815 | 3,427 |
| G - No. Years Supply (F/E) | 3.38 | 2.41 |
| H - Extent of Surplus / Shortfall compared to 5 year requirement (F – D) | -2,304 | -3,692 |

5.77. The Inspector whilst acknowledging the differences in the housing land supply positions of the two parties, did not make a determination of the extent of supply and consequently the size of the deficit. This is confirmed in paragraph 96 of the decision which indicates:

The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years²⁶. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry.

5.78. Therefore, we refer to these established positions in preparing this statement for the application.

5.79. Whilst Table 1 details the position with respect to the derivation of the Local Housing Need applicable at that time²⁷, it has since changed following the release of updates to the two components of the calculation²⁸. The minimum requirement is now 1,358dpa. This results in a marginal increase in the shortfall.

5.80. The Inspector in the Scamps Hill appeal considered the relevance of the land supply shortfall and its weight in for decision making. This is within paragraphs 108 to 116 of the decision. These state:

²⁵ LPA Ref: DM/24/0446 & PINS Ref: APP/D3830/W/24/3350075

²⁶ Council closing paragraph 8

²⁷ The NPPF when issued on 12th December 2024

²⁸ Median workplace based affordability ratios on 24th March 2024 and dwelling stock details on 22nd May 2025.

108. The Council is working on the Emerging Mid Sussex District Plan. This currently has some unresolved objections and both parties affirm that it is to be afforded only limited weight²⁹. In any event the policies in the Emerging Plan do not lead me to a particular decision.

109. As I noted above there is a shortfall in housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

110. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.

111. In terms of the economic objective the proposal would provide up to 90 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is suggested as significant, and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.

112. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the shortfall in sites for housing there is a pressing need to increase supply from deliverable sites. The proposal would provide a range of new homes.

113. The affordable housing would also contribute to the social objective, particularly as 30% of the dwellings would be affordable which is a significant proportion.

114. In terms of the environmental objective the proposal would not harm the character and appearance of the area. The occupants of the dwellings would be close and accessible to facilities without being wholly reliant upon car use, thereby helping towards low carbon living as advocated within this criterion of paragraph 8. Additionally, the proposal has been demonstrated to potentially improve biodiversity, which would be a benefit.

115. The Lindfield Society suggest that the housing land supply should not dictate this appeal outcome and point to

²⁹ Statement of Common Ground paragraph 3.3.2

an appeal decision in Ninfield, Wealdon³⁰ dismissed despite 3.8 years supply. However, I note that Inspector found the development would result in substantial harm to the character and appearance of the area, which is different to my conclusion here. I also acknowledge the point from The Lindfield Society that, even with the housing land supply situation, the current Development Plan still has to be considered³¹, but I consider that it warrants only limited weight.

116. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is Appropriate.

- 5.81. It is therefore clear that significant weight should be attributed to the benefits of the scheme in contributing towards the housing land supply shortfall.

Emerging Local Plan

- 5.82. As referenced earlier, the site is part of the wider allocation in the Draft Local Plan (site reference DPA7). Whilst the emerging Local Plan has limited weight (consistent with the conclusions at paragraph 108 of the Scamps Hill appeal decision), it is nonetheless an indication of the Council's acceptance of the suitability of the site for residential development. This position reflects the stance of the Council in determining appeals on other draft allocations, including that at Foxhole Farm, Foxhole Lane, Bolney³² referenced earlier.
- 5.83. These therefore illustrate that the scheme should be determined consistent with the tilted balance, especially as the Council is unable to show a five year housing land supply.

³⁰ APP/C1435/W/23/3331659

³¹ *Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council* Ref: [2021] EWCA Civ 104

³² Site ref DPA14

6 AFFORDABLE HOUSING

- 6.1. 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).

National Planning Policy Framework (December 2024)

- 6.2. The National Planning Policy Framework (NPPF) is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.
- 6.3. The NPPF sets a strong emphasis on the delivery of sustainable development, including affordable homes, at paragraphs 20 and 63.
- 6.4. Paragraph 61 clearly sets out the Government's aim to "boost significantly the supply of homes". To achieve the higher housing supply and address the needs of the whole community, NPPF paragraphs 62 and 63 indicate:

62. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children³³; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities;

³³ Evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy.

service families; travellers³⁴; people who rent their homes and people wishing to commission or build their own homes³⁵).
(My underlining)

6.5. This is even more sharply focused given the Government's commitment to deliver 1.5 million new homes by the end of the current parliament with an emphasis on delivering affordable homes too.

- 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);
- Letter from Baroness Taylor of Stevenage (Parliamentary under-Secretary of State for Housing and Local Government to Cotswold District Council on 18th August 2025 with respect to housing targets; &
- Statement by the Secretary of State to "Build Baby Build" on 12th September 2025.

6.6. One of the most recent statements relating to the Government's intent towards the delivery of housing is set out in the letter from Baroness Taylor to Cotswold District Council on 18th August 2025. This acknowledged the very significant national housing crisis.

6.7. Whilst this letter was addressed to Cotswold District Council, it reaffirms the clear expectation for all areas to facilitate delivery of homes to address the national housing crisis.

6.8. There have been consistent references to a national housing crisis, including by the Secretary of State in her statement to the Commons on 30th July 2024³⁶.

³⁴ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

³⁵ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

³⁶ Column 63WS

- 6.9. As recently as 12th September 2025, the Secretary of State reconfirmed the need for urgent action to address the national housing crisis under the banner “Build Baby Build” in his reaffirmation of the Government’s commitment to ensuring 1.5 million new homes are delivered in the current parliament.
- 6.10. Given the ongoing housing crisis, it is therefore clear of the importance placed by the Government on the provision of new homes, including affordable.
- 6.11. Policy DP31 of the District Local Plan requires a minimum of 30% affordable dwellings on sites exceeding 11 dwellings. The Policy references the role of the various evidence documents which informed this approach. This includes the “Northern West Sussex Affordable Housing Needs Update Report (2014)” which confirmed an annual need for between 116 and 474 affordable homes from 2014 onwards. The level of need depends on the data set used i.e. whole housing register³⁷ or just those in reasonable preference³⁸.
- 6.12. Whilst the annual need varied according to the inputs, the extent of the Council’s waiting list since 2014 is shown in Table 3 below.

Table 3: Extent of housing waiting list changes in Mid Sussex³⁹

| | 1/4/14 | 1/4/15 | 1/4/16 | 1/4/17 | 1/4/18 | 1/4/19 | 1/4/20 | 1/4/21 | 1/4/22 | 1/4/23 | 1/4/24 | 1/4/25 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Households on waiting list | 5,281 | 1,759 | 1,420 | 1,243 | 1,273 | 1,164 | 1,562 | 1,811 | 1,993 | 2,020 | 2,097 | 2,333 |
| Households in reasonable preference category | 1,401 | 381 | 391 | 337 | 342 | 265 | 432 | 623 | 655 | 644 | 552 | 800 |
| Homeless | 152 | 152 | 57 | 49 | 46 | 30 | 37 | 25 | 21 | 8 | 18 | 57 |

³⁷ High Estimate of 223 – 474dpa affordable homes (para 4.74 of 2014 Update)

³⁸ Low Estimate of 116 to 367 affordable homes dpa (para 4.73 of 2014 Update)

³⁹ Data from <https://www.gov.uk/government/collections/local-authority-housing-data>.

6.13. A comparison of the Council's delivery of affordable housing with the ranges detailed in the 2014 Update is shown in Table 4 below.

Table 4: Affordable Housing Completions compared to range identified in the Housing Needs Update (2014)

| Year | Net Affordable Delivery ⁴⁰ | Compared to Housing Needs Update (2014) | | | |
|--------------|---------------------------------------|---|-----------------|--------------|---------------|
| | | Min 116dpa | – Difference | Max - 474dpa | Difference |
| 2014/15 | 229 | 116 | 113 | 474 | -245 |
| 2015/16 | 79 | 116 | -37 | 474 | -395 |
| 2016/17 | 82 | 116 | -34 | 474 | -392 |
| 2017/18 | 178 | 116 | 62 | 474 | -296 |
| 2018/19 | 73 | 116 | -43 | 474 | -401 |
| 2019/20 | 139 | 116 | 23 | 474 | -335 |
| 2020/21 | 197 | 116 | 81 | 474 | -277 |
| 2021/22 | 398 | 116 | 282 | 474 | -76 |
| 2022/23 | 524 | 116 | 408 | 474 | 50 |
| 2023/24 | 338 | 116 | 222 | 474 | -136 |
| 2024/25 | 308 | 116 | 192 | 474 | -166 |
| Total | 2,545 | 1,276 | 1,269 | 5,214 | -2,669 |

6.14. Compared to the upper range of 474dpa identified in the Council's evidence base there has been a significant shortfall in the provision of affordable homes.

6.15. The Council's delivery of 2,545 affordable homes from 2014 through to 2025 equates to 231dpa.

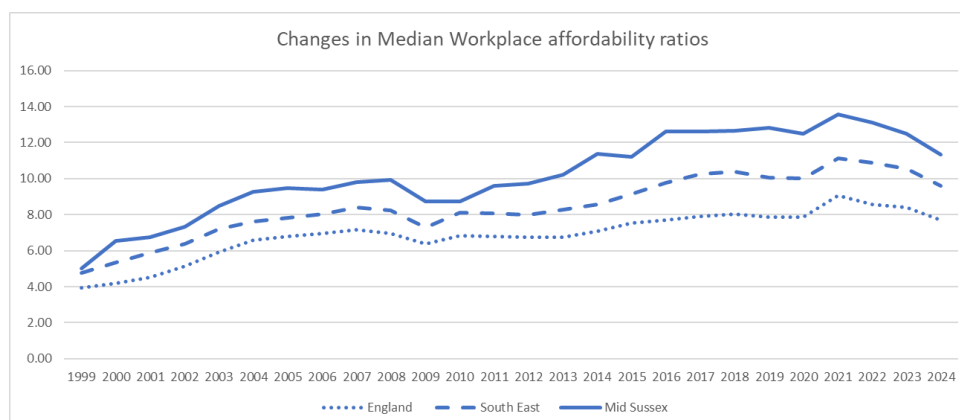
6.16. Paragraph 63 of the NPPF requires that the needs of groups with specific housing requirements are addressed, which includes those requiring affordable housing. There is no evidence that this will be achieved in Mid Sussex District.

6.17. The failure to meet the identified needs of affordable housing is a dire situation indicating that the Council is not fulfilling the objectives at paragraph 63 of the NPPF.

6.18. The continued under delivery of affordable housing, has contributed to the worsening of the affordability ratios in the District as indicated in the chart

⁴⁰ Data from <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply> (Table 1011C)

below.



6.19. The chart also shows that affordability ratios in Mid Sussex District have more than doubled between 1999 and 2024, and their divergence from those in the South East Region since 2010 has continued.

6.20. This doubling in the affordability ratio has occurred because of a failure to deliver sufficient homes to meet market and affordable need in the District. This is illustrated by the divergence of the affordability ratio for the district from those for both England and the Region. Consequently, it is essential that further increases in house building occurs to improve affordability, especially given the continual under-delivery in supply.

6.21. A step change in the delivery of affordable housing is therefore required to begin to address the dysfunctions of the local housing market. Such a step change would be consistent with the thrust of paragraph 61 of the NPPF, to boost significantly the supply of homes.

Future Affordable Housing Supply

6.22. The future delivery of affordable housing in Mid Sussex District is uncertain.

6.23. In addition to the shortfall, there is also the question of whether future needs will be met. The risks of not meeting these needs are heightened by the fact that any future housing supply delivered through permitted development conversions is exempt from affordable housing, and on brownfield sites, the affordable housing potential is tempered by vacant building credit. This has the

potential to make the situation even more severe, not just for Mid Sussex District's vulnerable position on affordable housing land supply, but for the significant number – 2,333 households currently on the Council's Housing Register as detailed in Table 4.

- 6.24. Paragraph 63 of the NPPF requires that the needs of groups with specific housing requirements are addressed. It also confirms that one of the specific groups relates to those requiring affordable housing.
- 6.25. Although the Government data in Table 1011C (referenced above) provided information on past affordable housing delivery, there is nothing showing future expectations. Therefore, it does not provide sufficient clarity that the shortfall of 2,669 dwellings affordable dwellings since 2014 against the higher level in the range of the assessed need will be addressed alongside the significant need on the waiting list. Therefore, it is essential to seek further opportunities to boost the supply of affordable homes – as would arise on the application site.
- 6.26. The under supply of housing impacts people and communities and is a contributory factor in the unaffordability of housing. The introduction of the affordability ratio to calculate housing need is intended to help with the significant affordability issues across much of the country. The formula applies an increase where the average of median workplace-based affordability ratios for the preceding five years is above 5, or put another way, where the cost of purchasing a home exceeds 5 times annual earnings. An average of the previous five years ratios above 5 is therefore deemed to be the level above which unaffordability occurs. As indicated above, the most recent median workplace-based affordability ratio for Mid Sussex⁴¹ is 11.35.
- 6.27. Within the Foreword of the 'Fixing our Broken Housing Market' White Paper (Feb 2017), the former Prime Minister made reference to the national average house prices being eight times that of average incomes, representing the highest ever affordability ratio. This reflects people on average incomes seeking an average priced property. The forward added that the broken housing market is one of the greatest barriers to progress in Britain today. It

⁴¹ Published 24th March 2025

also states that whether buying or renting, the fact is that housing is increasingly unaffordable – particularly for ordinary working class people who are struggling to get by. These same circumstances still apply now, but with even greater force as emphasised by the current Government's statements and policy toward planning and economic growth.

- 6.28. A step change in the delivery of affordable housing is therefore required if the Council is to get anywhere near the local housing need figure and begin to address the imbalance in the local housing market between housing need and supply, including in relation to affordable housing delivery. Such a step change would be consistent with the thrust of paragraph 61 of the NPPF, to boost significantly the supply of homes.
- 6.29. The scheme includes the provision of 37 affordable homes, thereby making a contribution towards addressing the significant need for such homes in the district. Given the acute need for and shortfall of affordable housing supply within the district, substantial weight should be applied to this element of the scheme in any planning balance exercise.
- 6.30. The Inspector in the appeal on land at Scamps Hill, Lindfield⁴² acknowledged the very significant shortfall in affordable housing provision in the district and the significance of the provision in that case⁴³.
- 6.31. Accordingly, substantial weight should be attached to the provision of new affordable homes.
- 6.32. This is not only consistent with NPPF paragraphs 61 and 63. This is irrespective of a five-year supply. However, the acceptance of an acknowledged five-year housing land supply deficit only adds to the weight and significance of this element of the scheme in the planning balance.

⁴² Erection of up to 90 dwellings allowed 2nd May 2025 (LPA ref DM/24/0446 & PINS ref APP/D3830/W/24/3350075).

⁴³ Paragraphs 113 & 114

7 ASSESSMENT OF THE MAIN ISSUES AND PLANNING CONTEXT

7.1. Informed by the planning policy and material considerations summarised in section 5 above, this section sets out an assessment of the Application Scheme in relation to a number of “main issues”, with each one addressed in turn as follows.

- 1) The spatial strategy and principle of development outside Planning Boundaries;
- 2) Landscape, green infrastructure, open space and biodiversity,
- 3) Highways and transport,
- 4) Heritage,
- 5) Flood risk and drainage,
- 6) Energy, sustainability and climate change,
- 7) Housing type and mix.
- 8) The planning balance

Issue 1: Spatial Strategy/Principle of Development/ Planning Boundaries

- 7.2. The District Plan was adopted on 28th March 2018. It is more than five years old and it plans for a level of development that is less than has been identified through the latest derivation of the standard method.
- 7.3. The current District Plan accommodates an average of 964dpa during the 17 year plan period (2014 to 2031)⁴⁴. The requirement is stepped with a target for 876dpa until 2023/24 and an average of 1,090 thereafter.
- 7.4. The Regulation 19 draft Local Plan⁴⁵ establishes a requirement for 19,620 dwellings (1,090dpa) over the plan period from 2021 to 2039.
- 7.5. To accommodate this requirement, the submitted Local Plan has reviewed settlement boundaries to identify sites which the Council considers are

⁴⁴ Policy DP4 sets a minimum housing requirement of 16,390 dwellings

⁴⁵ Submitted for Examination on 8th July 2024

deliverable and/or developable. As indicated, one of the sites is the parcel of land reference DPA7 which includes the application site.

- 7.6. This approach of the Council is account of the current Development Plan being out of date; including as the policies and proposals contained therein; cannot meet the relevant development needs when assessed against the applicable national guidance⁴⁶ (regardless of the five year housing land supply position).
- 7.7. The settlement boundaries contained in the adopted Proposals Map were identified to meet the housing needs from Spatial Policies DP4 and DP6 of the District Plan.
- 7.8. The boundaries were drawn at that time to meet a need for an average of 964 dwellings per annum across the District. However, there is an ongoing requirement to satisfy unmet needs within the wider Housing Market Area (Policy DP5 refers).
- 7.9. Since the District Plan is more than five years old (it was adopted in March 2018), and in accordance with the requirements in paragraph 78 and footnote 39 of the NPPF, the housing requirement falls to be determined by the local housing need derived from the application of the standard method.
- 7.10. Whilst the Submitted Local Plan has been prepared to address the housing requirements derived consistent with the methodology associated with the September 2023 version of the NPPF (1,090dpa as indicated above), the current NPPF (December 2024) increases the target to 1,358dpa.
- 7.11. Although the examination of the submitted Plan is ongoing, assuming it is adopted with the requirements as currently envisaged, the Council may need to undertake a review earlier than the typical 5 years should the approved housing target be less than 80% of the latest calculation of housing requirement. This is because whilst the submitted Plan target seeks 1,090dpa,

⁴⁶ As the Local Plan was submitted for examination on 8th July 2024, it will be assessed for consistency with the advice in NPPF (September 2023 edition) pursuant to paragraph 235 of the NPPF (December 2024) and paragraph 230 of the NPPF (December 2023). Paragraph 230 of the December 2023 version confirms that it is only relevant for the examination of Plans where the Regulation 19 stage occurred after 19th March 2024. As the Regulation 19 consultation on the Submitted Local Plan commenced on 12th January 2024, this means that the December 2023 version is not relevant.

the 80% threshold for the current Local Housing Need figure of 1,358dpa is 1,086dpa. The submitted Plan requirement is therefore only 4 dwellings below the point at which the Council 5 year land supply target would be subject to the 20% buffer under NPPF paragraph 78c alongside the advice in NPPF paragraph 236. Consequently, within the short term it is likely that a review of the emerging Plan would be required in order to address the higher housing targets.

- 7.12. In so far as the settlement boundaries were not identified in relation to the current housing need, they operate as a constraint to development. Moreover, and in so far as the housing requirement on which the settlement boundaries were defined are required to be breached in order to demonstrate a 5 year housing land supply, the weight to be attached to any conflict with them can be reduced (See *Hopkins Homes*, paragraph 63).
- 7.13. It is clear from the emerging Local Plan that more housing is needed than is currently planned for. This requires settlement boundaries to be breached if housing needs are to be met.
- 7.14. Accordingly, when the settlement boundaries were drawn in the development plan that was for a requirement and level of need that is below what is now required.
- 7.15. In the circumstances, it is my view that the principle of providing for development on land beyond defined settlement boundaries is justified given the level of need that exists and which cannot be met within the existing settlement boundaries.
- 7.16. Despite lying outside of the settlement boundary, it is in a sustainable location as reaffirmed through its identification of an allocation in the submitted Local Plan (Ref DPA7).
- 7.17. Policy DP12's purpose is also to "protect the intrinsic character of the countryside". We note that this wording is inconsistent with the NPPF – paragraph 187 of the NPPF requires that valued landscapes be protected; elsewhere (that is, in landscapes which are not specifically identified as valued landscapes), the requirement is to "recognise" the intrinsic character and

beauty of the countryside. As such we give limited weight to this aspect of the supporting text to the policy, to the extent that it is inconsistent with the NPPF. Overall, we conclude that the policy intent is met, even though the Site is situated beyond the Planning Boundary itself.

- 7.18. In any event, it is clear that the conflict with **Policy DP12 is to be afforded little weight in the planning balance**. The Planning Boundaries were drawn to deliver on a strategy which is now widely accepted as being out-of-date.
- 7.19. The Planning Boundaries were devised to implement Policies DP4 and DP6 of the Local Plan; which in turn was a strategy aimed at delivering at average of only 964dpa. The Local Plan is now more than five years old.
- 7.20. In accordance with the requirements of paragraph 78 of the NPPF, the housing requirement in Mid Sussex District now falls to be determined utilising the standard method calculation of local housing need.
- 7.21. As set out in section 5 above, local housing need, using the standard method, significantly exceeds the quantum planned for in the Local Plan and the established Planning Boundaries. These boundaries fail to deliver the level of housing now required and as such, the weight to be given to a Site's location outside of the Boundary is significantly reduced. **DP12 (and compliance thereto) is afforded limited weight in the planning balance.**
- 7.22. The scheme also conflicts with the approach of Policy AS1 the ASBSNP since it lies outside the Built Up Area boundary of Ansty. However, for the reasons indicated above, the boundaries as defined in the Neighbourhood Plan fail to deliver the level of housing now required, as therefore the weight given to the Site's location outside of the Boundary is also significantly reduced. Furthermore, the Built-Up boundaries in the ASBSNP do not recognise the higher sustainability credentials of land adjoining Haywards Heath as a Category 1 settlement in the Local Plan. This contrasts with the Category 4 status of Ansty in the Local Plan. **AS1 (and compliance thereto is affordable limited weight in the planning balance.**
- 7.23. This proposal accords with the spatial and development management policies of the development plan, save for the Site's position adjacent to, but outside

the 'Planning Boundary' (settlement boundary) for Haywards Heath as defined in Policy DP6. However, as accepted by the Council, those Planning Boundaries are based upon an out-of-date calculation of housing need.

- 7.24. The Council has accepted there is a need to utilise sites outside of Planning Boundaries in order to address housing need, as illustrated by its decisions to approve the scheme at Foxhole Farm, Bolney which like this application was within a allocation of the submitted Local Plan.
- 7.25. As identified above, the allocation in the Draft Local Plan is a material consideration, and consistent with the approach of the Council it attracts significant weight, in demonstrating the need for Mid Sussex to approve greenfield development beyond Planning Boundaries, in order to meet local housing need.
- 7.26. On this basis, **the conflict with Local Plan Policies DP6 and DP12 together with ASBSNP Policy AS1 are given limited weight.**
- 7.27. These policies, and the planning boundaries associated with them, are aimed at delivering an out-of-date spatial strategy, which fails to meet local housing need. Furthermore, the stated purpose of Policy DP21 is to ensure development is directed to the most sustainable locations, to reduce the need to travel by private vehicle. This Site is accepted as a sustainable location with good walkability, so the overall policy intention is satisfied.
- 7.28. For the purposes of the planning balance, to which we return later in this statement, Local Plan Policies DP4, DP6 and DP12 together with ASBSNP Policy AS1 are considered the 'most important policies' for determining the application, for the purposes of paragraph 11(d) of the NPPF.
- 7.29. Paragraph 232 of the NPPF (Annex 1: Implementation) provides guidance on the approach to out of date policies, stating that the amount of weight to be afforded to policies will depend on their degree of consistency with the NPPF.
- 7.30. The Local Plan policies identified above are out of date due to their inconsistency with the NPPF's aim to significantly boost the supply of land.

- 7.31. The boundaries are based on a lower housing requirement, established under the Local Plan, which falls significantly below the figure now required to meet identified housing needs (now derived from the standard method (Dec 2024)).

Issue 2: Landscape, Green Infrastructure, Open Space and Biodiversity

- 7.32. Local Plan Policy DP12 seeks to conserve and enhance the natural environment. Proposals should maintain, and where possible enhance the natural, locally distinctive and heritage landscape quality – this includes hedgerows and ancient woodland. New development should not harm nature conservation interests unless the benefits outweigh the harm, and mitigation/compensation is achieved. Wildlife corridors and ecological networks should be maintained, and where possible enhanced.
- 7.33. Policy DP22 requires that development contribute to the green infrastructure network and make provision for new green infrastructure and/or linkages to existing green infrastructure, where appropriate.
- 7.34. In visual terms, the Site is generally well contained by its boundary trees, hedgerows, and sloping landform. Views typically occur at short range in the Site's immediacy, and are filtered or intermittent, particularly from Borde Hill Lane and the adjacent residential areas at Orchard Way, Fairfield Close and Balcombe Road. Wider visibility is very limited due to the strong vegetative structure of the surrounding landscape framework, with no intervisibility between the Site and the High Weald National Landscape or the RPG at Borde Hill.
- 7.35. Responding to these baseline conditions, a landscape-led approach has shaped the development. The scheme maximises the retention and enhancement of existing landscape features, including all boundary vegetation, the internal hedgerow network, mature trees, and the woodland block in the northwest. Open space and supplementary planting are safeguarded along Borde Hill Lane, maintaining the sense of openness characteristic of this route and creating a parkland-style setting that complements the adjacent RPG. New planting, including native hedgerows, structural woodland belts and street trees, reinforces habitat connectivity and strengthens the Site's green

infrastructure.

- 7.36. Built form is sensitively positioned within the central and eastern areas of the Site, set back from key boundaries and limited to two storeys. The layout integrates SuDS features, such as swales and attenuation basins within the green framework, ensuring that landform and drainage patterns remain legible and contribute positively to character, biodiversity and sense of place. Footpath links and open space create opportunities for informal recreation, play and movement, supporting access to the countryside and aligning with local green infrastructure objectives.
- 7.37. Overall, the proposals respond positively to the Site's transitional context, the character of the High Weald Fringe, and the visual sensitivities of nearby receptors. Mitigation and a robust landscape strategy ensure that the development integrates comfortably within its setting, maintains views of key features such as Sugworth Farmhouse to the north, and enhances the landscape structure of the settlement edge, while safeguarding the perceived setting of the High Weald National Landscape and Borde Hill RPG.
- 7.38. The proposed development will introduce a noticeable change to the Site's character, particularly at Year 1, as agricultural land gives way to new homes and a network of public open spaces. This results in Moderate Adverse effects on overall Site character, land use and perceptual qualities during the early stages. However, the defining landscape features of the Site, including the woodland block, mature trees, and perimeter and internal hedgerows, will be retained and strengthened. At the wider landscape scale resulting in Negligible Adverse effects at both Year 1 and Year 15.
- 7.39. The Proposed Development will lead to a range of localised visual changes, reflecting the Site's position at the settlement edge and the strong vegetative structure that already limits outward visibility. In the early years, the introduction of new dwellings, streets and associated infrastructure will be clearly perceptible from properties and roads immediately adjacent to the Site, where existing boundary vegetation allows for filtered or intermittent views. Collectively, these receptors experience Moderate Adverse to Moderate–Major Adverse effects at Year 1, depending on orientation and viewing distance.

- 7.40. Overall, long-term visual effects reduce to Moderate Adverse or Minor Adverse, depending on proximity and elevation. No significant visual effects arise at a wider landscape scale, with containment by landform and extensive tree cover ensuring that views beyond the immediate environs are extremely limited.
- 7.41. The protected species surveys identified presence of a range of bat species, including barbastelle and serotine. A range of likely breeding birds were identified on the site, including one red listed and four amber listed species. Dormouse presence was confirmed, along with presence of slow worm, common lizard and common toad. The proposal will result in the loss of foraging habitat for bats, breeding habitat for birds, loss of habitat for dormouse, and loss of foraging habitat for reptiles.
- 7.42. As detailed above, the ecology reports submitted with the application confirm that the proposal will deliver a net gain of 7.94 habitat units resulting in the percentage change of 10.03%. The watercourse calculation for the proposed scheme results in no net gain or loss. Additionally, there will be a net gain of 3.10 hedgerow units resulting in a percentage change of 23.79%. The current scheme meets and exceeds the 10% target for both habitats and hedgerows. The current scheme does not meet the 10% target for watercourse units and therefore must purchase credits elsewhere to meet the 0.88-unit deficit. The protected species surveys set out suitable mitigation measures to ensure no adverse impact on protected species or designated sites.
- 7.43. Overall the Proposal has been developed so as to maintain, and where possible enhance the natural, locally distinctive and heritage landscape quality as required by Policies DP12 and DP22. The Site is considered to have capacity for change without harming the character of the wider area; given the degree of containment, impacts are likely to be localised. As such, the requirements of these policies are predominantly met, other than the **localised change in landscape character within the Site itself** which could conflict with Policy DP12.
- 7.44. As these effects are localised in nature, and the proposed dwellings would not be erected within any valued landscape, we afford limited weight to this impact. DP12 is afforded reduced weight as there is wide acceptance of a need to utilise

countryside/ open sites to deliver housing needs.

Issue 3: Highways and Transport

- 7.45. The proposed means of access to the Site is submitted for approval in detail and is shown in the Proposed Balcombe Road Access Plan SDP-XX-XX-DR-D 305 Rev P2 (shown on page 29 of the electronic file version of the Transport Assessment).
- 7.46. The proposed vehicular and pedestrian access entails the redesign of the existing roundabout junction of Borde Hill Road and Balcombe Road to provide a fourth arm. A Road Safety Audit has been prepared to ensure a suitable design safety.
- 7.47. Local Plan Policy DP21 seeks to locate development in sustainable locations, with good access to local schools, shops and other key services by active travel or public transport. This policy requirement is met. Proposals should be supported by a Transport Assessment and Travel Plan. These documents have been prepared and are submitted with the application, to confirm no significant impact on the highway network.

Issue 4: Heritage

- 7.48. Local Plan Policy DP34 encourages and supports proposals which conserve or enhance the historic environment. It also requires submission of information which describes the significance of any assets which may be affected (including any contribution made by their setting), and assesses the impact of the development proposal.
- 7.49. Section 16 of the NPPF also requires submission of information describing the significance of heritage assets and assessing potential impacts thereon.
- 7.50. As detailed above, a heritage impact assessment and archaeological assessment have been prepared and are submitted with the application, and confirm that subject to appropriate mitigation (such as a written scheme of investigation) there will be **no adverse impacts on nearby heritage assets**.

Issue 5: Flood Risk and Drainage

- 7.51. Local Plan Policy DP41 steers development away from areas at risk of flooding (as identified in the latest Environment Agency and SFRA flood risk and climate change maps) where possible.
- 7.52. The site is a low risk of fluvial flooding as set out in the Flood Risk Assessment submitted with the application.
- 7.53. SuDS have been incorporated into the design of the proposal, to ensure surface water can be attenuated on site without impacting nearby land in the post-development scenario. This is detailed in the Flood Risk Assessment and Drainage Strategy. The policy requirements are therefore met.

Issue 6: Energy, Sustainability and Climate Change

- 7.54. Local Plan Policy DP39 encourages renewable and low carbon energy in all development.
- 7.55. The Energy and Sustainability Report submitted with the application sets out the measures adopted to achieve significant CO2 emission reductions in this development including alignment with the recently released Part L 2021 and local plan policy.
- 7.56. The projects design includes the introduction of passive energy efficiency measures into the development to minimise energy consumptions and dwelling heating consumption.
- 7.57. In combination with the passive design and energy efficiency measures will create a very efficient development meeting near PassivHaus energy consumption standards, thus very low carbon and zero pollution development.
- 7.58. Carbon emission reduction targets have been set at 70%. As such this exceeds the Development Plan policy requirement.
- 7.59. In addition, the embodied carbon of the construction techniques will be kept to a minimum via the use of re-used and recycled materials where practical.

Issue 7: Housing Type and Mix

- 7.60. Local Plan policy DP30 seeks a mix of dwellings on site taking account of the evidence contained within the Northern West Sussex Strategic Housing Market Assessment (SHMA).
- 7.61. Local Plan Policy DP31 requires that schemes for 11 or more dwellings should contain a minimum of 30% affordable housing.
- 7.62. ASBSNP Policy AS4 requires that residential development schemes should include a mix of housing which reflects the best available evidence. It also indicates that during the early years of the Plan period⁴⁷, the evidence indicates that there is a particular need for one and two bedroomed dwellings. As the application has been submitted two thirds of the way through the Plan period, it is not in the early years and therefore the mix can better reflect the relevant evidence.
- 7.63. Whilst the proportion of affordable housing will be addressed by the legal agreement associated with the permission (achieving the minimum 30% envisaged), the precise housing mix will be developed following the grant of outline planning permission, and form the basis of a reserved matters application. As such, there is limited ability to determine compliance or otherwise with these policies, other than to demonstrate that they are capable of being met at reserved matters stage.

Overall Assessment and Planning Balance

Engagement of the Tilted Balance

- 7.64. The NPPF is a material consideration; and paragraph 11(d) directs that as there is not a five-year supply of housing land in Mid Sussex, the tilted planning balance is engaged.
- 7.65. Furthermore, the 'most important policies' for determination of the application are out of date. This is further justification for engagement of the titled balance.

⁴⁷ ASBSNP relates to the period from 2015 to 2031

- 7.66. 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. 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.

- 7.67. 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.”

- 7.68. 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. The list of policies applicable to this Proposal is set out in Section 5 above.
- 7.69. The most important policies applicable to this outline application are those related to the spatial strategy and Planning Boundaries, landscape character, and technical details such as sustainable transport, flood risk, biodiversity and heritage. The latter will become more important at detailed design stage when a specific layout and detailed design scheme is proposed.
- 7.70. Overall, the basket of most important policies for determination of the application are those related to Planning Boundaries and landscape character, and these are out of date by virtue of being based upon a significantly lower housing requirement, and the substantial ongoing shortage of housing supply.
- 7.71. 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.
- 7.72. 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 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. This consequently engages paragraph 11d) of the NPPF.
- 7.73. In the circumstances, there are no significant and demonstrable reasons that would justify the refusal of planning permission when applying the consideration at footnote 7 of the NPPF.

The Tilted Balance

- 7.74. This Planning Statement and the associated Technical Reports confirms that no footnote 7 constraints limit development of the site.
- 7.75. 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).
- 7.76. The adverse effects are limited to a) the conflict with the Development Plan; b) the localised change in landscape character/visual impact and c) loss of agricultural land which is not classified as BMV. Each of these is attracts limited weight.
- 7.77. The only Development Plan conflict relates to the Site’s location in the countryside, adjacent to (but outside) the Planning Boundary for Haywards Heath. As such there is a conflict with Local Plan Policies DP6 and DP12 together with ASBSNP Policy AS1.
- 7.78. There is also some change in the character of the landscape (localised) which partially conflicts with Policy DP12.
- 7.79. In the appeal decision of 2nd May 2025 relating to land at Scamps Hill, Lindfield⁴⁸, the Inspector gave great weight to the “less than substantial” harm to heritage assets. However the public benefits taken as a whole would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated and non-designated heritage assets.
- 7.80. The Inspector concluded that **“the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.”**
- 7.81. As the Council’s land supply position has not materially changed, the same conclusion can be reached in this instance, especially as the evidence confirms

⁴⁸ LPA ref DM/24/0446 and PINS ref APP/D3830/W/24/3350075

their assessment of its sustainability.

- 7.82. Turning to the benefits of the scheme, and the NPPF's overall aim for the delivery of sustainable development, we summarise below the economic, social and environmental benefits of the Proposal.

Economic:

- 7.83. The Proposal will deliver up to 125 dwellings to support growth and the associated provision of infrastructure, to be secured through the preparation of a s106 agreement and by the on-site provision of affordable housing.
- 7.84. Additionally, the Proposal will generate employment during the construction phase and in the operational phase will be associated with local spending by future residents. This includes 'first occupation expenditure' by future residents, on new furniture and household goods associated with moving to a new home.
- 7.85. There will be increased house building in an area where there is demand for new housing; this in turn drives economic growth further and faster. 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.
- 7.86. The previous Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' emphasised (at paragraph 11) that: "getting housebuilding moving again is crucial for economic growth – housing has a direct impact on economic output, average 3% of GDP in the last decade. For every new home built up to two new jobs are created for a year.
- 7.87. The current Government as explained earlier in this statement (section 6) has reaffirmed their commitment to significantly boost housing delivery as part of their wider mission to achieve at least 1.5 million new homes in this parliament.
- 7.88. Overall, these economic benefits attract **moderate weight**.

Social

- 7.89. The Proposal supports the social role of sustainable development, in helping to

support strong, vibrant and healthy communities, including through the provision of housing supply to meet identified needs.

- 7.90. The Proposal will deliver up to 125 dwellings, including market dwellings and up to 37 affordable dwellings. Given the housing shortfall, the likely timeframes for new site allocations, the potential for increased housing requirements as a result of changes to the NPPF, and the larger quantum of development on this Site (as compared with comparable appeal schemes) this benefit attracts **substantial weight**.
- 7.91. Additionally, the future residents will reside in a sustainable location, within easy walking distance of local facilities including the local primary school. This supports healthy lifestyles which children can walk to school, and fewer private vehicle movements generate less vehicle and carbon emissions.
- 7.92. The Site is also made more accessible and delivers children's play space. These features also support healthy, sustainable lifestyles.
- 7.93. The social benefits attract **significant weight**.

Environmental

- 7.94. The Site is not located on land which is designated for its landscape value; the majority of trees and hedgerow will be retained, with additional planting undertaken. Additional blue and green infrastructure will be provided, including the change of use of lower grade agricultural land to green space with wildflower planting and additional hedgerow and trees.
- 7.95. The Proposal will deliver sustainable homes built to modern energy efficiency standards. The improvements to walking and cycling infrastructure will support active travel, therefore delivering additional environmental benefits as we transition to a low carbon economy.
- 7.96. The Proposal achieves in excess of the required 10% net gain on the Site itself, without any recourse to off-site offset credits.
- 7.97. The Proposal will not have any adverse effects on ecological receptors, subject to the securing of the recommended mitigation.

7.98. Overall, the environmental benefits of the proposal attract **moderate weight**.

7.99. The table below summarises these adverse impacts and benefits, and the weight attributed thereto.

| Harms | Weight |
|---|-------------|
| Conflict with Development Plan Planning Boundaries and Landscape policy | Limited |
| Localised change in landscape character/ visual impact | Limited |
| Loss of agricultural land resource (not BMV) | Limited |
| Benefits | Weight |
| Provision of up to 125 market homes | Substantial |
| Provision of up to 37 affordable homes | Substantial |
| Provision of development in a sustainable location, which supports healthy walkable lifestyles | Significant |
| Delivery of recreational local green space. | Moderate |
| Economic benefits – Creation of jobs during the construction phase and increased spend during the operational phase | Moderate |
| Environmental benefits including 10% BNG | Moderate |

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

8 SUMMARY AND CONCLUSION

Introduction

- 8.1. Outline planning permission is sought for the erection of up to 125 dwellings, with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Balcombe Road.
- 8.2. The proposal will deliver 30% affordable housing (up to 37 dwellings). 40% of the Site will comprise landscaping and biodiversity enhancements, with the remaining 60% accommodating built form.
- 8.3. The Site lies outside the designated Planning Boundary for Haywards Heath. It does, however, lie directly adjacent to the boundary. The Site is sustainably located, within walking distance from local services and facilities including a primary school.
- 8.4. This planning application has been informed by a collaborative pre-application process undertaken with the LPA.
- 8.5. The Proposal has been assessed, in terms of its compliance with Development Plan policy. The Proposal complies with the development management [policies, but is in conflict with the Plan as a whole on account of the location of the Site beyond the settlement boundary in the adopted Local Plan.
- 8.6. However, and in any event, the basket of policies which are the most important for determining the Application is out-of-date, for the purposes of paragraph 11(d).
- 8.7. Furthermore, there is a lack of five-year housing supply in Mid Sussex District.
- 8.8. For both of these reasons, the tilted balance of paragraph 11(d)(ii) of the NPPF engaged.
- 8.9. This directs that planning permission should be granted for the proposal unless the adverse impacts would “significantly and demonstrably” outweigh the benefits.

- 8.10. The adverse impacts are limited to loss of a countryside site, albeit one which is adjacent to the settlement/ Planning Boundary.
- 8.11. These adverse impacts attract limited weight in the planning balance.
- 8.12. The intention of the Planning Boundary policy (DP6) is to direct development to sustainable locations and reduce the need to travel by car; as such, the purpose of the policy is met via development of this Site. However, the Site is proposed as an allocation in the emerging Local Plan (Policy DPA7 refers).
- 8.13. The policy also aims to protect the countryside, such wording being in consistent with the NPPF's requirement to 'recognise' as opposed to 'protect' the countryside's intrinsic character. Impacts on the rural character of the landscape will be localised, with the envelope of the built development being located in a highly contained part of the Site.
- 8.14. As per the approach taken in numerous recent appeals, **limited weight is afforded to the loss of this countryside Site and the localised impacts on rural landscape character, and the Development Plan conflict.**
- 8.15. **The loss of agricultural land also attracts only limited weight**, given the Site is moderate/poor quality agricultural land is not classified as 'best and most versatile agricultural land'.
- 8.16. The Scheme results in many benefits, including the provision of market and affordable housing, in the context a persistent under supply of housing land and no imminent prospect of this being resolved in the short term until the emerging Local Plan progresses. This benefit attracts **substantial** weight, particular given the delivery of up to 37 affordable homes.
- 8.17. The Proposal also delivers economic benefits (**moderate** weight) and environmental benefits, arising from biodiversity enhancements (**moderate** weight).
- 8.18. Overall, the adverse impacts do not 'significantly', nor 'demonstrably' outweigh these benefits. The proposal delivers sustainable development to address local needs, whilst protecting and enhancing the environment, as is the overarching

objective of the planning system, as set out at paragraph 8 of the NPPF.

- 8.19. Mid Sussex is a constrained district with parts within designated national landscapes (High Weald or South Downs National Park). Haywards Heath is one of the three principal settlements in the district and is consequently acknowledged to be a sustainable location with its extensive range of services and facilities including high quality public transport alongside extensive health, retail, leisure and employment opportunities.
- 8.20. The Deputy Prime Minister has made clear, in her Statement of 30 July 2024, that **“we are in the middle of the most acute housing crisis in living memory.** This sentiment has been carried forward in the WMS to the NPPF (Dec 2024).
- 8.21. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.” As such, the Government is clear that **“there is no time to waste. It is time to get on with building 1.5 million homes.”**

Summary

- 8.22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 8.23. In this instance, the location of the Application Site beyond the settlement boundary for Haywards Heath as defined in the Local Plan, means the Application Scheme is in conflict with Local Plan Policy DP6 and ASBSNP Policy AS1.
- 8.24. However, and along with the publication of the revised NPPF in 2024 the development plan is now out of date in terms of the spatial application of its housing policies, whilst, in addition, the Council is not able to demonstrate a five year supply of deliverable housing land.

- 8.25. As accepted by the Council, the development plan is not based upon a NPPF compliant assessment of housing need and cannot be said to be up to date in respect of its housing requirement or in relation to policies that seek to restrict development within the defined settlement boundaries.
- 8.26. As such, and although the Application Site is located beyond the settlement policy boundary, land is required beyond defined settlement boundaries to meet identified housing need.
- 8.27. In the circumstances, the presumption in favour of sustainable development (the tilted balance) at paragraph 11(d) of the NPPF is engaged. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 8.28. This is demonstrably a case where the weight to be attached to conflict with the development plan on account of the conflict with DP6 can be reduced given the need to breach the settlement boundaries identified in the development plan to meet development needs. The substantial weighty material considerations in favour of the Scheme are clearly sufficient to outweigh the identified conflict with a single development plan policy.
- 8.29. Neither of (i) the lack of consistency between the housing requirement and settlement boundaries with the NPPF; or (ii) the lack of a deliverable five year supply of deliverable housing land triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 8.30. On the basis of the foregoing, whilst under the application of 38(6), there is a *prima facie* conflict with development plan policy DM1, the settlement boundaries upon which the spatial policies operate are out of date by virtue of having been drawn to accommodate non-NPPF compliant development needs, quite apart from issues of 5 year land supply. All this goes to reduce the weight of any breach identified.

- 8.31. Based on the foregoing, the weight to be attached to the conflict between the Application Site and its location adjoining but ultimately beyond the settlement policy boundary for Haywards Heath is significantly reduced.

Conclusion

- 8.32. The benefits from the Application Scheme are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address. The Application Site is sustainably located and will also deliver qualitative and quantitative improvements to the provision of open space at Haywards Heath, to the benefit of existing and future residents.
- 8.33. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, the material considerations in favour of the Scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary, loss of lower grade agricultural and localised change to the landscape.
- 8.34. The Application Scheme satisfies the economic, social and environmental roles of the NPPF and has been advanced following pre-application and has been amended to respond to the advice received.
- 8.35. For the reasons set out above, planning permission should be granted.
