



**The countryside charity
Sussex**

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25 June 2025

Mr Steve Ashdown,
Planning Office,
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex, RH16 1SS

Sent by e-mail to: planninginfo@midsussex.gov.uk

Dear Mr Ashdown,

DM/23/2866 Outline planning application (All matters reserved except for access) for the redevelopment of land to the east of Ansty to create a new Garden Community.

DM/23/2867 Change of use of farmland and woodland at Beechy Bottom, Ansty to parkland reserve.

I am writing on behalf of CPRE Sussex (CPRESx), the Sussex countryside charity, to urge you again to refuse permission for the two above, linked, planning applications. We are working on the premise that neither application can or would be implemented on its own, and that the two are therefore inter-dependent.

We wrote to you on 28th December 2023 to express our position that outline application DM/23/2866 would not involve development that could be made sustainable or compatible with national or local planning policy. A copy of our 28th December 2023 representation is submitted for ease of reference. Please treat that letter as incorporated into this submission. Our detailed views expressed there are unaltered, but supplemented here. The case for rejecting these applications on the basis that they are overwhelmingly contrary to applicable development plan policy is compelling.

How the presumption of sustainable development applies in this case

We appreciate that, since we originally wrote to you, your Council has acknowledged that it currently lacks a 5 year housing land supply, thereby rendering the housing number policies in your current District Plan out of date, and that the presumption of sustainable development in NPPF para 11d) applies unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*

We have reviewed the relevant additional documentation subsequently submitted on behalf of the applicant. It remains our view that the applications are not compatible with your Council's development Plan or national planning policy, that their adverse impacts, cumulatively considered, significantly and demonstrably outweigh their benefits, and that the applications should be refused.

Both before and since the 2023 applications were first submitted your Council has consistently, robustly and (so far as compatible with individual councillors' duties of impartiality) unanimously taken the

position that the Cuckstye site is not an appropriate, sustainable location for a development of the scale proposed. It did not consider the site as sustainable for allocation in the current District Plan or in the Sites Allocation DPD.

Your Council did not consider the site as a suitable and sustainable major development location in its proposed new District Plan either, and justified that position before the Inspector at the draft Plan's stage 1 examination in its "bottom-up" evaluation of all sites that your Council considered sustainable for the purpose of determining the draft Plan's overall housing target. Given your Council's explanation of how the Plan's housing target was arrived at, it would have had to allocate the Cuckstye site, and increase the Plan's housing target, if it had considered that the site could be sustainably developed. It is highly significant that the proposed housing target in your draft Plan was substantially similar to the current "standard method" housing need target imposed by current national housing policy.

So the question really is whether the application of the NPPF para 11d) rebuttable presumption of sustainability somehow makes this potential development site, which has hitherto and rightly been treated by your Council as being unsustainable, into a sustainable one. In our view, the only rational answer is that there are so many adverse, unmitigatable, impacts associated with the Cuckstye development scheme proposed that, when they are assessed cumulatively, the presumption of sustainability is rebutted.

It is of course the duty of those determining these applications to consider their pros and cons on their planning merits, and not to be swayed by fear of the prospect of their conclusion being appealed. The presumption that a development will be sustainable is a rebuttable one if, on objective analysis, you reasonably judge that its downsides obviously and significantly outweigh its benefits. There are plenty of examples of both planning appeal inspectors and the courts upholding refusal of permission decisions by planning authorities in a position similar to MSDC's.

CPRESx acknowledges that the applicant's proposal, if allowed, would ultimately enable the Council to deliver new housing and some other community facilities, as well as supplying new construction jobs. And, in principle, that is of course an important benefit of the applications. But those benefits have to be looked at in the overall context.

Firstly, baked within NPPF para 11d) itself is the requirement that new development must be "*directed to sustainable locations*", and should deliver the right type of well designed new homes there, with the specific emphasis on affordable housing, an emphasis that has seen increased focus for prioritisation in recent DHCLG planning announcements.

Your Council's hitherto consistent position has been that the Cuckstye site is not a sustainable location to allocate for major development. CPRESx supports your Council's position, and your decision not to seek to allocate that site in your proposed new District Plan, for the reasons set out in our attached December 2023 submission and in our Reg 18 and Reg 19 representations on the draft Plan. The fact that your District Plan policy DP4 on housing numbers is now out of date, thereby engaging NPPF para 11, does not magically render sustainable a site that has hitherto been objectively assessed as unsustainable. NPPF para 11d) does not require or endorse development on an unsustainable site.

Secondly, because your Council never intended to allocate this site, you have made no plan for the delivery of all the infrastructure required for such a large scheme, and none of the infrastructure delivery companies on which successful and timely delivery of this scheme would vitally depend have planned for it either. The applicant's scheme is very far from being a shovel-ready development: new infrastructure development requirements mean that the first homes might well not be ready for a decade, or even more. It is therefore most unlikely to assist the Council to improve its 5 year housing land supply position or new homes' delivery record. Approving the application would therefore not assist your Council in curing the current problem that para 11d) is aimed at because approval would not reduce your Council's current 5 year housing land supply shortfall given that no new homes would be deliverable for years to come.

Thirdly, if the Council was confident of being able to meet its proposed Plan housing target via the delivery of homes on sites that it intended to allocate via that Plan, it must feel confident of being able to meet its standard method target without requiring to use the unallocated, unsustainable, Ansty site to do so. Your Council could, and maybe should, focus its efforts on encouraging would-be developers of less controversial smaller and medium sized sites that your Council would be prepared to allocate to come forward with sensible applications to build out those sites.

Fourthly, to the right type of housing, whilst the application promises 30% affordable housing in line with your now out of date District Plan policy DP31, a 30% offer in the application would not go far enough to meet local need for affordable and social housing as the evidence supporting your proposed (but unexamined) new affordable housing policy demonstrates. That evidence suggests that a 40+% affordable housing target would be needed and viable to meet that need. The value of the benefit of new housing should be viewed in the context of its inadequate promise to deliver of the most needed types of new homes.

In summary, NPPF para 11d) does not require development on an unsustainable site like the Ansty site, and the value of the new housing etc benefits to the District offered by the applications is less than first appearances suggest. There are better alternative ways for your Council to boost its housing land supply than approving these applications.

Adverse impacts of the applications

When one considers the applicant's scheme's benefits in context and assesses them against the scheme's many and material adverse impacts it seems obvious to us that those adverse impacts, cumulatively considered, so significantly and demonstrably outweigh those benefits as to rebut the NPPF para 11d) presumption that the applicant's proposed development at Ansty would be sustainable, and to justify a decision by your Council to refuse the Siamese-twin applications. Whilst there will be other adverse implications that are beyond our remit, we focus in this submission on three aspects:

- locational unsustainability, covering spatial strategy, coalescence and car dependency;
- infrastructure non-deliverability, and
- Environmental damage, including adverse landscape and heritage impacts, ecological harm and absence of net biodiversity benefit, including in an appendix, a detailed analysis of the Beechy Bottom Parkland Reserve proposal in DM/23/2867.

We refer you at the end of this section to a pertinent planning appeal decision earlier this month in which the Planning Inspectorate upheld a decision by Horsham DC (another authority with an out of date Plan and a 2.9 year housing land supply) to refuse Bellway Homes permission for a major development in Horsham District on spatial and locational unsustainability grounds in comparable circumstances to this case.

(i) Locational and transport unsustainability

You have determined by your own objective analysis that the site is not locationally sustainable for a major development project. For the reasons explained in our attached 28 December 2023 letter, to which we refer you, CPRESx takes the same view. In short:

Spatial strategy: Whilst your District Plan policies addressing housing need may now be out of date, it does not follow that your Plan's current spatial strategy for the location of new development is also out of date. On the contrary, as the Court of Appeal decision in the Gladman v Corby BC case¹ and Horsham DC/Bellway Homes planning appeal decision confirm, it must be given proper weight in your planning judgement. Your spatial strategy involves proportionate growth across the hierarchy of the District's settlements, with the main settlements accommodating greater levels of growth, and the countryside protected from development. Major developments are allocated individually. The need for any change to that current spatial strategy has not been examined. Permitting 1,450 new homes and other significant development on the outskirts of Ansty, a category 4 settlement on account of its small village status and limited facilities would be wholly incompatible with your District Plan spatial strategy, and swamp the existing village community.

Nothing in the rural housing section of the NPPF (paras 82-84) suggest that it is appropriate to permit a major new development in a rural setting. Indeed para 82 implies the opposite because it expects new rural development to respect local (Ansty) needs and circumstances: *"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing."* The applicant's scheme is not aimed at supporting the local Ansty community which strongly opposes the applications, and it is in no way respectful of the local rural community's circumstances and needs. It is not compatible with NPPF paras 82-84 or with your Council's spatial strategy.

Coalescence: Your Place Services consultants recommended refusal of the applications on the ground that the development would destroy the distinctiveness of the separate communities of Ansty and Cuckfield contrary to your District Plan policy DP13. We agree.

Car dependency: The location and development proposal are incompatible the NPPF strategic policy requirement (paras 109/110) that *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of*

¹ Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council Ref: [2021] EWCA Civ 104.

transport modes” and with NPPF sustainable travel policies in paras 115 - 118 as reflected in your own District Plan policies. In particular:

- (a) the vast majority of the services and facilities that residents and others using the estate will need to access are far too remote to be accessible by foot: distances far exceed those in all active travel maximum distance guidelines, including most importantly, Active Travel England’s Standing Advice Note: Active Travel & Sustainable Development issued in June 2024².
- (b) There is no arrangement for safe and standards-compliant cycling routes and crossings to be provided³ between the proposed estate and the centre of Haywards Heath or Haywards Heath Station or Cuckfield or local schools, or for their construction to be funded. So cycling is not a deliverable active travel option. We are not clear whether standards-compliant, safe cycle and pedestrian lanes could even be built insofar as they would need to be alongside the A272.
- (c) The applicant’s so-called Framework Travel Plan for public transport provision to overcome the current paucity of public bus routes serving the area between Ansty and Cuckfield is merely a speculative “framework”, and offers no long term funding or viability assurance.
- (d) The applicant’s December 2024 Framework Travel Plan and Statement is based on an outdated version of the NPPF, talks only of an “illustrative” Masterplan and is unsupported by evidence of deliverability. The proposals focus heavily on the need for additional – and uncoded - car-related infrastructure works, and fall far short of prioritising sustainable transport modes as required by NPPF para 115a) or of *“putting pedestrian and cycling movements first”* and *“facilitating access to high quality public transport”* in line with NPPF para 117a). The Plan acknowledges that its active travel proposals (which are very similar to those rejected by the appeal inspector as inadequate in the Horsham DC/Bellway appeal case) will make no more than marginal impact on the way that residents etc chose to travel: para 10.5 concedes that its active travel proposals “target” no more than a 3% reduction in single occupancy car travel within 3 years of first occupation, and 5% thereafter.
- (e) As a result, the residents and employees on the estate would be almost totally car dependent, and would not enjoy a genuine choice of transport modes, contrary to NPPF paras 109/110 or national and District Plan planning policy to reduce car dependency and climate change policy to reduce carbon and other toxic emissions.
- (f) Car dependency will also create significant new congestion problems, when considered cumulatively with the additional vehicles travelling to and from the developing Brookleigh estate, especially along the A272 and at the A23/A272 junction. Even if that additional traffic does not by itself meet the “severe” impact test in NPPF para 116 that would justify refusal on this ground alone, we query whether the proposal achieves the NPPF para 115d) expectation that *“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach”*.

² <https://assets.publishing.service.gov.uk/media/667ace3fc7f64e234208ffb5/ate-travel-sustainable-development.pdf>

³ See e.g. Dept of Transport Cycle Infrastructure Design Guide (July 2020), chapter 4:
<https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>

- (g) People without cars, and the physically handicapped, will be largely excluded from the benefits of the area, contrary to your District Plan's inclusivity objectives and NPPF para 117b).
- (h) The broad experience of CPRE is that attempts to develop sustainable garden villages – or in this case a mere garden community - in rural locations cannot be self-sustaining and never work⁴. Nor does the Town and Country Planning Association's 20 minute community guide on which the applicant claims to have modelled its development anywhere suggest that a sustainable community can be established other than in existing urban areas; so it gives no succour at all to the case for the sustainability of the proposed Ansty garden community.

The proposal's car dependency is incompatible with national and local strategic locational and sustainable travel planning policies. These are significant adverse effects.

The Horsham DC/Bellway Homes planning appeal decision⁵:

Your Council should take heart from a recent planning appeal decision in which the Planning Inspector agreed with Horsham DC's decision to refuse planning permission for a 247 home development on grounds that the application was incompatible with Horsham's District Plan's spatial strategy or transport sustainability policy notwithstanding that their Plan, like Mid Sussex's, is out of date, and rejected Bellway's appeal. Bellway was even ordered to pay some of the Council's appeal costs. Whilst each case of course depends on its own facts, the circumstances are remarkably comparable. Here are key paragraphs from the Planning Inspector's decision:

26. A key point of contention with the proposal is whether the level of expansion proposed is appropriate to the scale and function of Thakeham.

50. The proposal would not be sustainably located to minimise the reliance of such a high number of future residents on private vehicles and would not robustly secure appropriate realistic or attractive alternative travel choices to mitigate against the serious resultant harm, contrary to the aforementioned HDPF settlement strategy policies and Policy 40 of the HDPF.

65. I have found that the proposed scheme would conflict with the spatial strategy of the HDPF and TNP in relation to its nature, substantial scale and poor relationship to facilities and services, particularly by sustainable modes of travel. The proposed facilities within the scheme, improvements to various PROWs, bus service improvements and associated travel plan measures could not overcome the locational disadvantages of the site or materially reduce the reliance on private vehicles. I also find that there are sequentially preferable sites in flood risk terms, which is a further harm that weighs against the scheme.

⁴ 2020 Transport for New Homes/ CPRE joint report called "Garden Villages and Garden Towns: Visions v Reality" <https://www.transportfornewhomes.org.uk/wp-content/uploads/2020/06/garden-village-visions.pdf>

⁵ Planning Appeal Decision 13 June 2025, Ref: APP/Z3825/W/24/3350094 Land to the West of Storrington Road, Thakeham.

66. The HDPF housing targets are now inconsistent with the standard method required by the Framework. The under delivery against the HDT and current undersupply of housing land deems these related policies out of date under the terms of the Framework in any case. The TNP is also over five years old and no longer benefits from the protection of paragraph 14 of the Framework. Accordingly, Policy 3 of the TNP attracts reduced weight, as too do the specific aspects of policies 2, 3 and 4 of the HDPF that seek to constrain development specifically in relation to BUABs, policy allocations and a rigid spatial strategy.

67. However, the Framework requires, in paragraph 110, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, taking into account the differences between urban and rural locations. Policy 40 of the HDPF promotes this approach and therefore attracts full weight. Policies 3 and 4 of the HDPF also advocate that development should be appropriate in terms of scale and function to the settlement to which it would adjoin. These aspects are relevant to how much people need to travel and what transport modes are, or can be made available to them and are fundamental principles of sustainable development, seeking to ensure developments are of an appropriate scale, type and location. Accordingly, Policies 2, 3 and 4 of the HDPF are still capable of attracting moderate weight. Given my findings, these conflicts and the associated harms weigh substantially against the proposal.

78. Under Framework paragraph 11 d) ii), consideration must be given to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Having given due regard to these matters, in particular the need to direct development to sustainable locations, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the totality of the benefits outlined above.

79. Taking account of the above and the other points advanced in favour of the scheme, there are no considerations of such weight that indicate that a decision should be taken other than in accordance with the development plan, when taken as a whole.

There are other numerous other examples of planning appeal inspectors rejecting appeals by developers against refusals of development permission by local authorities in Sussex and beyond with housing land supply shortfalls. Sussex examples include APP/C1435/W/23/3331659 (Wealden DC re a site in Ninfield), APP/L3815/W/24/3344663 (Chichester DC re Crouchlands Farm, Plaistow) and APP/Z3825/W/21/3281657 (Horsham DC re a site in Pulborough)

(ii) Infrastructure non-deliverability

The preamble to your current District Plan policy DP20 makes the very sensible point that "A strategic objective of the District Plan is to ensure that development is accompanied by the necessary infrastructure to ensure that it is adequately served without overstressing existing infrastructure and putting an unacceptable strain on the environment; and to create sustainable communities".

The Ansty sites are unallocated, undeveloped, sensitively located greenfield sites. There is no infrastructure delivery plan covering the sites as the prospect of developing them is not addressed in your Council's Infrastructure Delivery Plan.

This major scheme would therefore involve development of a major unallocated site for which neither your Council nor any utility providers have made any preparations, or costed up, for the delivery of any of the essential infrastructure services that would need to be in place before the homes and other proposed facilities buildings could be occupied. Neither the applicant nor your Council controls the deliverability or timing of core required infrastructure. How can the site possibly be a sustainable one when there is no planned or assured mechanism to deliver successfully the basis utilities needed in any building development?

Take, for instance, the supply of fresh water and foul water removal. In Southern Water's December 2023 response they say (emphases added):

*"The wastewater discharged from the proposed development will be drained to Southern Water's Newbury Cuckfield and Ansty Wastewater Treatment Works. **The works currently does not have the capacity to accommodate flows from the proposed development.** Where development has been identified and allocated for future development by the Local Planning Authority, Southern Water will attempt to ensure capacity is available. The occupation of the development is required to be deferred until adequate capacity is available to serve the development. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: Occupation of the development should only be permitted when the Local Planning Authority is satisfied that, in consultation with Southern Water, adequate wastewater treatment facilities exist to effectively drain the development.*

*Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. **This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network.** Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water."*

Southern Water's investment map suggests that no upgrade work to their Newbury Cuckfield and Ansty Wastewater Treatment Works is envisaged until some time in the 2030s. We also note their advice on the need for a Grampian condition to ensure that occupation of the development is deferred until adequate capacity is available to serve the development, which implies that no new homes could be delivered before the mid to late 2030s.

The concerns over the deliverability and timing in relation to other basic infrastructure – energy, transport, sustainable travel, healthcare, education (including the proposed SEND school) - create similar major unplanned-for uncertainties.

These infrastructure uncertainties fundamentally undermine the credibility of this application as one that will deliver the housing and other benefits within a credible time frame, if at all. It seems inconceivable to CPRESx that this application could assist in resolving the District's current 5 year housing land supply deficit or enhance its housing delivery target.

(iii) **Environmental damage**

The level of unmitigatable environmental harm that this development would cause provides further grist to the already strong case that, overall, the applications would have such obviously significant adverse impacts as to rebut the presumption that they could be sustainable. We address here environmental harms under the headings of landscape impacts, ecological damage and absence of net biodiversity benefit, and heritage impacts.

Landscape impacts: The main site proposed for housing and other development is currently a greenfield site of real ecological, natural capital, landscape and agricultural value, including over 33 acres of best and most versatile soil. Your landscape consultants rightly describe the site as representative of the local landscape's character, and point out that the *"topography in which the proposals are located increases the overall impact of them"*. The sensitivity of the overall development location is further increased by the presence of the High Weald Natural Landscape whose setting will be impacted by the scheme proposed.

Place Services, your landscape consultant, took a witheringly dismissive view of the applicant's LVIA and has recommended that the applications be refused on landscape and visual impact grounds. They comment that *"The [applicant's] LVIA states that the key characteristics of this LCA would not be altered. However, all other key characteristics within this LCA, such as the large and assart fields, the confined rural intimacy, the perceived naturalness, tranquillity and long views have all been neglected as considerations within this judgement. The judgements of magnitude and significance appear to look only at the effects of the development on landscape character at a county scale so do not reflect the adverse effects on countywide characteristics at a Site scale. We therefore judge that the **low** magnitude of effect and **moderate-minor** significance of effects judged do not reflect the significant landscape effects at a Site level."*, and that *"The zone of visual influence is much wider than the selection of views [in the applicant's LVIA such that] generally, the value of the view to residents is undervalued at many viewpoints"*

Their conclusion is that *"Our judgement is that the development as proposed would result in the irreversible change to part of a landscape that is considered important at both a National and European level for its intimate, agricultural character, tranquillity and beauty. It adjoins and sits within the setting of a National Landscape. The effect would be significant adverse effects on the immediate Site and its setting and to create the perception of coalescence between Ansty and Cuckfield. The effects on the National Landscape and its setting are not yet fully assessed. Errors and omissions in the approach to the assessment underplay the effect on the landscape and its function. Mitigation of visual effects rely heavily on the intrinsic character and features of the unspoiled landscape which is currently maintained."*

You have received separate advice to similar effect that landscape impacts would justify refusal of the applications from your Conservation Officer (8 March 2024), who concludes that *"the proposal would have a fundamental impact on the rural character of the site, which would be transformed into an extensive suburban enclave, with all the associated built form, hard landscaping, and increased activity (including vehicle movements), noise and light levels. The existing tranquil rural character of the area would be lost."*

It is most unfortunate that you appear to have no advice from the High Weald National Landscape Unit on the potential impact of this major development, part of which lies within, and the rest adjacent to, the High Weald National Landscape, on its natural landscape beauty, on its Management Plan and on its setting. Repurposing the natural area within the national landscape, and the visual or other harm caused by obtrusive development on its boundary, could well be incompatible with your new statutory responsibility to further the purposes of its designation as a national landscape. It seems to us that there is a material risk of significant harm given the proximity of the site to the boundary, the inevitable visibility of the large new estate on its elevated topography highlighted by Place Services and the needless repurposing of the existing natural Beechy Bottom habitat. Bearing in mind your Conservation Officer's conclusions, there could also potentially be adverse effects on the High Weald's Management Plan's dark skies and tranquillity objectives.

We also remind you of the advice from the Sussex Wildlife Trust (20 December 2023) of the risk of harm to the Great Wood & Copyhold Hangar Local Wildlife Site.

Ecological harm and absence of net biodiversity benefit: Whilst the 2023 applications pre-date the coming into force of the mandatory 10% biodiversity net gain (BNG) requirements measured by the standard DEFRA Biodiversity Metric methodology, the applications proceed on the promise that an overall 10% BNG will be achieved by reference to that methodology. So the applications should therefore be assessed on that premise. In any event it is a long standing NPPF requirement that approved developments should produce ecological enhancement as one of the three pillars making development sustainable.

The applicant has made the important concession that its planned development of the main site (DM/23/2866) will cause biodiversity harm, and that its claim that its project will achieve an overall 10%+ BNG depends on establishing sufficient compensating gain through ecological enhancements on its separate Beechy Bottom site (DM/23/2867).

It is CPRESx's view that the applicant's proposals in its DM/23/2867 application fail by a long way to demonstrate that repurposing the hitherto unspoilt Beechy Bottom landscape into a parkland reserve has any beneficial purpose or will deliver any BNG, yet alone sufficient BNG to compensate for the significant ecological harm that their proposed main site development would cause.

We explain how we have reached our view on application DM/23/2867 in detail in the appendix to this letter. Our appendix also raises concerns about the long term funding of the development proposed in that application.

Heritage impacts: We have noted your Conservation Officer's 8 March 2024 advice that *"The proposed development would result in a fundamental impact on the currently rural character of a large area of land to the south of Cuckfield village, affecting the settings of a wide range of designated and non-designated heritage assets."* That advice has to be read in the context of the great weight which should be given pursuant to NPPF paras 205 and 208 to the conservation of all the assets identified in the Officer's report as well as the higher grade of listing of some of the designated assets affected.

Conclusion

Your Council has a duty to maintain a current local plan, to deliver enough homes to meet its imposed standard method quota and to have a 5 year housing land supply. Your Council is in difficulty on those issues. The Government's December 2024 Housing Delivery Test Results Report confirms that your Council comfortably met its 2023 delivery requirement; but the 2024 delivery position may be different given the higher delivery target that your Council now faces.

But delivering on those responsibilities does not impose an obligation on your Council to approve any and every development application that comes across your desk irrespective of its merits. There is still a balanced planning judgement to be made. The NPPF explicitly empowers your Council to reject an application that fails to offer development that is sustainable and whose adverse impacts in your collective and objective judgement significantly and demonstrably outweigh its new housing and other benefits considered overall in the context of national and local planning policy. Planning decisions should be plan led, and whilst your current District Plan's housing target policy is now out of date, other policies in that plan remain consistent with national policy and should be given due weight.

The multiple and obvious adverse impacts of the current applications, viewed in the context of applicable planning policy and its wholly unsuitable location, are patently significant in aggregation (and in some cases individually). Moreover, and significantly, infrastructure considerations mean that approval of the application would do nothing to deliver an increased housing supply within a decade or more, and so do nothing to alleviate the Council's current difficulties. Your Council has other options to boost its housing land supply.

It is for your Council to reach an objective judgement whether those adverse impacts and other factors which are so substantially contrary to your District Plan and national planning policy taken as a whole are such as to override in this instance the applicable NPPF para 11d) presumption of sustainable development. For all the reasons set out in this submission, we believe there are more than ample rational grounds to conclude that the adverse impacts of these applications decisively outweigh its benefits considered in the context of the District's development plan taken as a whole, that the NPPF para 11 presumption of sustainability does not override that conclusion, and that the planning applications should therefore be rejected.

If that is also your view, the planning authority should reject these applications, and we would expect any appeal inspector to respect your decision, as the Bellway Homes appeal decision and other planning appeals cited above demonstrate. CPRESx would support a decision on your part to turn down both these unsustainable applications.

Yours sincerely,



on behalf of CPRE Sussex, the Sussex countryside charity

Please see appendix below

Appendix – Detailed submission on issues specific to planning application DM/23/2867

DM/23/2867 Change of use of farmland and woodland to parkland reserve to include public access and instigation of long-term management and rewilding regime, including establishment of pedestrian and cycle tracks, with new pedestrian and cycle access points off Cuckfield Road to the south and Staplefield Road to the north. Proposals to include the addition of two wooden viewing platforms and two hides. Sports pitches at Beech Farm Field to remain in sports use.

The following comments, which are specific to, planning application DM/23/2867 involving the creation of the so called “Beechy Bottom Parkland Reserve” should be read in conjunction with the letter addressing applications DM/23/2866 and DM/23/2867 to which this is an appendix, and to our submission dated 28 December 2024.

The applicant, Fairfax Developments Ltd, has made it expressly clear that the development proposed in this application DM/23/2867 will not proceed unless it is permitted to develop what it calls the “Ansty Garden Community” scheme proposed in application DM/23/2866. The two schemes are necessarily inter-connected by the applicant’s need to try to demonstrate via its parkland reserve idea that its housing development scheme will deliver sufficient biodiversity net gain to justify its approval, which it cannot otherwise do. Given that representation by the applicant, it would not be appropriate for the Council to approve this application if it rejects the Ansty Garden Community application DM/23/2866, as we say that it should.

In any event, we continue strongly to oppose both planning applications as being contrary to the Council’s District Plan, to national planning policy and to the fundamental planning principle that new development must be sustainable and provide biodiversity gain across the two sites as a whole.

The “Beechy Bottom Parkland Reserve” scheme to create a public Knepp-style re-wilding park within the boundary of the High Weald National Landscape for the benefit of the local community is a cynical use-all-the-right-words façade that is undeliverable in the terms in which it is proposed and would not deliver either the promised BNG or a valuable community asset.

We draw your attention to the following:

1. In biodiversity net gain terms, the submitted Biodiversity Impact Calculation submitted with this application is valueless as evidence. It is contentious in itself; but more fundamentally it is holed below the waterline because (i) it only addresses the claimed biodiversity impact of this one site, and (ii) it is based on an earlier iteration of the applicant’s plans, not the final version. It therefore provides no useful information to assist the determination of the two interconnected planning applications. Only a holistic BNG assessment (applying the DEFRA metric version 4 tool) that is based on current plans for the two sites and that aggregates objectively the biodiversity impact across the two sites would enable your Council to address the schemes’ environmental implications in terms of your Plan policies. The applicant has not provided that necessary assessment, so it has not been independently assessed.

2. Beechy Bottom has always been a greenfield area of unspoilt mixed woodland and farmland with considerable, but formally unassessed, biodiversity to which the public has access via the bridleway and other PROWs across the site. The applicant has provided fine words, but no evidential support, for its claim for re-purposing the area will protect and further improve its biodiversity, yet alone to the extent needed to deliver a 10% net BNG across both the Beechy Bottom site and the development site, the extent of whose ecological degradation is unmeasured. It is far more likely that the works necessary to turn the area into a re-wilded deer park and the artificial introduction of new, different species into the area will disrupt and reduce biodiversity, not increase it. You don't have the robust evidence required to demonstrate that the development scheme applied for (even if it could be delivered, which we doubt) would provide the level of BNG claimed by the applicant, or needed in terms of planning policy to justify approving the application.
3. Nor, importantly, do you have any expert advice available to you from the High Weald National Landscape Planning Advisory Unit as to the impact of this landscape repurposing scheme on the purposes for which the High Weald was designated or on its Management Plan. This is a crucial lacuna in the evidence needed to determine this application.
4. The Management Plan and Stewardship Plan, whose purpose is to deliver the applicant's Knepp-style re-wilding Vision for the site, are undeliverable in reality. We refer you to the 9th January and 11th December 2024 letters that you have received from Sir Charles Burrell, Bt, the owner of the Knepp estate. This letter gives the lie to the idea that a copycat scheme to Knepp could be delivered in Cuckfield, and gives a reasoned explanation from all his hands-on Knepp experience of the many flaws in Fairfax's vision and the way it is proposed to deliver it. Fairfax's claims to be aiming to using the parkland to attract corn bunting, grey partridge etc may sound beguiling but, as Sir Charles points out, those claims have no foundation in reality as the habitats that they occupy are completely different. The potential for imported species adversely to impact the existing ecology of Beechy Bottom is nowhere addressed. In any case the Beechy Bottom parkland area is far too small to be able to deliver the sort of scheme for which the applicant wishes to design it. Fairfax's other seductive claims for their project should be treated with equal scepticism. Fairfax's latest additional submissions do nothing to address any of the points that Sir Charles with all his world-leading expertise and hands-on Knepp experience has made.
5. The applicant claims that the area will provide a "local recreation facility" open to the local community and others. This is a seriously misleading claim, not least because people will be fenced off from, and denied access to, up to two thirds of the site.⁶ The recently filed site plan shows that in the largest area south of the dog walking area, all paths and bridleways will be fenced off on both sides by high deer or stock fencing, so that people will be confined within those paths

⁶ Chapter 7 of the Management Plan contradicts site plan when it says that there will only be denial of access along the eastern side of the walking paths during the bird breeding season (March to August) for the protection of the ground-nesting birds that the re-wilding scheme hopelessly expects to attract to nest there.

(including the High Weald Landscape Trail, a public bridleway) with no open access to either the woodland or open areas. This extensive high fencing would significantly limit visitors' enjoyment of the openness of the land, and is inimical to the purposes for which national landscapes exist. The more, and the more obtrusive, the fencing, the greater the offence.

6. The health and safety implications of the proposals have also not been properly addressed. There is no safety analysis submitted. As the proposals stand they create a significant health and safety risk:
 - Sir Charles Burrell has warned that the stock fencing proposed will not work to contain some of the animals that the applicant wants to introduce onto the site. There is therefore a significant risk of animals escaping the restricted area and becoming a danger to the public;
 - It appears that some walking areas will not be hard surfaced. If that is so, the paths concerned will inevitably become very muddy and slippery in winter and other wet weather, which is a hazard as well as being uninviting to those the parkland is supposed to attract;
 - There is no information as to whether public access would be denied after dark and, if so, how it would be achieved and enforced. No lighting scheme along the cycleway or elsewhere (other than for the playing pitches) is mentioned.
7. The Management Plan boasts of the creation within the reserve of an “educational hub to involve the local schools and community groups”. There is no information or facility within the application to support this boast, or to explain what it would comprise. Is this to be anything more than an empty viewing hide designed to overlook the restricted area?
8. The viewing hides needs further explanation. The only description of one of them is in the form of a diagram in the Technical Detail Report where it is shown as barely big enough for one person to sit and another person to stand behind. If it is to be of use for educational or public viewing purposes it will need to be of sufficient size to accommodate a class of children and their teacher(s). As it is not proposed to site either hide near water or in woodland, there would not be a lot to view. As proposed, it would be a very limited-value asset indeed.
9. We do not have a view on the implications of the proposed additional sports pitches in the northern area of the site. Their proposed provision would do nothing to enhance the area's biodiversity - the main purpose underlying the application - and would not justify the application when weighed against the adverse impacts and uncertainties summarised here.
10. Whilst it is being sold to you and us as a community asset, that is not the reality of the proposal. The governance arrangements proposed in the Stewardship Plan would not, as we would have expected, include the transfer of the ownership of the site from Fairfax to the Charitable Trust that they suggest would manage the facility, and would give local people no automatic right to participate in its management or stewardship. The applicant would continue to own the land and to control its management through their control of the Trust. The endowment they envisage for the site's management would therefore involve no more than the transfer of funds from Fairfax's

right trouser pocket to their left trouser pocket. That is not a model of governance that your Council should countenance. It would be a recipe for future friction between Fairfax and the communities of Ansty and Cuckfield.

11. The financial analysis is opaque, information is missing and it is not possible to verify or properly critique the funding calculations. For example:

- It is not possible to ascertain the build-up of the overall cost number of £344k pa in para 8.2 of the Stewardship Plan;
- Para 8.3 makes reference to a “funding model” - but the structure and calculations in this model are not presented;
- Para 8.4 provides illustrative results for an endowment of £7.5 million for 30 years and £15.3 million for 100 years. There is no single discount rate which satisfies both these results and so it is not clear how these calculations have been performed (see preceding bullet).

12. We are left with examining the financial assumptions and impact of the proposed governance arrangements and these are very revealing:

- Limiting the term to 30 or 100 years contradicts the purpose of the proposed Parkland Reserve. The planning statement states *“The proposals will protect and enhance the landscape through providing net gains for biodiversity, provide greater area for and formally authorised public access to part of the local landscape that is recognised as having scenic beauty, and above all protect the landscape in perpetuity (emphasis added) by becoming a Parkland Reserve”*
- The proposals create a liability each year, possibly of the order of £344 pa. in perpetuity and these are proposed to be met largely by some form of lump-sum endowment which would fund the liabilities in perpetuity. However, the financial modelling assumptions do not appear to deal with a number of important risks and costs which could have a severe negative impact on the entity managing the Parkland Reserve, for example:
 - Impact of uninsured events (e.g. harm to a person through negligence)
 - Emergency and remedial works in response to natural disasters (storms, flood, pestilence etc) or other man-made events
 - Responses to changes in environmental and other legislation
 - Inadequate fund management / investment performance
 - Incorrect assumptions about future macro-economic conditions
- Some possible income streams are suggested including charging for car-parking, having a drinks van and or a newbuild cafe. These are pure speculation and highly unlikely - especially given free nearby parking, other facilities at Cuckfield Rugby Club and Golf Course and also AONB restrictions.
- We note that there is an income stream already baked-in of some £12k pa from pitch rental. This directly contradicts the planning statement which states *“The proposals will result in Beech Farm Field in the north of the site being gifted to the Cuckfield Cosmos football club, ensuring that they are in control of their own site and ensuring their continued presence as a community asset”*

- The long-term resilience of the entity which manages the Parkland Reserve must therefore be assessed purely on the quantum of the endowment and the ability of the entity to manage that endowment fund properly. There do not appear to be any other assets or income streams to draw upon.
- The assumptions appear to provide for an annual contingency of £1.8k, which corresponds to a capital sum around £50,000 (at rate of 3.5%) – which appears totally inadequate to meet any number of unexpected events in the future.
- It appears that it is proposed that some software will be used to manage the endowment fund and this will achieve a premium return over the (fixed assumed) base rate. There is no description of who would manage the endowment fund and the management costs associated with the oversight. Solvency of the Trust is a fundamental fiduciary duty of the Directors of the entity managing the Parkland Reserve.
- The Governance arrangements propose the setting up of a Trust or Charitable organisation to manage the Parkland Reserve. There appears to be no guarantee of the continued solvency and existence of the Trust. It is of considerable concern that the document contemplates, on a number of occasions, that there could be events which cause the failure of the Trust. How will the landscape be protected in perpetuity if this were to occur? There is no mention of any other long-term developer/land-owner contributions in the event of failure. It appears that the Trust will be set up in full recognition that it may well fail. Common sense shows that the proposals are inadequate and that it will be unable to survive in perpetuity.

13. It is plain that the so-called Vision on which the applicant's Management and Stewardship Plans are based is so flawed and there are significant defects in the way that the quantification by Fairfax of the required endowment has been assessed. As a result there is no independently assessed advice available to your Council as to the real cost of managing the area involved over a 30 year or longer period; nor of the amount of the financial endowment needed to ensure that it is properly managed and that the intended biodiversity, community and other benefits are delivered. This is a major cause for concern.

14. Given that delivery the biodiversity benefit of the Knepp-style re-wilding scheme proposed by the applicant is far-fetched, what would the site look like in coming years if their planning application were permitted? The minimum intervention management proposals suggest that the site will over time revert to unmanaged scrubland with a cycle path running through it and an aging bird hut, with Fairfax as continuing landowner having no incentive to do anything about it, having banked its profit from building the 1,450 new houses it wants you to approve at Ansty. That would provide no biodiversity or community benefit. It would represent the worst of all worlds.