

From: Ian Hann <Ian.Hann@mccarthyandstone.co.uk>
Sent: 17 June 2026 12:56:42 UTC+01:00
To: "Joanne Fisher" <Joanne.Fisher@midsussex.gov.uk>
Subject: RE: DM/26/0679 - Site of Former Maxwelton House
Attachments: FVA Rebuttal AK 150626.pdf, Haywards Heath 110626.pdf

Dear Joanne,

Further to the above matter please find attached a viability rebuttal as prepared by our clients consultant Alder King. My client and I are grateful for the opportunity to present this to you following our most recent correspondence.

As you will see the main headlines from this appraisal are as follows:

- The profit level is being maintained as per the original assessment, which is in line and has been previously accepted for retirement developments in multiple appeals as referenced, and importantly, by DSP elsewhere in the country.
- Construction costs and professional fees have been amended so that professional fees are consistent with those contained within the DSP assessment and standard construction costs have been updated in-line with the current estimations.
- Where DSP made no allowance for any comprehensive BLV calculation, Alder King have looked to the latest area-wide testing (which assumes a minimum of £2,500,000 per hectare, plus a 20% premium for previously developed land). Applying this approach, as can be seen within the Alder King report, produces a BLV of £1,800,000. It should also be noted that within the DSP report, they referenced that the previous extant permission potentially forms a suitable AUV. This has been considered but the figures on this basis also do not work and it is considered that any developer with the benefit of this consent would seek to amend it accordingly.

Unfortunately, the above moves still result in a deficit of -£142,259, further underlining the difficult issues around viability on this site.

However, my client is fully aware that the provision of affordable housing is an important issue to the Council and its Members, while there is also an unmet need to deliver older persons housing, for which there is a critical national shortage. Having put much time, effort and funds into getting the consent and to the current stage that the development has taken on site, they are keen to do whatever they reasonably can do to ensure that this project is delivered and realises the benefits to Haywards Heath that such a development can deliver.

With that in mind my client is willing to make a commercially expedient offer to the Council for an amended affordable housing figure. The attached report has undertaken a sensitivity test of the BLV dropping it down from the Alder King calculated level (at £1,800,000) to the DSP suggestion at paragraph 4.1.5 of their report (at £1,000,000), the surplus generated when assessing the scheme at 20% profit on GDV, would equate to c. £657,741. While my client does not accept this position with regards to BLV they would be willing to offer £658,000 for an affordable housing contribution on a strictly without prejudice basis. This will allow the Council to receive a large receipt towards affordable housing while allowing enough financial incentive to allow the development to be completed beyond slab level in the current economic climate. To reiterate the message of our early correspondence on this matter, without such incentive, the deliverability of this scheme is at extreme risk and may not continue beyond slab level.

I trust that this offer is taken in the spirit it is made and finds appropriate agreement.

I look forward to hearing from you.

Kind regards

Ian

Ian Hann

Principal Planning Associate

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m: 07580 388223

e: Ian.Hann@theplanningbureau.ltd.uk

From: Ian Hann

Sent: 08 June 2026 18:58

To: 'Joanne Fisher' <Joanne.Fisher@midsussex.gov.uk>

Subject: RE: DM/26/0679 - Site of Former Maxwelton House

Dear Joanne

Many thanks for your email.

I hope to have this rebuttal with you within the next 10 days.

Regards

Ian

Ian Hann

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e: lan.hann@theplanningbureau.ltd.uk

From: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>

Sent: 08 June 2026 16:45

To: Ian Hann <lan.hann@mccarthyandstone.co.uk>

Subject: RE: DM/26/0679 - Site of Former Maxwellton House

Dear Ian,

I note your email. If you wish to provide a rebuttal for the Councils Viability Consultant to review prior to a decision being made on the deed of variation, this would be at a further charge.

However, a deed of variation is not a matter where negotiation can be undertaken to agree a middle ground. It should be whether based on the information submitted that it is agreed that the affordable housing contribution renders the development unviable and therefore prevents the scheme from being delivered. Based on the response from the Councils Viability Consultant on the information provided to date, this is not the case. As you say to accept consideration of a DoV for this site is at the Councils discretion, and the Council are able to disagree with the information that you have provided.

If you do wish to provide me with a rebuttal, please can you provide me with a timescale on when this will be provided. Once this is received, I will get a quote on the review of this.

Kind regards

Joanne

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From: Ian Hann <Ian.Hann@mccarthyandstone.co.uk>
Sent: 04 June 2026 15:53
To: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Cc: Simon Broomfield <Simon.Broomfield@mccarthyandstone.co.uk>
Subject: RE: DM/26/0679 - Site of Former Maxwellton House

Dear Joanne

Thank you for your email.

While noting your comments we have today received an initial assessment of the DSP review, and while further work is being undertaken, it is considered that the review doesn't appreciate the fact this isn't an application stage review. At no point does the review reference the MSDC Development Viability SPD (July 2018) and the fact we're applying an "open book" approach for this assessment given the ability to vary the s.106 is at the LPA's discretion.

Furthermore, the point on profit is contrary to other reviews carried out by DSP where 20% profit is considered acceptable and the DSP report includes no allowance for any BLV which isn't in-line with viability testing requirements and any BLV in excess of £584k, would indicate that the scheme is unviable.

It is considered that these matters need to be properly addressed before an informed conclusion can be reached and it appears most irregular that we don't get any right of review/comment for a service we have paid for there. There is a confidence that a middle ground can be found where some payment may be possible to allow the scheme for much needed affordable housing to come forward within the district.

Kind regards

Ian

Ian Hann

Principal Planning Associate

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e: Ian.Hann@theplanningbureau.ltd.uk

From: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Sent: 04 June 2026 14:17
To: Ian Hann <ian.Hann@mccarthyandstone.co.uk>
Subject: RE: DM/26/0679 - Site of Former Maxwellton House

Dear Ian,

Thank you for your email.

Due to the nature of the application and the Council's Viability Consultants review where it has been found that the scheme is still viable and that the affordable housing contribution can still be provided.

The Council will therefore not enter into further discussions or negotiations based on the evidence provided and as such the application will be determined as submitted.

I appreciate that the above is disappointing, however I trust it sets the planning position.

Kind regards

Joanne

Joanne Fisher BSc (Hons), MATP, MRTPI
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From: Ian Hann <ian.Hann@mccarthyandstone.co.uk>
Sent: 01 June 2026 17:00
To: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>
Subject: RE: DM/26/0679 - Site of Former Maxwellton House

Dear Joanne

Many thanks for your email.

At this time my client would appreciate the opportunity to discuss the findings of the viability report of the Council's consultant as there may be some points there are able to find agreement on which may narrow the issues between the parties.

As such I hope to be able to come back to you shortly, once I have instructions from my client, to see if there is any compromise which can be reached.

Kind regards

Ian

Ian Hann

Principal Planning Associate

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e: Ian.Hann@theplanningbureau.ltd.uk

From: Joanne Fisher <Joanne.Fisher@midsussex.gov.uk>

Sent: 01 June 2026 12:30

To: Ian Hann <Ian.Hann@mccarthyandstone.co.uk>

Subject: DM/26/0679 - Site of Former Maxwelton House

Dear Ian,

I refer to the above application currently under consideration.

I have now received the viability appraisal from the Council's Viability Consultant and the accompanying response from the Council's Principal Housing Enabling Officer. I have attached these for your information, and they are also saved to the online file.

The Council's Viability Consultant has reviewed the Financial Viability Assessment by Alder King dated March 2026 and has concluded that they are unable to agree with the stated position that the scheme will not support contributions to S106 and affordable housing. They do not consider the BLV or the submitted costs to be fully justified. Therefore, it is considered that the scheme is still considered to be viable with the full affordable housing contribution.

Considering this, the Council would be unable to support the modification of the legal agreement to remove the affordable housing contribution.

I appreciate that the above is disappointing, however I trust it sets the planning position.

Kind regards

Joanne

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