

## DM/25/2661 Land At Coombe Farm London Road Sayers Common West Sussex

**Outline planning application (with all matters reserved except for access) comprising a residential development of up to 210 dwellings (Use Class C3); with associated access; landscaping; amenity space; drainage and associated works.**

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**Introduction**

The site of the above proposal for a housing estate development, as it is laid out in its documentation and proposal, is not suitable or sustainable for development in Sayers Common. It is not the best of use of land and its benefits do not outweigh the impact and harm to the Ancient Woodland. As such it does not provide firm grounds for departing from national policy in paragraph 11d(i) of the National Planning Policy Framework

The applicant has based their assumption that the site is sustainable on supporting evidence which includes non made policies and documentation. This includes extensive references to the Draft Sussex District Plan 2021-2039, and hypothetical speculative developments in Sayers Common which that plan mentions. Such supporting evidence does not have the standing or weight, because of the current status of the Draft Plan, which would allow it to be taken into account as material considerations at this point in time.

This application is for a site outside of the current MSDC development plan and does not comply with the three objectives for sustainable development, as laid out in NPPF point 8a, (economic objective), 8b (social objective), 8c (environmental objective). It also does not comply with DP6 Settlement Hierarchy.

**The Process for Decisions**

**Basis of Planning Decisions**

Outline Planning decisions should only be based on the existing legally made legislation and policy, and infrastructure that actually exists at that decision time of or for which legal permission has already been granted.

The decision must be based only on the merits of the specific planning application being put before the local authority. It should not be based on speculative or hypothetical future scenarios as these cannot be considered material considerations.

### **Material Considerations of Policies**

The proposed Mid Sussex District Plan 2021-2039 was fatally halted by the Planning Inspectorate due to MSDC failure to meet Duty to Cooperate (DtC) requirements

The Planning Inspector had agreed to a further hearing in January 2026 because MSDC had advised them that believed that *“the activities carried out and the outcomes impacting the content of the Plan could have been better presented to you.”* Now a new Planning Inspector has been appointed but any change to the status and situation of the halted plan is unknown at this time and is not guaranteed and cannot be pre-empted. Therefore at this point in time it still cannot be taken as a material consideration in the decision of this planning application.

The proposed Draft Mid Sussex District Plan 2021-2039 therefore at this time is still halted has not been made. The policies it contains cannot be taken into account when assessing this application. This includes the proposed allocated site policies DPSC3-DPSC7 which formed part of that draft plan.

MSDC is issuing Planning Policy Position Statements to act as guidance to developers operating in Mid Sussex, local communities and members of the Planning Committees. They are voluntary and outside the statutory planning framework. The council advised in its report to the Scrutiny Committee for Place and Environment Committee dated 26 November 2025 that *“They do not replace the policies of the adopted development plan (comprising the adopted District Plan, Sites Allocation DPD and Neighbourhood Plans) and cannot be used to replicate the content of the Submission Draft District Plan.”*

As they are for guidance only, they are outweighed as a material considerations by the NPPF and existing adopted plan policies and legislation.

### **Allocated (Preferred) Sites**

MSDC in their Policy Statements now wish to refer to the proposed allocated sites in the MSDC Draft District Plan 2021-2039 as *“Council’s Preferred Sites”* However, such sites have not been subject to examination by the Planning Inspectorate and are policies taken from the halted Draft District Plan 2021-2039. They therefore have no official planning or legal status.

The applicant makes the assumption that because the site was a proposed allocated site in the draft District Plan then it must automatically be assumed to be a suitable sustainable site for development and meet outline planning requirements. They also make the assumption they can rely on other sites, particularly Land to the South of Reeds Lane, proposed in the draft plan to give them sustainability even though none of those sites have planning permission at the time of their application. However, neither this site or any other proposed allocated sites in the Draft plan, nor MSDC’s own Site Allocation Process were examined by the Planning Inspector before the examination was halted. Its suitability as a sustainable development site has therefore not been officially made or confirmed and it therefore has no pre status as such in this application.

The MSDC Site Allocation process based its assumptions on a far narrower set of criteria and requirement for evidence than that which is required for recommending outline planning permission. What they therefore considered for awarding site suitability status was more generalised, required less supporting evidence and detail, and therefore was ultimately less robust. As a result, the planning issues with regards to this site were either not identified by them or not looked at in the necessary detail which is required by the NPPF and other legislation for outline planning permission.

MSDC decision to make it a preferred site therefore cannot be taken as robust for and has not been based on sufficient enough detailed evidence which is required for Outline Planning decisions.

### **Statement of Common Ground**

The application refers to a Statement of Common Ground (SOCG) between various companies considering development in Sayers Common. This SOCG was dependant on all of the parties gaining automatic planning permission as allocated sites in a made Mid Sussex District Plan 2021-2039, but this has not happened.

The SOCG is not binding as it clearly stated in its paragraph 1.4 *“this SOCG is not binding on any party”*

This document is therefore speculative and hypothetical and is not legally made planning policy or a binding agreement. It therefore cannot be considered a material consideration which has weight in respect of this planning application.

There is also mention of a joint Indicative Framework Masterplan which was drawn up by companies as part of the Mid Sussex District Plan 2021-2039, also dependant on all of them gaining automatic planning permission as allocated sites. Again, it is a

speculative and hypothetical non binding agreement and not legally made planning policy. It should also therefore not be considered a material consideration which has weight in respect of this planning application.

### **Consideration of Evidence**

Mid Sussex District Council must assess this application for a housing estate development only on what the applicant themselves are proposing and have detailed in their current application. The council cannot speculate on how any other different speculative ,hypothetical future developments could alter the situation.

Any references in this application to other speculative developments which were allocated sites in the Draft Plan cannot be taken into consideration as material considerations or given weight unless they have received planning permission.

The mention and reliance on these other speculative sites in the documentation supplied by the applicant, including the planning statement, is therefore misleading and incorrect. Only the parts of their documentation that do not refer to or rely on these should therefore be taken into consideration in this application.

### **The Lack of sustainability of the site**

#### **Determining sustainability**

The NPPF is based on “*The presumption in favour of sustainable development.*” NPPF 83 also advises “*that To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*”

It is noted that the applicant is relying on infrastructure that another developer elsewhere may or may not provide in the future to validate that their own site is sustainable. This other infrastructure is hypothetical and speculative so should not be considered to have weight in determining this application. Sustainability should only be based on what infrastructure the applicant themselves is individually proposing to provide in their application and what is already in existence.

### **Lack of new employment opportunities in Sayers Common**

The applicant is not proposing to provide any land for the purposes of new employment opportunities, either retail, commercial, or social activity, within their site or in the village of Sayers Common.

It advises that it will only creation “*job opportunities, in both during construction and management stages.*” These, however, are either temporary and cease by the time the site is finished, or will be contracted out to companies outside the village with their own existing employees.

Existing employers in the village will not automatically increase their employment levels simply because 210 houses are built and their own existing jobs are already taken. The existence of such limited employment opportunities are noted by WSCC in their Highways response to this application.

Nearly all of the new residents will have to seek employment outside of the village. Because of this the development itself cannot be considered sustainable or add to the sustainability of the existing community and village with regards to employment opportunities. It would do the opposite and decrease the sustainability of the existing village with more people to compete for few job opportunities in the village and the increase the reliance on cars.

The development therefore does not meet MSDC DP 2014-2031 policy DP1: Sustainable Economic Development or DP6 Settlement Hierarchy or NPPF policies 11a, 77b, 83 or 88

### **Lack of new retail facilities in Sayers Common**

The applicant advises that there will be increased expenditure in the local community by future occupants of the scheme. However, in order to spend money in the local community there needs to be opportunities to do so and the applicant is not providing any land or buildings for new retail or spending opportunities.

The only existing shop in Sayers Common is a small high quality Community Shop owned and run by the villagers themselves. It is situated in the front part of Sayers Common Village Hall. Originally built to serve about 230 properties in the village it has had to expand its floorspace to accommodate the increased in stock needed for the further 175 houses built in the village since then. It cannot compete on prices with larger food suppliers.

It does not have the physical space to expand its stock further for the 210 new households resulting from this development. This makes it highly questionable that it would be able to serve these new residents as well as existing ones to the same level as now, and how much benefit it would actually be to those residents.



***The small existing Community Shop in Sayers Common in the front part of the village hall***

Similar issues apply to the one pub in the village which, though well thought of and used, also lacks space to expand, since the building of houses on its car park.

The new residents of the site would therefore have to look outside of the village to spend their money. This site would therefore not be sustainable and the sustainability of Sayers Common would decrease with more people trying to purchase the same goods with no corresponding increase in supply. It therefore does not meet NPPF policies 83 or 88a or MSDC DP14 or DP25

#### **Lack of Education Infrastructure**

West Sussex County Council have confirmed in their S106 document that

*"The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal."*

They advise that a financial contribution is required from the applicant for all levels of education from early years to six form, including SEND provision, which will be £3,762,441 at current costs. The amounts included for primary and secondary schools are actually for the pro rata funding of a new 525 place primary school and a 900 place secondary school. These funds in themselves would not be enough to fund the building of these new schools. The rest of the funding for such schools would have to come from other future developments in the area which might come forward.

At this time Outline planning permission has not yet been obtained for such other future developments nor has any land been obtained by WSCC for such schools so there is no signed agreement or certainty that any such schools would be built. The providing of any such schools could also take many years to build. There is the example of Bedelands Academy Secondary School in Burgess Hill (with a budget of £74 million) that was due to be delivered in 2027 but which has been postponed this year for at least two years without any building taken place. Therefore, such new schools can only be considered speculative and hypothetical and not a material consideration. Only the situation at the present of a lack of spare capacity in oversubscribed schools can be taken into account.

No evidence has been provided of how places for these children would be found in the local oversubscribed existing schools system. Existing schools do not have the physical room to build new classrooms to accommodate them without compromising existing standards of facilities or to even increase class sizes. Also, if the proposed funding for the new schools were instead used on existing ones it would not then be able to be used to build new schools so compromising and delaying their delivery. Either way the situation with regards to education would remain unsustainable and does not meet NPPF policies 100 or 101 nor MSDC policies DP20 or DP25.

#### **Lack of comprehensive Public transport - Bus Services**

Public transport is limited to two bus services that are each hourly during part of the day.

The 273 Metrobus service runs between Brighton and Crawley and its timetable is driven by those two places, and not the villages in between that it stops at. It was because of the demand from the populations in those two places that the timetable was recently updated to change from a 2 hourly to a 1 hourly service with also a new Sunday service.

The 100 Compass bus service runs fewer services between Burgess Hill and Horsham. It has no Sunday service and requires a subsidy from WSCC in order to be able to operate.

The building of 210 houses in Sayers Common would not be enough of an incentive to those companies to increase the frequency of either of these services.

WSCC is requesting that the applicant provides one £150.00 travel voucher per new household to be used for bus tickets to reduce the reliance on vehicles. This however would not go very far as most households would have more than one occupant

with a regular need to travel outside of the village. The current capped single journey fare price of £3.00 is at the moment only valid until March 2027. On their website Metrobus have published a list of what their fares would be without the cap. A single fare to Brighton would be £5.50 (£9.30 return) and a single fare to Crawley £4.80 (£9.10 return) which would mean a significant fare increase without a cap in place. A Travel Plan with incentives was provided for the recent 120 houses in the Sayers Meadow estate but there has not been any noticeable or evidenced increase in bus use by residents as a result of it.

Private vehicles give a flexibility of travel and comfort as the driver is in total control. With public transport the passenger is not in control and can only travel at the time, and to the stops, on the bus timetable. The last 100 bus from Burgess Hill leaves at 18:06pm. The journey time to Horsham is 2 hours 33mins when using the same 100 service. Frequently, there is a need to take a second bus to reach a destination such as the Princess Royal Hospital in Haywards Heath or the Royal Sussex hospital in Brighton. None of the different bus services are coordinated or connected. This lack of flexibility restricts where and when a person can work, shop or go anywhere out of the site and how long then are able to stay there.

Expectations of an improvement in numbers of bus passengers by residents of the proposed new estate is therefore not realistic nor sustainable.

It therefore does not meet NPPF policies 89 or 109d & e

#### **Lack of other essential infrastructure.**

The proposed new housing development would put an unsustainable strain on all other essential infrastructure that the existing residents would rely on. The applicant advises in point 7.87 that "*It is considered that the impact of the proposal on infrastructure can be mitigated through contributions.*" However it is not clear that such mitigation be appropriate would have any effect on reducing the impact to existing or new residents.

For example, in the case of DM22/2416 for 120 houses on Land to the South of Henfield Road in Albourne, the NHS in their consultation response stated that "*Additional population generated by this development will place an increased demand on existing primary healthcare services to the area and that without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area*" They therefore requested a financial contribution from the developer to improve local healthcare facilities. However instead of it going to Mid Sussex Healthcare, the practice whose catchment area the new development would be in, they stated that "*it will be used most likely towards supporting Silverdale practice / new site / site extension/growth,*" a practice whose catchment area all of the residents would have been outside of so unable to use.

Other infrastructure within and around the village such as the village hall and local library have reached the physical limits of their sites so can not expand further. It is only with the building of new infrastructure that sustainability for this site can be obtained but the applicant is not offering this.

On the question of affordable housing, the fact that the proposed site is not sustainable means that it is not the correct place for such housing to be built to the benefit of its occupants particularly the renting of social housing. In order to be able to keep their costs as low as possible and to allow for maximum flexibility of work such residents would need to have both infrastructure and employment opportunities close to them and flexible transport. This site does not allow that.

It is noted that in the latest development in Sayers Common, Land to the North of Lyndon Reeds Lane, that the applicant, under reference DM/24/2296, applied to change the tenure of affordable rent dwellings to shared ownership because as they stated "*no viable offers were received for the affordable housing scheme as approved.*" Thus the only affordable housing that it was possible to provide was for house purchase not rental. This is not viable for those requiring rented social housing which is the biggest requirement in the Mid Sussex District. It is therefore very sceptical that in the current housing environment that such needed rented housing could be successfully delivered by the proposed site at Coombe Farm.

It therefore does not meet NPPF policies 7, 77b, 129 or affordable housing policies and MSDC policies DP14, DP20 or DP31.

#### **Sustainability and 20 minute neighbourhoods**

The applicant highlights the concept of the '20-minute neighbourhood' as proof that theirs is a suitable sustainable site for development. This was also mentioned in the now halted Draft District Plan and which took the concept from The Town and County Planning Association (TACPA) 'Guide to 20-minute Neighbourhoods' document and was used by the council when deciding if a site was sustainable

The applicant and council base the concept of the 20-minute neighbourhood on a facility being within a one way 20 minute walk of their site but this not the correct meaning of the concept. The TACPA in their guide state in section 1.1 that their concept is based on "*Research undertaken in Australia shows that 20 minutes is the maximum time that people there are*

willing to walk to meet their daily needs, with Melbourne adopting the position that the 20-minute journey represents an 800metre walk from home to a destination, and back again (10 minutes each way)."

Thus when the applicant gives walking times to a destination they are only for the outward bound journey to a destination and do not include the return journey which is the correct meaning of the 20 minute concept. Thus what they describe as a 15 minute walk it should be stated as 30 minutes under the concept, and their 30 minutes instead becomes an hour. Residents do ultimately have to come home from their destinations.

There is also inconsistency in the timings which the applicant gives in their Planning statement. In point 2.4 of that report they give the timing as a walk to the village shop and hall as a 5 minute walk. In point 6.18. they state that "*The nearest active bus stop to the site is located at Sayers Common, School, which is approximately a fifteen-minute walk from the centre of the site.*" That bus is opposite the shop and village hall and they both are next door to the Old School building. When compared to the walking times given by Google maps, the 15 minute timing is the more realistic of the two for a one way journey. WSCC in their Highways Consultation to this application also advise that "*most facilities that any future residents would require would be beyond a walkable distance.*"

According to the TACPA concept, which the applicant is using to prove sustainability, a 20- minute neighbourhood must be "*Complete, Connected, Compact and Community led.*" To be considered complete the site would need to provide all the necessary everyday needs for the community within a 20 minute return walk. It does not meet that criteria. What infrastructure other suggested sites might or might not provide is speculative and hypothetical with no definite basis for delivery. They therefore cannot be given weight when discussing the sustainability of the application for this specific site.

West Sussex Highways in their consultation when considering alternatives to car use state "*it is generally accepted that options are limited based on the existing situation; inevitably there will be dependency on the private car for the majority of trips.*"

### **Sustainability Conclusions**

This proposed site for the housing estate is therefore not sustainable and cannot meet the NPPF criteria for sustainable development. It cannot be considered a suitable sustainable location for a new development consisting of a housing estate of 210 houses as it would be car reliant without realistic infrastructure that either does not exist or that the applicant themselves has not proposed to supply. Reliance on what other developers may or may not provide is speculation and cannot be taken as supporting the sustainability of the site.

### **Landscape and Use of Land.**

The proposed use for all of the land at this site to be used as a housing estate is not the best use of that land. It would be out of character with the landscape and lead to the irreplaceable loss of habitat. It would remove permanently the opportunity to expand, revitalise and bring together the three fragmented Ancient Woodlands.

### **Location**

This site sits outside of the built up boundary of Sayers Common and of the traditional southern boundary of the village, being Sayers Common Wood, which separates it from the built up area of the village.

The character of Sayers Common's village layout is linear north to south along the B2118, with highest amount and density of housing in its centre between the Old School House and the Duke of York Pub. That density decreases towards the edges of the village going towards its north and south boundaries.

This site of a 210 housing estate would not be compatible to the character of settlement in Sayers Common village. It would be the biggest housing estate in the village, larger than the existing estates of Sayers Meadow (120 houses) and Berrylands (96 houses). Whereas those estates sit in the centre of the village in its high density area, this new housing estate would be beyond the village boundary and located where any housing should be at its least dense (as can be seen by there being only 4 existing houses along the B2118 between that boundary and Albourne.)

It would therefore be out of character with the existing village settlement and the wider area and not meet NPPF policy 83 and MSDC policies DP3 and DP6.

### **Impact on the Landscape**

The site sits in the Low Weald landscape of the Mid Sussex District and is a typical example of it. This landscape is the most threatened from development type in the district and has suffered the greatest level of loss.

The Landscape Consultant, in their consultation response, has advised that “we judge that the Site and Immediate Context would be assessed as medium/high sensitivity, medium magnitude of change and major significance of effects. The proposed development would have a strongly adverse effects on the character of the site itself which is not represented using the landscape receptors identified.”

The applicant has advised that the site is secluded and can hardly be seen from locations outside of its boundaries. However, when making this judgement they appear to have based it on the view of it just being grass fields at ground level. They have not based it what the site would be like when it had a high density housing estate on it.

The site does not sit on flat ground but slopes upwards towards its highest point of elevation in the middle of the site. This point is also at a higher elevation than any land in the existing built up area of Sayers Common village. This is something that does not seem to have been given the weight it is due by the applicant. Nor has this impact seemed to have been totally grasped by the council’s advisers when doing desk top assessments.



**Left the applicant's plan showing the topography at 0.5m intervals. Centre picture looking eastwards up the bridlepath from the B2118 and right picture looking down westwards both showing how steep the slope of the site land is**

The application is for a high density estate of 210 houses with greatest density and tallest buildings high up the slope and around its highest point. This includes three storey houses which are only found elsewhere in the village at the entrance to the Sayers Meadow estate, where they sit on land that lies lower than the B2118.



**The applicant's density and height parameters plans, the deeper the colour the higher the level which is mainly at the highest point in the site**

This is confirmed in the applicant's design & access statement where they state in point 7.7 "*The density of built development is graduated through the site, with the lowest density areas (as characterised by a greater number of detached and semi-detached dwellings) located to the south and north; and the higher density areas (as characterised by a greater number of terraces and some flats) located towards the centre of the site.*"



***Left aerial view of Sayers Meadow estate in Sayers Common demonstrating how modern building materials lead to new houses standing out much more in the landscape. On the right a new three storey building, on that estate, demonstrating their height against their surroundings.***

As the housing estate is on a slope it will need to be terraced to form building platforms for the houses, which will include building up the site levels to make them higher. It has been standard building policy, in both of the most recent developments in the village, to raise the ground levels so that the houses sit higher than the surrounding ground as flood prevention.

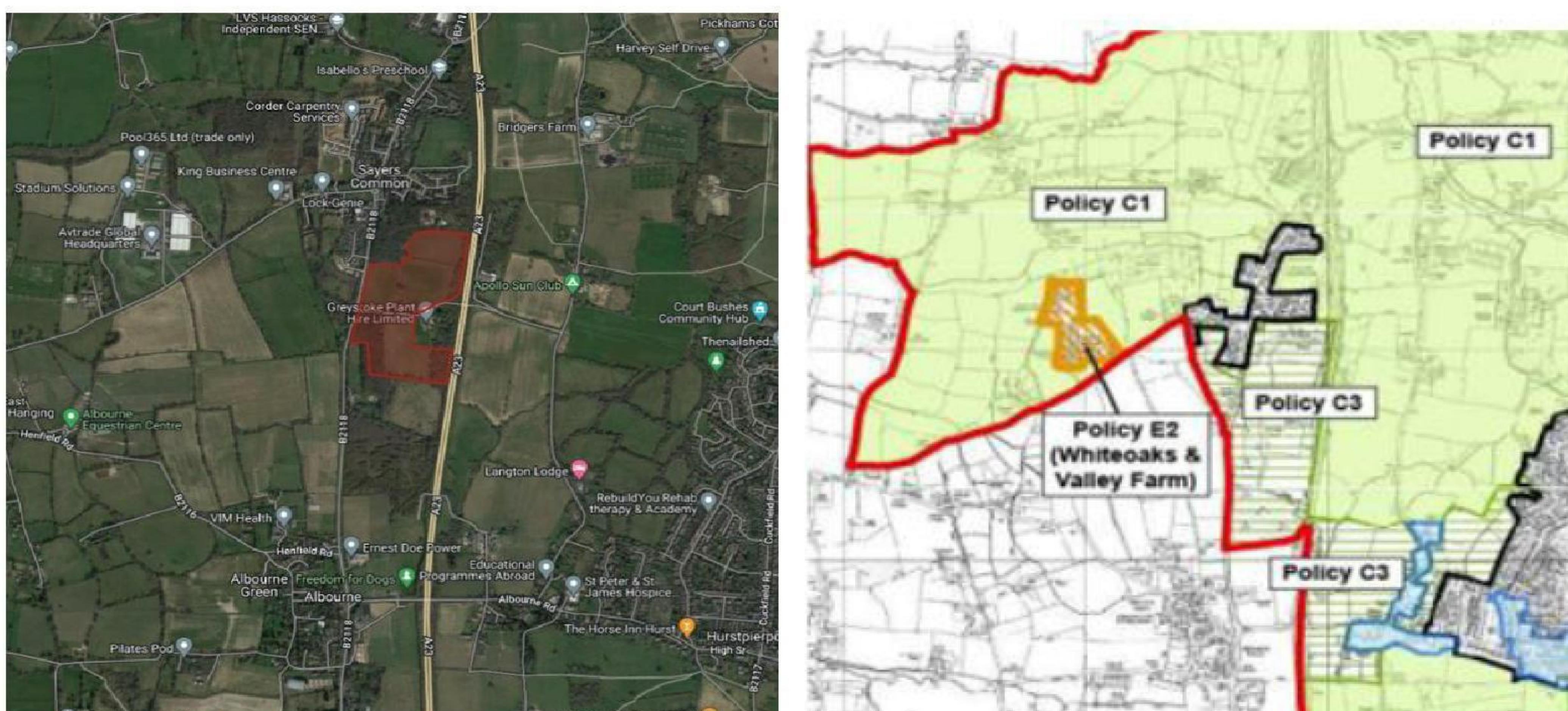
This together with the lighting from the houses, both at night and in dull weather, and the trees around the site, which are deciduous so leafless for a large part of the year, will result in the site being more visible in the landscape than the applicant is willing to state and which impact they appear to be playing down.

This site is therefore not a sustainable one for such a large amount of housing and does not meet NPPF policies 124, 129d, 187 a & b nor MSDC policies DP12, DP14, DP37 or DP38

### **Coalescence**

In point 6.21 of their planning statement the applicant advises that "*The development of the site would maintain a clear gap between Sayers Common and Albourne, and the proposals are in accordance with 'Policy Countryside HurstC3 Local Gaps and Preventing Coalescence' of the Hurstpierpoint and Sayers Common Neighbourhood Plan.*"

This site sits directly in the Local Gap identified in that policy and those gaps are also part of the MSDC District Plan 2014-2031. Its policy DP13: Preventing Coalescence states that "*Local Gaps can be identified in Neighbourhood Plans.*" Therefore the Local Gaps identified in the Hurstpierpoint Neighbourhood Plan can be considered part of the current District Plan so are still valid and carry weight.



***Map and policy diagram showing that the site sits in the HurstC3 Local Gaps and Preventing Coalescence'***

DP13 also advises that development would only be permitted “*if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.*”

This proposed housing estate would give an urbanising effect to the identified local gap between Sayers Common and Albourne.

A consultation from the Landscape Consultant, in response to a MSDC generated request, has been added to the Planning Portal. It is noted that the Landscape Consultant, ‘Place Services,’ is a traded service of Essex County Council. This is a consultant from outside of the area with impartial conclusions on the site. Previously, with the Draft District Plan for example, consultants seem to have been more in house and part of MSDC itself. The conclusions from this Landscape Consultant were not available to MSDC when they undertook their Draft District Plan site allocation process.

The Landscape Consultant on page 4 of their submission states “*The proposed development reduces the gap between Sayers Common and Albourne by approximately 300m. We have concerns regarding the contribution to coalescence of these two settlements in relation to Policy DP13 Preventing Coalescence within the Mid Sussex District Plan. Whilst in isolation, the site does not coalesce the two settlements, the site does contribute heavily to reducing the gap between these two settlements under the Local Gap policy.*”

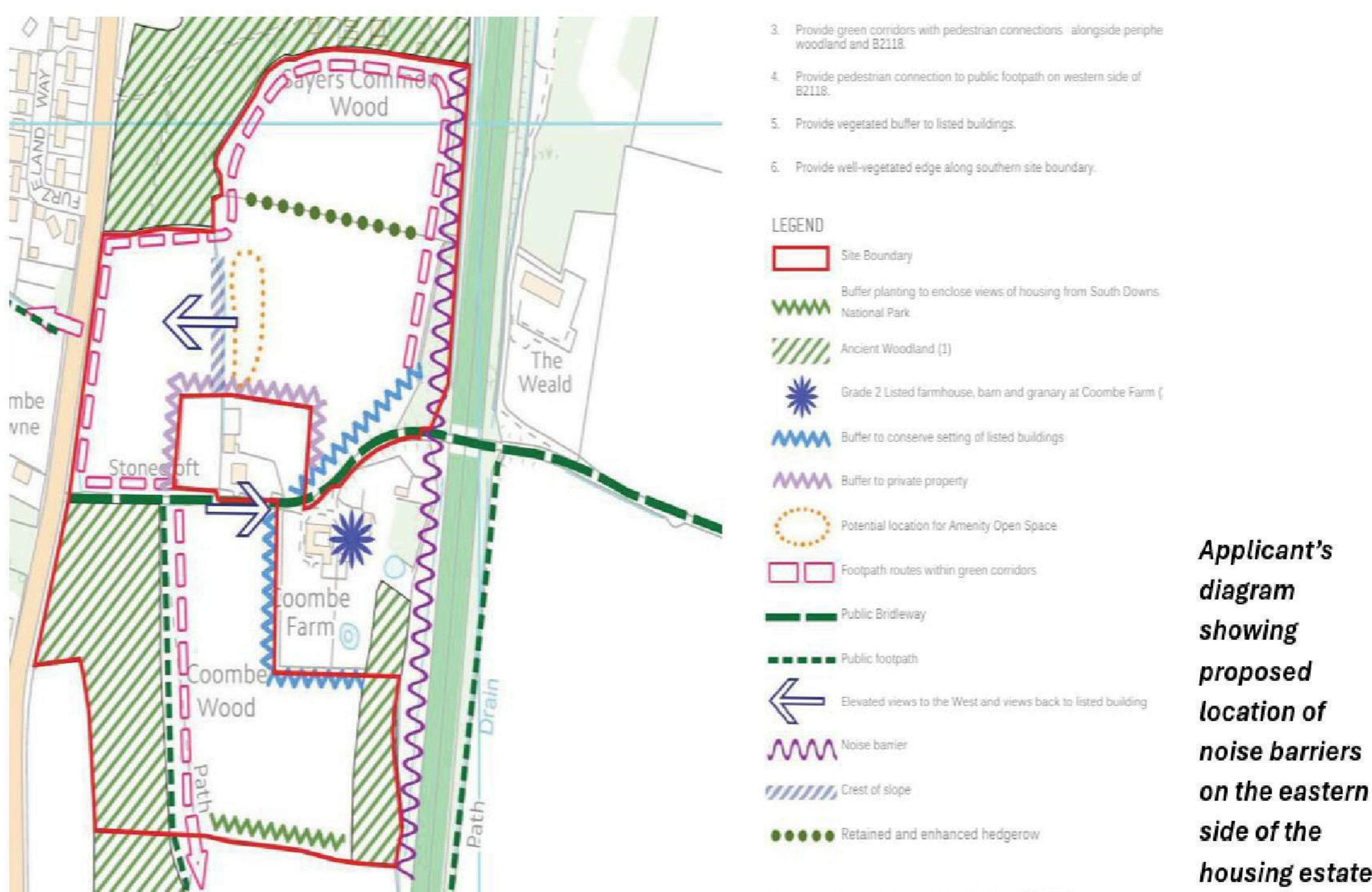
This proposed housing estate would give an urbanising effect to the identified local gap between Sayers Common and Albourne and cause issues that policy DP13 was made in order to prevent. The applicant has not as yet provided sufficient evidence that would mitigate these issues or met MSDC policy DP13

### **Impact of A23 Road Noise on the development**

The noise levels along the site’s eastern boundary with the A23 are excessive.

The applicant’s own Noise Assessment Survey results show that both day and night ambient noise levels at this part of the site are above the acceptable values recommended by World Health Organisation and the British Standard Authorities for residential buildings.

It is noted that the noise survey was carried out in calm weather. However, as can be experienced throughout Sayers Common, the noise levels from the A23 vary with the direction of the wind. Therefore, when the wind is blowing from a NE, E or SE direction it blows the sound across the site, and the sound levels from the A23 can be considerably louder. It is also noted that the survey was done in summer when the deciduous trees in the woodland lying between the site and the A23, which act as a noise buffer, were in full leaf. In autumn, winter and spring, when there are no leaves on them, this buffer is considerably less dense and effective. Neither of these factors were taken into account in the survey.



The applicant advises that these issue can be mitigated for those houses and amenities which would fall in these excess noise areas, but has not provided any supporting evidence to validate this. Various design principles are suggested in their noise assessment (page 22 paragraph 6.14) but they themselves would also have serious consequences.

One suggestion is that “*The introduction of nearfield screening (such as close boarded 1.8mtr timber fences with a surface mass >10kg/m<sup>2</sup>) can provide up to 9 dB attenuation in certain external amenity areas, and construction of a tall perimeter fence/wall/bund along the eastern site boundary can further reduce sound levels across the site and potentially reduce the requirement for enhanced acoustic design at the dwellings.*”

This, though, would remove the light source for the woodland on the eastern site boundary because of the slope of the site at this point. The woodland sits further down the slope and runs parallel to the site so any fence built here would have a taller shading effect on the woodland than its physical height, blocking light to the wood’s ground level and understory and causing ecological harm to it. The planting within it was done to bind together the embankment alongside the A23. Damage to it could therefore lead to potential subsidence of that embankment onto the A23.

Another suggestion is “*Orientation of internal spaces, to minimise the instances of habitable spaces on excessively noisy building facades overlooking the major noise sources (the A23)*”. However, as the whole of the top floor of the buildings would be accommodating bedrooms, this would seem to be impossible to do.

If these physical mitigations do not have an adequate impact on noise reduction then the report goes onto enhanced internal design features. This mainly seems to rely on having closed windows and ventilating and cooling the buildings by artifical means. This, though, would isolate the occupants from the world outside their house and could lead to a feeling of being disconnected from the outdoors and its natural noises such as birdsong. It would also increase the risk of mental health issues such as claustrophobia and stress and cause issues with air quality. It is not clear if the applicant and MSDC are happy to make people live in such restricted houses.

Therefore, the current proposed development of this site as it stands is not substainable with regards to the impact of the noise levels from then A23 on its eastern boundary. The applicant has not shown that this can be successfully mitigated without highly negative consequences. It therefore does not meet NPPF policy 187e or MSDC policy DP29.

### **Biodiversity**

The applicant’s proposed development of a housing estate on this site will cause permanent and irreversible damage to irreplaceable habitats and biodiversity. Their Ecological Appraisals and Impact Assessments (EclA) are not comprehensive and their proposed methods of mitigation are ineffective and conflict with each other.

In the NPPF point 11 d) it states that “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.*” Note 7 on page 6 of the NPPF confirms that this includes irreplaceable habitats.

Point 193c of the NPPF also advises that “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*” In point 195 of the NPPF it states “*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*”

The applicant in the onsite baseline of their BNG Biodiversity metric confirms that there is irreplaceable habitat present on the site in the form of lowland deciduous mixed wood land in the form of ancient woodland.

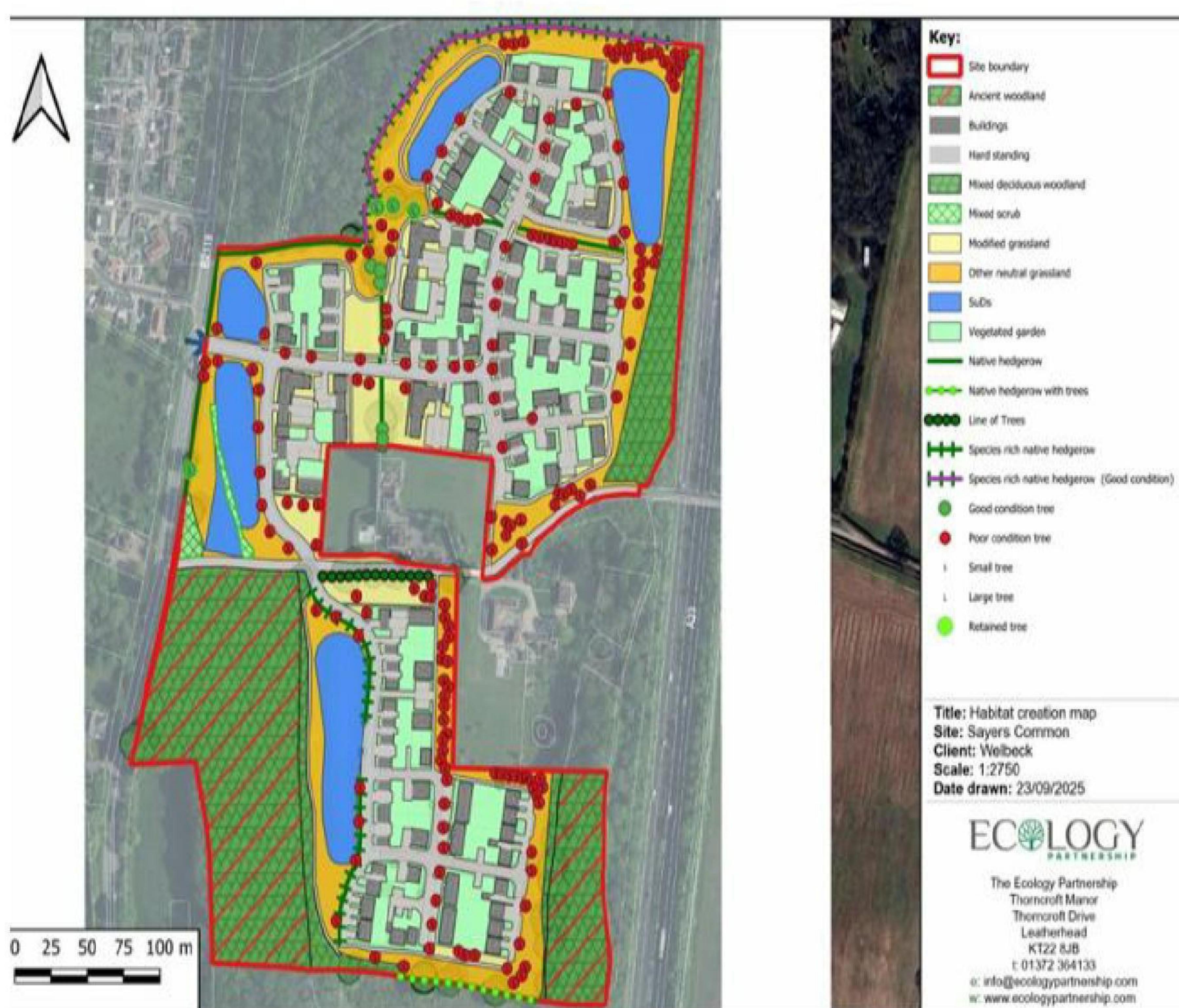
The applicant’s ecological surveying of the site has not been comprehensive and its conclusions are open to question. For example it completely failed to note that the Ancients Woodlands are covered in bluebells, protected under the Wildlife and Countryside Act (1981),and it does not include a survey of invertebrates. It advises in its EclA 5.9 that “*The grassland habitats on site are common and widespread and of limited ecological value and the loss is not considered beyond site level*” and dismisses them.

However the grasslands themselves are of much greater ecological value than they give credit for and the wide open space is needed for birds and insects for feeding purposes. They are rich in invertebrates especially grassland butterflies. Many could be seen in a 15 minute walk along the footpath in the southern part of the site with three examples shown below



**Meadow Brown Butterfly Nursery Web spider's spiderlings Beautiful Demoiselle all seen in a 15 minute walk along the site footpath 34Hu in the grassland southern part of the site on 06/07/2024**

It advises in 5.20 of the ECIA that new and more diverse areas of grassland are being created but that is not confirmed by their proposed site habitats plan which shows very little diverse grassland on their planned site.



**The applicant's site habitat plan showing very little diverse grassland planned for their site.**

The proposed large public areas are taken up by the SuDS Attenuation ponds needed to drain the site. This has also been noted by the Landscape Consultant on page 4 of their report as they advise that *Most of the available public open space (POS) is utilised for SuDS drainage areas (attenuation basins) providing limited accessible space for all year-round use.* Gardens especially small ones tend to be concreted over and the margins of the site are needed to plant trees to try and compensate for the biodiversity that will be lost.

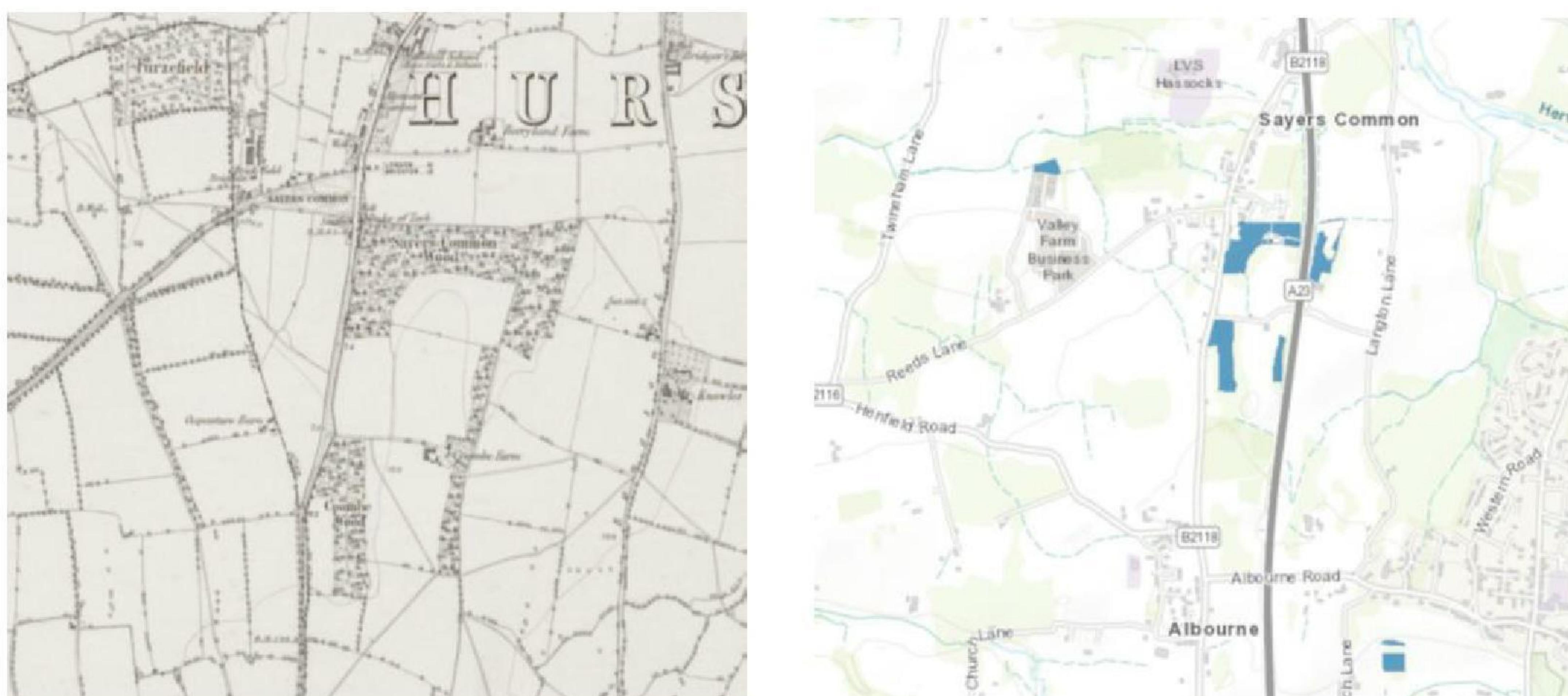
Using one form of biodiversity to replace a different form, such as water for grasslands and grasslands for woodland only changes it and does not increase it. Neither does reducing the amount of land for ecological use increase biodiversity. They therefore fail to provide satisfactory mitigation for the biodiversity which they are removing from the site.

The site therefore does not satisfy the NPPF policies mentioned above and does not meet MSDC District Plan policies Policy DP12 Protection and Enhancement of Countryside, Policy DP37 Trees, Woodland and Hedgerows and Policy DP38 Biodiversity

### **Ancient Woodland**

The site has three Ancient Woodlands either besides or inside its boundaries. Sayers Common Wood to the north and northwest of the site, Coombe Wood in the southwest and another unnamed wood in the south west sections of the site.

There used to be a greater area of Ancient Woodland but this has been eroded over time particularly with the building of the A23 in the 1990s.



**Left 1879 OS map showing a greater area of Ancient Woodland than currently exists in blue on map to the right.**



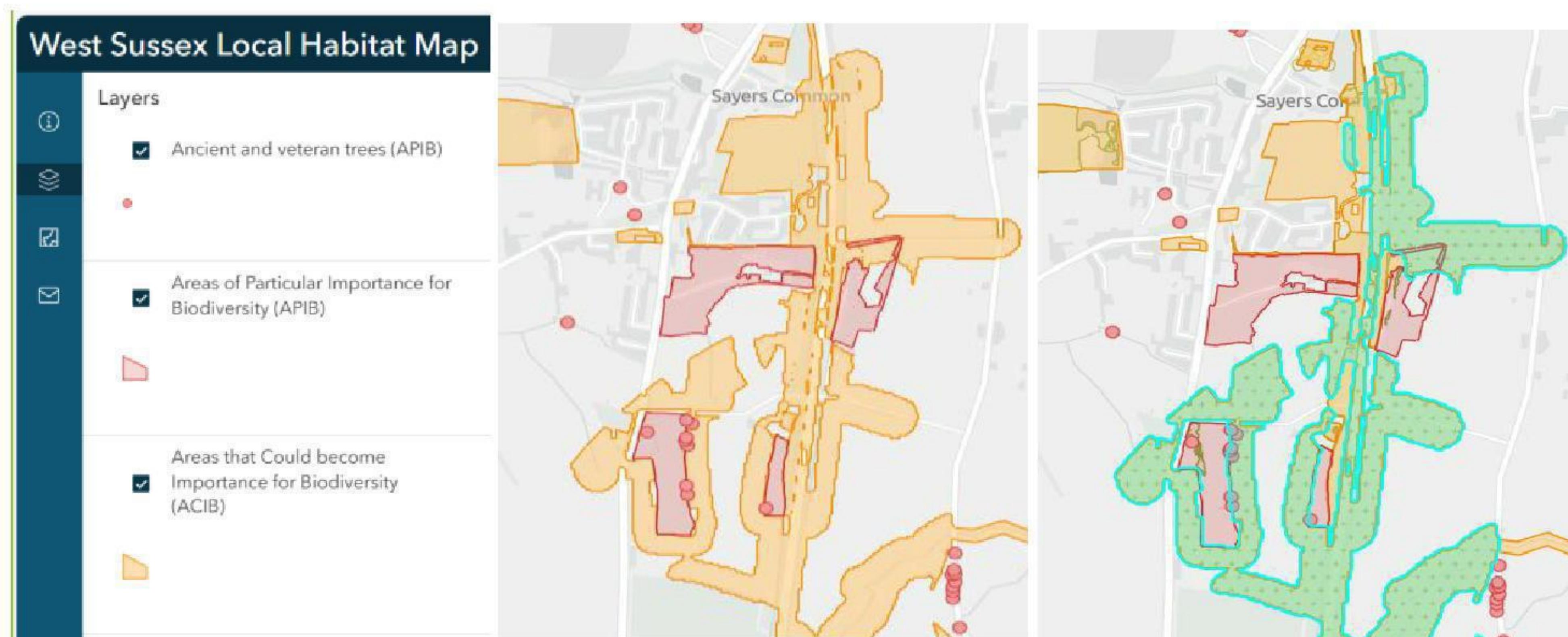
**OS Map on left and Natural England Ancient Woodland Inventory map on right showing the Ancient Woodland on or around the site marked in blue.**

NPPF policy 193c advises that: “c) development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”

MSDP 2014 – 2031 policy DP37 Trees Woodland and Hedgerow states that: “Ancient woods are irreplaceable wildlife habitats with complex ecological conditions that have developed over centuries. They contain a wide range of wildlife including rare species, however, because the resource is limited and highly fragmented, Ancient Woodland and their associated wildlife are particularly vulnerable and must be protected from damaging effects of adjacent and nearby land uses that could threaten the integrity of the habitat and survival of its special characteristics.”

The three areas of woodland are fragmented and isolated from each other and therefore vulnerable to deterioration and loss. The existing means of connectivity between them for fauna and flora are the grassland fields between them, the hedgerows across the site and some woodland along the eastern edge. All of these are severely impacted by this development which threatens the integrity of the habitat and survival of its special characteristics of the Ancient Woodland. In particular it would cause the Ancient Woodland of Sayers Common Wood to become completely surrounded and cut off and imprisoned by urban development.

The Levelling Up and Regeneration Act 2023 requires councils to have regard for the Local Nature Recovery Strategy. This identifies where creating or improving habitat would be particularly beneficial, including to build and strengthen local ecological networks. The West Sussex Local Nature Recovery Strategy (LNRS) funded by the government has identified these woods as being at danger of severer damage and deterioration to their biodiversity. It has also identified that the land around them is the solution to saving, protecting and restoring their Biodiversity by the large planting of new woodland.



**LNRS maps. Red areas are the three ancient woodlands, Areas of Particular Importance for Biodiversity. Orange areas are ones that could become important for biodiversity. Green areas are where additional woodland could and should be planted to extend and protect the ancient woodlands to make them more biodiversely robust.**

The applicant's plan would make such restorative planting to improve the biodiversity and robustness of the Ancient Woodlands impossible. They refer to in their plans to planting trees and plants but these are of poor quality trees and only a tiny percentage of what is actually needed to achieve a significant biodiversity improvement. Their own plans are also at odds which each other with different documents showing different site layouts.

From the documentation provided by the applicant it is clear that their knowledge of the Ancient Woodland, both on and off their site, is very poor. In their PEA, AIA and ECIA they fail to mention one of the most obvious and striking features of Coombe Wood (and also Sayers Common Wood). This is that both woods are Sussex Bluebell Woods.



**Photographs taken 13/04/2025 from PROW of the bluebells in Coombe Wood**

The lack of mention of such an obvious feature shows poor knowledge of the site and Ancient Woodlands in general. It does not give confidence in their assertion that their plans would protect and not damage the ancient woodland as is required by planning regulations. It is also not in as such poor condition as the applicant states in point 7.31 of their Planning Statement.

Examples from the applicant's proposed mitigations for various of the site's issues also show that they lack knowledge of Ancient Woodland. In point 7.35 of their Planning Statement they advise that *"It is understood that SUDs should be included on the edges of the Ancient Woodland buffer (outside the 15m) so that any ecological benefit as a result of SUDs development can be linked with maintained and enhanced habitats on the ancient woodland edge."*

Government Guidance published on govt.uk advises that the 15m buffer zone is only a minimum

*"For Ancient Woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone..... larger buffer zones are more likely to be needed if the surrounding area is less densely wooded, close to residential areas, steeply sloped....For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area....Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."*

It also advises that you should only approve sustainable drainage schemes if “they do not affect root protection areas or cause any change to the water table does not negatively affect Ancient Woodland or ancient and veteran trees.”

From the applicant’s illustrative plans it is unclear if the minimum 15m buffer zone can be achieved with regards to the eastern boundary of Coombe Wood and the northern boundary with Sayers Common Wood. They also do not show that the ground leading down to the Ancient Woodland is also sloped or provide confirmation that the buffer zone does not need to be extended beyond the minimum because of the impacts previous described. To build a Suds Pond right along the length of the Ancient Woodland would require the sloping ground to either be built up or levelled. Either way it reduces the natural flow of water draining to the Ancient Woodland. The soil is also Wealden clay so water drainage naturally either flows over the top of the ground or through the first few centimetres of the top soil. The applicant’s plan to replace the unmade up footpath that also goes along the eastern side of Coombe Wood would also reduce the water draining into the Ancient Woodland.



**Attenuation ponds forming a barrier for water to reach the Ancient Woodlands of Coombe Wood on the left and Sayers Common Wood on the right**

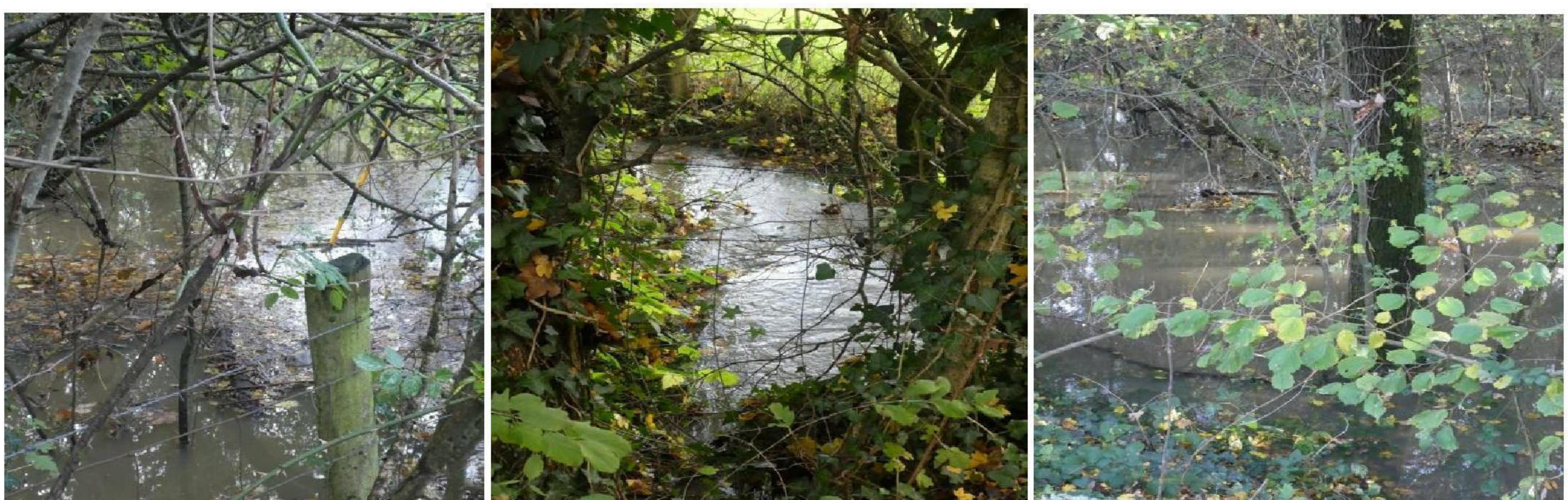
Thus they have not proven in their documentation that there would not be a deterioration of this irreplaceable habitat or that a satisfactory compensation can be obtained. As the impact on Ancient Woodland is a material consideration for obtaining planning permission these matters cannot be left to be determined at a later point in the planning process.

Ancient woodland is very scarce in Sayers Common and its surrounding area. This site is one of the very few in the Mid Sussex District where it would be possible to link up 3 fragmented areas of such Ancient Woodland into a larger more sustainable wood, restoring and regenerating it. Building a housing estate on this site would mean that this unique and valuable opportunity to do so would be lost forever. No evidence has been provided that either the applicant or the council have recognised this unique opportunity or investigated it with bodies such as the Woodland Trust and their Lost Wood Project. There is more than adequate land not affected by Ancient Woodland for building houses on, not only in the village but the district as a whole. To sacrifice this unique and irreplaceable Ancient Wood habitat to houses is completely unnecessary.

It therefore does not meet NPPF policy 193c nor MSDC Policy DP37.

### **Flooding**

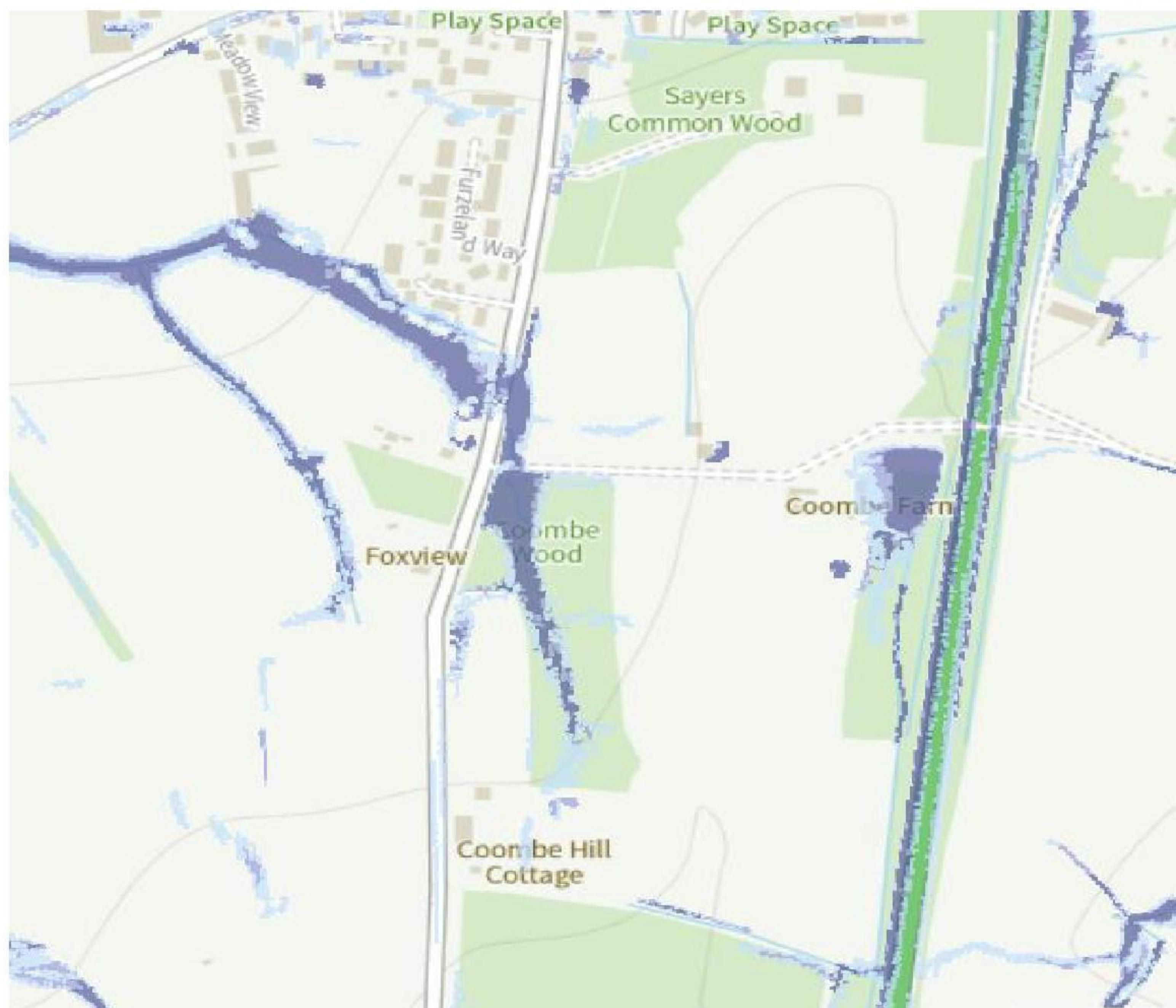
The NPPF point 170 states that ‘the development should be made safe for its lifetime without increasing flood risk elsewhere’.



**Pictures of the flooding in November 2022 along the western boundary of the site and Coombe Wood**

The volume of water draining through the site is frequently too great for the existing watercourse and drainage system to cope with and flooding occurs on the western boundary of the site and in Coombe Wood as a result of this.

The drainage strategy proposed by the applicant refers to water draining into a ditch which runs along the boundary of the site with the B2118. However this is not actually a ditch but an ordinary watercourse that then goes under the B2118 and flows westwards eventually reaching Reeds Lane, where it is a known cause of flooding to the roadway there.



## Surface water map

### Yearly chance of flooding

Extent

High chance

More than 3.3% chance each year

Medium chance

Between 1% and 3.3% chance each year

Low chance

Between 0.1% and 1% chance each year

**Surface water flooding map showing the waterflow crossing from the site under the B2118 and flowing westwards.**



**Left, yellow arrows indicate the direction of water flow. Right flooding on the B2118 by the site**

MSDC Drainage are aware of this as in their 07/06/2016 report on a separate application, DM/16/1458, for the fields which it flows through west of the proposed site they advised

*"The Updated Flood Map for Surface Water indicates a possible flow path for surface water running through the northern areas of the site. This appears to originate from the fields to the south-southeast on the eastern side of London Road. We are aware that flooding has occurred to the highway adjacent to the site. The watercourse and the flood flow route would appear to contribute to known flooding at Reeds Lane to the north, where the watercourse passes through a culvert under the road."*

Also, in a different application, DM/19/3952, RSK Land & Development Engineering Ltd provided a report on 06/12/2019 which stated *"The Lower Brook channel appeared to be reasonably well maintained in the first 80m - 90m section of channel between the outfall conveying the Brook beneath the B2118 (to the east) and the area of the pond (to the west)."*

The applicant has not made any mention of what would happen to the surface drainage water it intends to release into this watercourse and what affect it would have on flood risk further down the watercourse. Footpath 11HU is already prone to

flooding across the fields to the west of the proposed site. West Sussex Highways have also advised that they are unable to do anything further to reduce the flooding of the roadway of Reeds Lane where the watercourse crosses it.



**Left flooding of footpath 11HU in the fields west of the site on 14/01/2023, and right flooding of Reeds Lane where the watercourse is culverted under the road 05/01/2025**

Below is a copy of an email dated 28/11/2024 from West Sussex Highways concerning the flooding on Reeds Lane which occurs at this point and the lack of options it has for dealing with the flooding.

**From:** West Sussex Highways <West\_Sussex\_Highways@OnDemand.Confirm.Co.uk>

**Sent:** 28 November 2024 16:11

**Subject:** | Update | Notes From Officer - Enquiry 3285894

Dear Customer

Your enquiry has been updated by our Highways Team.

**Enquiry Number:** 3285894 (WSCC-666118419)

**Street:** REEDS LANE, ALBOURNE (E: 526193.49 , N: 117996.07)

**Subject:** Drainage

**Highways Team Update:**

Thank you for your enquiry, The ongoing surface water problem looks to be caused by insufficient capacity in the surface water sewer/District Council watercourse/Rife/River that the council's surface water discharges into. Most surface water outlets into surrounding water courses, and where these exceed capacity during and after these events, there is nowhere for the water to go, the symptom of which is evident as highway flooding. No amount of gully emptying or jetting will resolve these issues, and it is likely to be a case of waiting for the water levels to recede. I will raise a job to put out signs to warn people of flooding and also ice boards due to the cold weather we are about to get. If the area becomes completely flooded and unusable please contact us on the emergency number so we can have a team attend.

Kind regards

WSCC

The applicant, by making no mention of the impact of their development on this watercourse and its flooding issues, has therefore not shown that it would not increase flooding elsewhere in Sayers Common. It has therefore not shown that it meets NPPF policy 170 or MSDC policy DP41 and is therefore not sustainable.

**Drainage**

The geology of the site land is heavy Wealden Clay which does not drain and so infiltration drainage is not possible. The proportion of land to be lost to the new housing estate is so large that nearly a third of the site will have to be given over to attenuation ponds and other drainage.

The applicant had not carried out a proper sequential test that the proposed system of attenuation ponds with clay bases will be effective so it cannot be proven that they will be enough to mitigate the loss of open field drainage land.

The ponds will also all have to be built on sloping land which would require them to sit in some form of terracing. The applicant has not shown how this could be achieved without causing subsidence affecting the estate, the A23 and B2118.



**Left photograph of north eastern part of the site sloping down to the A23 and right the south western part sloping down to the Ancient Woodland.**

The applicant has therefore not shown that their proposed drainage mitigation measure would be effective or achievable, nor that they would not in themselves cause other serious issues to the site or not increase flooding elsewhere. It has not shown that it meets NPPF policy 170 or MSDC policy DP41 and is therefore not be considered sustainable.

#### **Foul Water & Sewage**

The applicant advises in their Utilities assessment document point 5.2. that “*Based on the Southern Water existing asset plans, and availability of infrastructure near the site, connection to their existing main to serve the development is viable and unproblematic.*”

Southern Water have confirmed that “*There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 1.9 l/s.*”

In order to ensure that sewage is not discharged above the agreed rate, Sayers Meadow and Woodlands, the two most recent developments in Sayers Common, have had to install onsite pumping stations to regulate the foul water flow from their sites into the network. The applicant has not as yet supplied any information about their proposed foul water system on their site to confirm they can keep the flow within the agreed rate and accommodate a pumping station on site. Without this information it cannot be shown that foul water can be sustainably drained from the site without increasing the flood risk elsewhere.

Sewage and Foul Water drainage is a serious issue in Sayers Common. On pages 23/24 of the MSDC Level 1 SFRA 2024 document it records 6 incidents of foul water (sewage flooding) in Sayers Common. In addition, Southern Water throughout 2024 conducted a £1,025,000.00 Flood Mitigation project to deal with foul water flooding in the village of Sayers Common. This involved the relining of pipes and repairs to manhole covers to prevent ingress into the system and relieve pressure on the village pumping station. These upgrades were solely for attempting to deal with issues arising from current not future demand on the system.

This is why it is so important that the applicant has to comply with Southern Water’s stated requirements to prevent further sewage flooding in Sayers Common.

#### **Heritage**

The site for the proposed housing estate sits beside three Grade II listed buildings, Coombe Farmhouse, Barn at Coombe Farm and Granary at Coombe Farm. Together they form a unique farmstead in an agricultural setting, something quite rare in the local area, and which has both historical and cultural significance. They were listed in 1994 to protect them following the damage that was done to their setting by the new A23 Trunk Road which cut them off from their agricultural setting to the west. The applicant now proposes to remove them from the remainder of their agricultural setting by building a housing estate around them which, with its height and bulk, will overwhelm them.

The applicant advises that they will be left surrounded by a garden and trees to protect their agricultural setting but this will instead break it. The listed buildings will therefore cease to have any claim to be a farmstead but will merely be a group of houses with a garden, in a cul de sac, in the middle of an urban housing estate.

Therefore the damage to their setting and meaning is very significant and cannot be mitigated by just planting a few trees around them to screen them. The development would fundamentally affect the buildings distinctive character, reducing and

removing the positive contribution they currently make to the landscape settings and destroying the special interest of the listed buildings. The reason for their existence will be lost and they will be permanently damaged.



**1897 OS map shows how Coombe Farm Farmstead was built & located to fit into the wider agricultural landscape.**

This damage has not been mitigated by the applicant and so does not meet NPPF policy 213a or MSDC policy DP34. The benefits of the development would not outweigh this harm and so would fail the required balancing test of NPPF policy 215.

#### Land Use

The same pieces of land are being labelled by the applicant for multiple incompatible uses such as open spaces and play areas where in fact there are actually large ponds so no use to residents for either of those options.



**Applicant's Illustrated Landscape Masterplan showing the attenuation ponds as puddles which completely differs to their Illustrated Masterplan. This gives a completely misleading representation of the site.**

The applicant in their illustrated Masterplan appears to play down the size of the Suds ponds so that they appear as puddles on their plan and not the large ponds that they are needed to be to meet drainage requirements.

As has been shown in other developments in the village, such as Sayers Meadows, because such ponds are on Wealden Clay they do not drain away but remain full for at least two thirds of the year. Thus their Illustrated Masterplan gives a misleading picture showing the amount of open usable space being much larger than it will actually be when finished. Any consultation responses made based on this Masterplan could therefore be in danger of taking a false optimistic view.

The effect of this is to place an unsustainable dense urban township housing estate, surrounded and isolated by a drainage moat, into a rural setting which is dislocated from other urban settlements. It breaches MSDC District Plan policy DP6 Settlement Hierarchy and is not a well designed space as required under NPPF point 135. This development is therefore totally unsuitable and unsustainable for this location.

### **Housing Density**

The density of housing that the applicant is requesting is too great for this site. It seems to be driven more by maximising profit, and MSDC desire to meet housing targets in the District as a whole, leading to unachievable housing numbers on this site.

The applicant and MSDC housing target calculations for this site would appear to be based only on acreage and not on the topography and landscape of the site. This flawed process can also be seen with two other sites in Sayers Common which MSDC wished to include in its Draft District Plan. For site Land Rear Of Chesapeake MSDC stated it was capable of taking 33 houses but the developer in their application DM/25/1434 has had to reduce that to 27 houses because of flooding and access issues. For the site Land West of Kings Business Centre MSDC in its Draft Plan stated it was capable of taking 100 houses but the developer in their application DM/25/3067 has admitted that number has had to be reduced to 80 because a large part of the land is subject to flooding. In both cases these flaws were evidenced and pointed out to MSDC at both Reg 18 and 19 stages by the public so they were aware of them. However none of the warnings were acted upon and MSDC persisted with their unrealistic housing numbers.

The amount of building proposed for this site requires that nearly a third of the site has to be given over to attenuation ponds and other drainage features. A disproportionate amount of three storey houses are required as houses have to be crammed together to achieve the desired overall total. These houses are having to be pushed as close as they possible can to ancient woodland, listed buildings and the A23 high levels of noise to reach the 210 total. This is done by trying to use mitigations that are very poorly effective and which themselves cause even more harmful issues.

This site is therefore not a sustainable one for such a large amount of housing and does not meet NPPF policies 124, 129d, 187 a & b nor MSDC policies DP12, DP14, DP37 or DP38

### **Landscape and Use of Land Conclusions.**

The effect that this housing estate development will have on the landscape is far greater than the applicant implies. The hill and sloping topography that it will be built on together with the height and density of the houses mean that it will have a much more visible presence in the landscape. This has downplayed or not taken into account by the applicant and has therefore not been properly portrayed in consulting desktop studies. It will be completely out of character with the historic and existing settlement pattern of Sayers Common and cause coalescence with the village of Albourne.

The impact of the development on the listed buildings of Coombe Farmstead is very significant and the mitigations proposed by the applicant will not prevent significant harm being caused to its setting.

It is also not the best use of land as it does not prioritise the irreplaceable landscape that is the fragmented Ancient Woodland which surrounds it. Instead it would remove the open quiet land linking the three separate such Ancient Woodlands surrounding it. Its mitigation proposals would be totally ineffective in preventing such damage to the Ancient Woodlands. The West Sussex Local Nature Recovery proposal that the land is used to restore the unique link between the three Ancient Woodlands, rejuvenating and revitalising them, is a far more positive, valuable and better use of the land.

The benefits of the development do not outweigh this and thus do not provide firm grounds for departing from national policy in paragraph 11d(i) of the National Planning Policy Framework

### **Access**

The applicant infers that their chosen access design is safe but did not provide an RSA Stage 1 Safety Assessment at the time they made their application. The applicant states in point 4.8 of the Transport Assessment that “*It is noted that a Stage 1 Road*

*Safety audit will be required. It is proposed that this is undertaken and provided in due course during post-app discussions to ensure the RSA is undertaken on an access proposal which is agreed to in principle by all parties.”* By not undertaking such a survey before applying for planning permission for the access, the applicant gives the impression that road safety is not a priority matter for them. Nor does it give the public the full information that they need to know to make comments during the consultation period. It is also noted that this information was not available to MSDC when they made their decision to make this a draft allocated site.

The modelling in the transport assessment seems to be using unusually low and optimistic with regards to vehicle numbers. Based on MSDC Parking Standards and the Housing site mix provided by the applicant, 444 car parking spaces would be provided for the housing estate. However the number of cars the site could generate could be much more. The ONS 2021 census figures showed that the numbers of cars or vans in households in Sayers Common is above the national average.

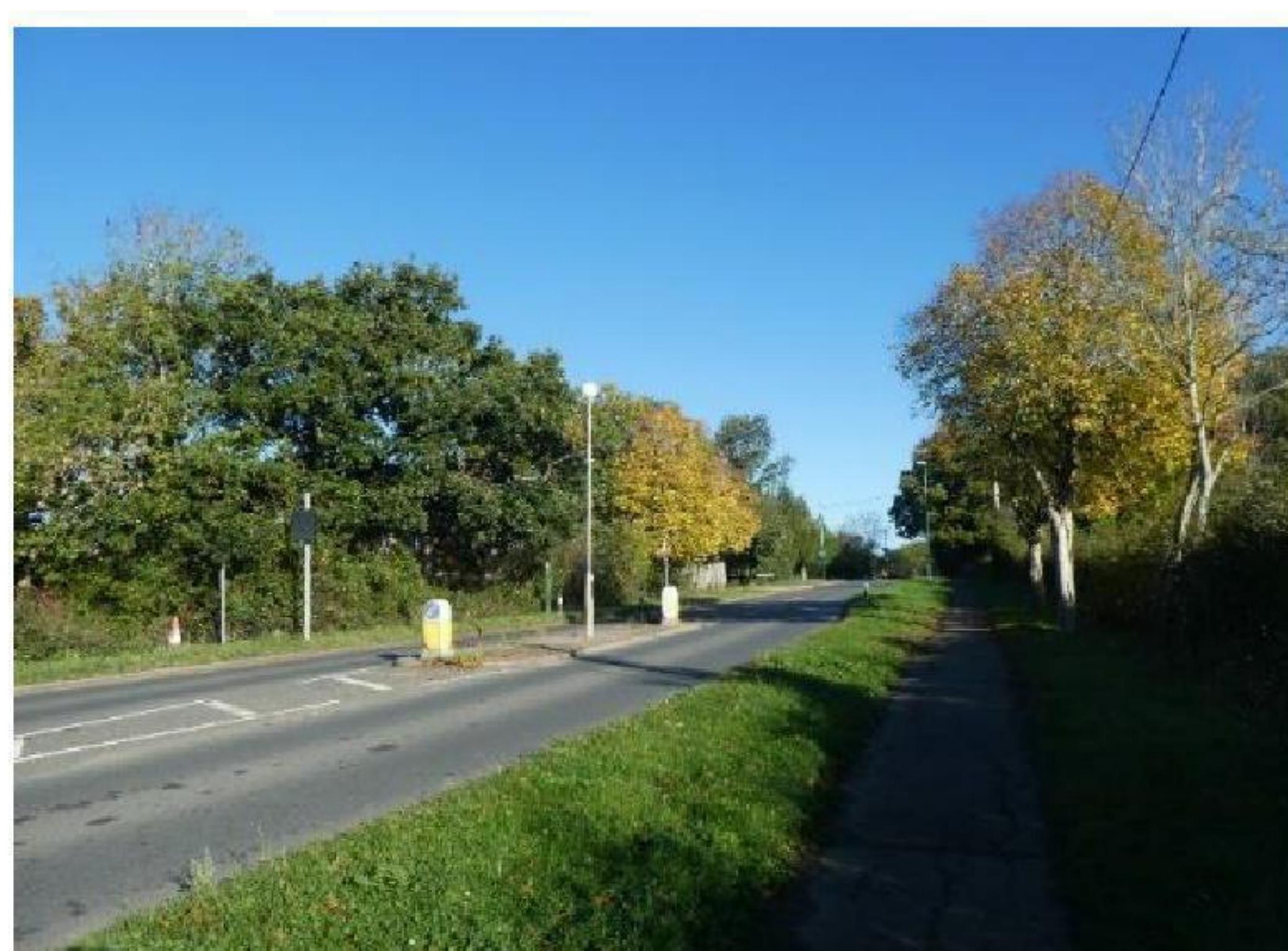


***Parking Standards and Site Mix numbers from the applicant’s design and access statement. Also the ONS 2021 census showing that figures for the number of cars or vans in households in Sayers Common is above the national average***

This is due to the site’s remoteness from essential services and employment, the fact that each adult in a household has different destinations they need to reach each day, and the self-employed needing to keep a work vehicle at home as well as a personal one. As a result there is a lot of on road parking in Sayers Common to accommodate all these vehicles including in the new Sayers Meadow estate.

When looking at visibility sprays and swept path analysis, the proximity of the access points of Wintergreen Way, Furzeland Way and its roundabout, and road furniture do not appear to have been taken fully into account. Nor does the steepness of derestricted Coombe Hill which traffic comes down when approaching the site from the south. Averaging out the vehicle flows is purely for statistical calculations and does not change the real density of what the flow actually was. Traffic flowing at a fast speed is more dangerous than when it is moving slowly in congestion.

There is no mention of the speed of vehicles in the applicant’s transport assessment. There is in fact a good source of official data on vehicle speeds at the point of the proposed site entrance. The Sayers Common Speed watch team have had installed a Speed Indicator device’s SID monitoring northbound traffic at this point. Data from April 2024 to September 2025 has been collected, downloaded and has been sent to the Community Speed Watch Officer together with data from other SIDs elsewhere in the village belonging to them and also Hurstpierpoint and Sayers Common Parish Council .



***Photograph showing the position of the SID for northbound traffic by the proposed new entrance to the site***



Neither the applicant nor West Sussex Highways appears to have made use of this data. In addition, averaging out the speed of cars does not mean that they were actually driven slower than they were in reality.

Therefore, with the lack of such an RSA 1 safety report, realistic modelling and an analysis and survey of vehicle speeds, at this time it cannot be demonstrated that the junction at the access point to the development is safe to be able to satisfy NPPF points 115 & 116 and National Road Safety Standards.

### **Horse Riders**

The safety of horse riders using the highway at this point in the village has not been considered either by the applicant or WSCC Highways.

Sayers Common is a rural village close to the Hickstead International Showground so there are a lot of stables in its vicinity. The road at this point is well used by horse riders as it is close to Bridleway 86HU. Several horse riders have reported contact between their horses and vehicles and reports have subsequently been made to the police.

This information should be examined to confirm if the proposed changes to the highway will not make it more dangerous to horses and their riders.

### **Impact on Highways**

It is noted that National Highways in their response loaded on the Planning Portal on 11<sup>th</sup> November 2025 have advised that the application has not been submitted with enough supporting evidence for them to be able to support the application with regards to *“the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A23.”*

The fact that this is evidence has not been supplied at this stage in the proceedings would also indicate that it was also not produced nor considered by MSDC for their Draft District Plan when it was considering it as a proposed allocated site. This lack of evidence calls into question their validation of the site, at that time, as being suitable for development.

Therefore the application, at this time, has not satisfied the need to evidence that the increased number of road vehicles that the site would generate would not impact on the safety of the Strategic Road network

### **Footpath & Bridleway**

The applicant has not given sufficient clear evidence of how Bridleway 86HU will be used when the site becomes a housing estate. They have also not taken into account its use by horse riders and the opportunity to make it safer for pedestrians, cyclists and horse riders

The bridleway originally ran through what was the farmyard of Coombe Farm. It was redirected in the 1990's when the new A23 was constructed to the east of the site splitting the fields of Coombe Farm in two. A new bridge was built to carry it over the A23 and vehicle access allowed across it for farm traffic so that access could be maintained between the two parts of the agricultural fields belonging to the farm. However once these fields are replaced by housing that agricultural need to use the bridge ceases to exist so there is no longer a vehicle need to use it.

Similarly, the bridleway that runs from the B2118 to the bridge is used currently used as vehicle access by the houses in the former Coombe Farm and Stonehaven. It is also used by unauthorised commercial vehicles as a cut through to avoid the A23 and its junctions.



**Plan of site with Red arrows showing the parts of the bridleway that would no longer be needed for agricultural vehicle access between the fields which were split in half by the new A23**

However once the new houses are built Coombe Farm and Stonehaven would only need to use the central section of the bridleway, as they could then turn onto the new north south road that runs through the site and exit onto the B2118 using the new road access junction.

Therefore the bridleway can be made safer for pedestrians cyclists and horse riders if vehicles were to be excluded from the two parts no longer needed by vehicles, as shown on the plan below, with vehicle access only resuming once the bridge has been crossed when it meets the track needed to access the Apollo Sun Club.

Much is also made of footpaths and cycle routes surrounding the site. It should though be remembered that all of the footpaths are unmade and become waterlogged in wet weather. Similarly there are no dedicated cycle paths and cyclists have to compete with vehicle traffic on the roadways. The perception of rural roads being safer for cyclists is also a misconception. The ones around Sayers Common are narrow, winding with blind bends, hilly and enclosed by high hedges and poorly maintained. Rural roads are more dangerous than urban roads, with higher fatality rates and a greater chance of a collision being fatal.

As Sayers Common is so remote from essential infrastructure, such roads do not encourage residents to cycle instead of use their cars. As such the applicant's and council's optimism that the use of cars will decrease with an increase in cycling and walking are totally misplaced.

### **Bus Stops**

At this time the only bus stops in the village are in the north opposite and near the village shop. The applicant makes mention of proposing new southern bus stops, the southbound of which appears to be south of their proposed site entrance. However, that location would not best serve the existing residents and not be the safest location for a bus stop. A bus which stopped there would narrow the road to a single lane requiring it to be overtaken by following traffic. It would also obstruct visibility of the site access point to traffic coming from the south.

The safest option, which would also better serve both existing and new residents, would be to build new north and southbound bus stops either side of the carriage way between the Reeds Lane and Furzeland Way roundabouts.



***Photograph and plan showing the wide verges owned by WSCC either side of the B2118 between the Reeds Lane and Furzeland Roundabouts***

When the A23 ceased to come through Sayers Common in the 1990s, the roadway through the village was narrowed with wide grass verges laid over the roadway edges. These verges are therefore wide enough to have bus laybays built into them with bus shelters, as was the case with the existing bus stops in the north of the village.

Land ownership would not be a problem as all the land from the roadway to the fence and hedge property boundaries on either side of the road is owned by WSCC through their Highways department, so they have control of the design and layout of such stops. This would then allow buses to stop for passengers by pulling off the roadway and not causing any obstruction to traffic. It would also make it safer for the school buses to pick up children, as at the moment the buses stop in the roadway besides the Duke of York pub causing vehicles to make risky manoeuvres to get round them. Safety for both pedestrians, bus and vehicles users could therefore be greatly improved.

Full funding could be secured for these Highway alterations from the developer through a S106 agreement. It is therefore surprising that such a solution and agreement has not be put forward by either the applicant or WSCC.

#### **National Highways as Landowner re Land Ownership, Subsidence & Flooding Concerns**

National Highways owns the land to the east of the site, purchased by compulsory order for the new A23 London to Brighton Trunk Road in the early 1990s. When examining their open data site map and the illustrative Masterplan it is unclear if the site includes any of their land, particularly at the north eastern corner of the site. This should be clarified with National Highways in their role as landowner in case there is a conflict over land usage.



***Site Illustrative Masterplan on the left. National Highways Open data Map on the right of the same area showing their land ownership in blue***

In addition, the proposed attenuation pond at the north eastern part of the site would be sited directly above the A23, which sits on land several meters below it. Any breach or overflow in the pond would potentially flow down onto the A23. As this is part of the stretch of the A23 where there have been frequent reports of flooding it should also be clarified with National Highways that the proposed drainage strategy will not pose an increased flood risk to the A23.

The embankment that runs along the A23 besides the site is held together by the trees growing within it. It should therefore be confirmed with National Highways that any weakening caused to these trees by a site noise barrier denying them light or water would not cause the embankment to subside down onto the A23 carriageway.



***Picture taken 03/11/2025 of the A23 where it runs below the site level, on the left, at this point.***

#### **Conclusions**

This proposed site for a housing estate is lacks the infrastructure either existing or proposed by the applicant to make it sustainable. It relies on speculative development elsewhere to give it sustainability but because of this that development can not be considered a material consideration or given weight. It can only be judged on its own merits and the evidence provided with this application.

The size of the proposed housing estate not in the development plan. It is outside and not joined to the built up area of Sayers Common. It is out of character with the existing village and would cause harm and irreversible change to the surrounding landscape. It would cause significant harm to listed buildings and ancient woodlands. It would not as a result be the best use of the land.

When the Hurstpierpoint and Sayers Common Council Parish 2031 Neighbourhood Plan was drawn up in 2015 there were about 230 houses in the village. It was agreed with the Planning Inspector when that plan was made that the number of new houses needed in Sayers Common in the Plan's period was 30 to 40. In the 10 years since that time, however, 175 houses have been built in the village but without any new essential infrastructure. Such a large number were built no due to actual demand in Sayers Common but because of developer speculative land acquisition and land banking. Now another new housing estate of 210 houses are proposed which will also not provide any new essential infrastructure to make them and the existing village sustainable. This is therefore not a sustainable development and so does not qualify for being considered as presumption in favour of sustainable development.

The mitigations the applicant proposes to the site issues would not be enough to outweigh the harm caused by them and the development nor make the housing estate a sustainable and well designed place to live. It does not meet the NPPF and MSDC District policies that have been mentioned and discussed previously in this document.

It would therefore not be a sustainable place to live so would not meet the NPPF requirement of presumption in favour of sustainable development. Its benefits do not outweigh the harm it would cause and so do not provide firm grounds for departing from national policy in paragraph 11d(i) of the National Planning Policy Framework.

As the application stands at this time it should therefore be refused on this basis.

10<sup>th</sup> December 2025

Kingsland Cottages, Reeds Lane, Sayers Common, Hassocks. BN6 9JG