

Susan Dubberley

From: [REDACTED]
Sent: 29 September 2026 14:00
To: Susan Dubberley; planninginfo
Subject: Re: Application DM/26/2178 — Land between No. 149 and No. 161 College Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9AF — erection of 6no. dwellings with associated access, landscaping, parking and areas of open space.
OBJECTION.

SUPPLEMENTARY REPRESENTATION (2)

To: Susan Dubberley, Case Officer, Planning Department, Mid Sussex District Council, Oaklands Road, Haywards Heath, RH16 1SS — planninginfo@midsussex.gov.uk / susan.dubberley@midsussex.gov.uk
Application reference: DM/26/2178

Site: Land between No. 149 and No. 161 College Lane, Hurstpierpoint, West Sussex, BN6 9AF
Proposal: Erection 6no. dwellings with associated access, landscaping, parking and areas of open space

Date: 29 September 2026

This supplements, and does not replace, my representation of 22 September 2026 and my supplementary representation of 23 September 2026. It deals with three things: what the Planning Committee was told, when it approved the adjoining development under DM/24/1139, about the effect of that approval on the built-up area boundary, and how criterion 2 of Policy DP6 falls to be applied in the light of that and of a recent appeal decision; two matters that bear on my representation of 22 September 2026 but are not in it; and three corrections to my representation of 22 September 2026, which I have re-checked against its sources.

1. What the Committee was told when it approved the adjoining site

On 10 October 2024 the Planning Committee resolved, by 7 votes to 4 with 1 abstention, to grant permission under DM/24/1139 for the seven dwellings immediately south of this site; permission was granted on 17 March 2025. The printed minutes, published with the meeting papers at <https://midsussex.moderngov.co.uk/ieListDocuments.aspx?CId=285&MId=3296>, record that the Team Leader was asked to clarify the meaning of “contiguous”, and that “Members expressed their frustrations regarding the contiguous boundary response”. They do not record what the officer told Members about whether that approval would change the built-up area boundary for later decisions on the surrounding land.

The recording of the meeting does. It is published at <https://www.youtube.com/watch?v=827Sv7EDyOg>. Between 37:20 and 38:16 of the recording, Joanne Fisher, Team Leader, Applications, answering a question from Councillor Hitchcock, told the Committee:

“The built-up area boundary would remain as it is drawn. Just because new development then becomes contiguous does not change the position of the development boundary. It would only change if a new district plan updated it. So new development would have to be contiguous with the existing boundary.”

In the same passage she said:

“If this were to be approved the development boundary would remain as it is.”

Because the minutes do not record these words, the recording is the source, and I give the times so that they can be checked.

2. This application relies on the adjoining approval for what the Committee was told it would not do

The applicant draws on the permission at DM/24/1139 in two ways. Paragraph 7.2.8 of the Planning and Heritage Statement quotes the Council’s finding that the adjoining development “is contiguous to the development boundary of Hurstpierpoint”. Paragraph 7.2.10 quotes the pre-application advice, which found that the proposal “would not meet any of these criteria and would therefore be contrary to the above policies”, but went on to suggest that, “given the approval of the housing adjacent to your proposal”, the site could be viewed as infill; paragraph 7.2.11 calls that “an important material consideration”.

The officer’s statement to the Committee answers the first of these. The dwellings permitted under DM/24/1139 did not move the built-up area boundary, so being next to them is not being contiguous with the built-up area of the settlement:

in her words, new development “would have to be contiguous with the existing boundary”. Criterion 2 of Policy DP6 therefore has to be applied to the boundary as drawn on the adopted Policies Map, Inset 15a, and not to the permission next door. That is the finding my representation of 22 September 2026 asked the Council to make and record. It bears on the second too. To treat this site as infill because the adjoining field has been approved is to use that approval as though it had extended the settlement, which is the outcome Members were told, when they granted it, would not follow. It is also the sequence the Inspector anticipated on this land in 2015, when he recorded his concern that allowing the appeal “would make it difficult for the Council to resist further piecemeal development in the area”, as my representation sets out.

I state the limits of the point. The officer’s statement does not decide criterion 2. As my representation records, along the site’s road frontage the built-up area boundary runs along College Lane, and whether land separated from it by the width of the lane is contiguous with it is a judgement for the Council. I said in my representation that the judgement “may well go the applicant’s way”; the paragraph that follows explains why I no longer put it so. Nor do I say that the pre-application officer could not regard the adjoining permission as material; that advice was given at officer level and is advice only. What the statement settles is the basis of the judgement: the boundary as drawn, not the development beside it. On 16 September 2026 an Inspector dismissing the appeal at Glebelands Field, Lodge Lane, Bolney (appeal 6009838) applied the same criterion of Policy DP6. He noted the court judgment in *Corbett v Cornwall Council* [2022] EWCA Civ 1069, which found “a degree of flexibility in applying terminology”, but recorded that “the DP glossary defines ‘contiguous’ as ‘sharing a common border, touching’” — in substance the definition the Council’s officer gave the Committee on DM/24/1139 — and held that a site part of whose boundary was “around 6m from the built-up area of the settlement” was not contiguous: “the site boundary does not touch nor share a common border with the settlement boundary and thus it is not contiguous with it” (paragraph 11). On that reading the question here is less a matter of broad judgement than of fact: whether the application site touches the built-up area boundary as drawn. Inset 15a is published at 1:6,000, and I cannot tell from it whether, along this frontage, the boundary is drawn on the near or the far side of the carriageway. If it runs along the far side or the middle of the lane, the site does not touch it and, on the Glebelands reading, is not contiguous with it. If it runs along the site’s own side, the site may touch it along its frontage. The application red line on drawing PL-01 runs along the eastern edge of the lane.

3. Two further matters: the path the emerging plan requires, and the setting of Grove Cottage

(a) The path. In section 3 of my representation of 22 September 2026 I asked the Council to refuse on the location limb of Policies DP21 and DP6, on the applicant’s own figures: no footway at the site, the nearest 640 metres south, and the bus stops a 1.2 kilometre walk. The Council’s emerging plan, which that representation treats as a material consideration, confirms the deficiency. The Schedule of Main Modifications (July 2026, as revised 10 August 2026) proposes three allocations on College Lane, 119 dwellings in all: MM72, Land east of College Lane (75); MM73, South of Hurst Wickham Barn (9); and MM75, Land south of Hurst Wickham Barn (35). Each requires a shared use path along College Lane. MM72, at requirement 3, reads:

“Provide a shared use path along College Lane to allow access to bus stops on Wickham Hill and access to College.”

MM73 (requirement 4) and MM75 (requirement 3) are in the same terms, except that they end “and access to College Lane”. This site is not within any of those allocations, and I do not say that their requirements apply to it. The point is narrower. The requirement is there because the route is not: the Council’s emerging plan requires the housing it proposes on College Lane to provide a shared use path to the bus stops, and this application neither provides one nor identifies one to which it would contribute. Its Draft Heads of Terms offer “an appropriate contribution towards sustainable transport and/or active travel infrastructure necessary to mitigate the transport impacts of the development”, which names no scheme.

(b) Grove Cottage. When the Committee resolved to grant DM/24/1139, it was told that the seven dwellings “would result in less than substantial harm to the setting” of Grove Cottage, 122 College Lane, which is listed at Grade II (committee report, 26 September 2024, paragraph 2.8). The Conservation Officer’s advice, quoted at paragraph 12.37 of that report, identified the setting that matters: “the surviving rural setting of the listed building, which survives to the north, west and east of the Cottage, will be considered to make a positive contribution to its special architectural and historical interest”. This site lies on the east side of College Lane, immediately north of the land permitted under DM/24/1139.

The applicant’s answer is at paragraph 7.6.2 of the Planning and Heritage Statement, which accepts that DM/24/1139 “was found to result in less than substantial harm due to its direct relationship with Grove Cottage”, and states that “those circumstances do not apply in this case” because the site “is physically separated from the listed building by intervening development and there is no intervisibility between the site and the heritage asset”. The Statement identifies no viewpoint, and describes neither the significance of the asset nor the extent of its setting; nor does it consider the combined effect of both developments on a setting the Council has already found to be harmed. I do not assert that this proposal would harm the significance of Grove Cottage; I am not qualified to judge that. I ask that the Conservation Officer be asked, before determination, whether the setting identified on DM/24/1139 extends to this land and what the

combined effect would be, so that the duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged on advice rather than on the applicant's assertion.

4. Corrections to my representation of 22 September 2026

I have re-checked the figures, dates and attributions in my representation of 22 September 2026 against their sources. Three need correcting. None of them alters a proposition or a request in that representation.

(a) Biodiversity net gain. In the section headed "What I do not say", I described the applicant's biodiversity net gain as "+19.57% against a 10% requirement, a margin of about a fifth of a habitat unit". That describes the figure wrongly. The "Headline Results" sheet of the applicant's statutory metric gives an on-site area habitat baseline of 1.2904 units and a net gain of 0.2525 units, so the 0.25 units the applicant reports is the whole gain and not the margin over the requirement. A 10% gain on that baseline is 0.1290 units, and the requirement is therefore exceeded by 0.1235 units, about an eighth of a habitat unit. The correction makes the margin smaller than I stated. The point it supported, that the result turns in part on the classification question at section 7 of my representation, is unchanged.

(b) Southern Water's position. In section 2 I said that Southern Water's written position on the sewer in College Lane "moved twice in twenty days". Its two letters on DM/25/2724, of 6 November 2025 and 25 November 2025, record one change of position, nineteen days apart. The words I quoted from each letter are correct.

(c) Paragraph 12.76 of the DM/24/1139 committee report. In section 2 I said that the Council's officer "recorded at paragraph 12.76 of his committee report" that the 300mm sewer "is currently performing as a combined sewer" and that "while it is labelled as a foul sewer on asset plans, it is in fact a combined sewer". Those words are the applicant's Flood Risk Assessment and Drainage Strategy for DM/24/1139, which paragraph 12.76 of the report quotes; they are not the officer's own finding. The report's author was the case officer, Joanne Fisher, so "his" should read "her". The point I made stands on what the report quotes: on that application the Council was told that the pipe labelled as a foul sewer is in fact a combined sewer, and it granted permission for seven dwellings to pump their surface water into it.

5. What I ask

I ask five things:

(a) that, in applying criterion 2 of Policy DP6, the Council assess contiguity against the built-up area boundary as drawn on Inset 15a of the Policies Map, consistently with what its officer told the Planning Committee on 10 October 2024, state where along the site's frontage that boundary is drawn in relation to the carriageway, apply the District Plan glossary definition of "contiguous" as the Inspector did at Glebelands Field, and record its finding on this file;

(b) that the Council not treat the permission at DM/24/1139 as having moved the settlement edge, whether directly or by describing this site as infill between that permission and the housing to the north;

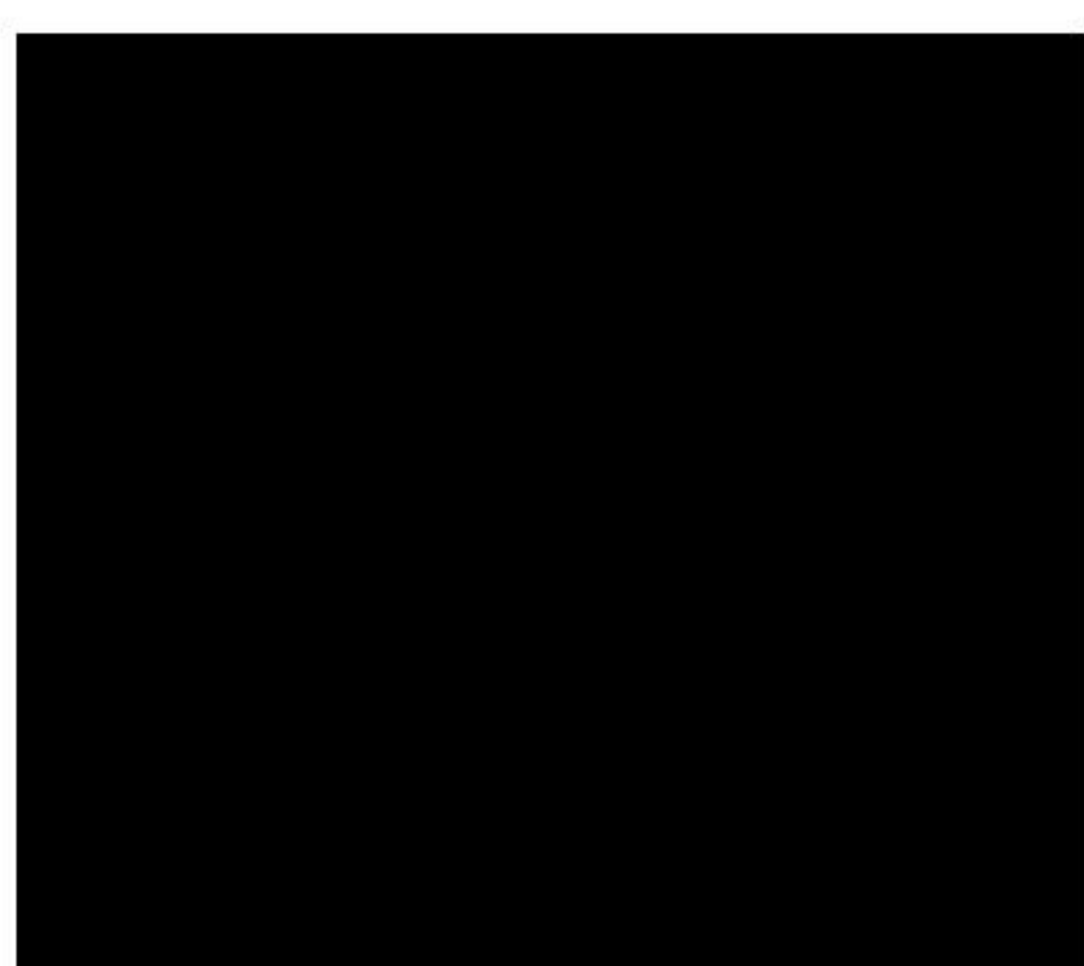
(c) that, in applying Policies DP21 and DP6, the Council take into account that its emerging plan requires the allocations it proposes on College Lane to provide a shared use path to the bus stops on Wickham Hill, and that this application provides none and identifies none to which it would contribute;

(d) that the Conservation Officer's advice on the setting of Grove Cottage, including the combined effect of this proposal and DM/24/1139, be obtained and placed on the file before the application is determined; and

(e) that the corrections at section 4 be read into my representation of 22 September 2026.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours faithfully,



SUPPLEMENTARY REPRESENTATION

To: Susan Dubberley, Case Officer, Planning Department, Mid Sussex District Council, Oaklands Road, Haywards Heath, RH16 1SS — planninginfo@midsussex.gov.uk / susan.dubberley@midsussex.gov.uk
Application reference: DM/26/2178

Site: Land between No. 149 and No. 161 College Lane, Hurstpierpoint, West Sussex, BN6 9AF

Proposal: Erection 6no. dwellings with associated access, landscaping, parking and areas of open space

Date: 23 September 2026

This supplements, and does not replace, my representation of 22 September 2026. It is confined to one document: the consultation response of the Council's Flood Risk and Drainage Team, dated 17 September 2026 and added to the register on 22 September 2026, after my representation was sent. Every point below arises from that document. The only other fact I state is a re-check of the register on 23 September 2026, and that is there solely to say what the response has and has not changed.

1. What the response says, including what assists the applicant

The response states: "Following a review of the submitted information, we have no objection on surface water grounds", and recommends approval subject to a single condition requiring a Verification Report. It also records something the application documents do not — that conversations with the highway authority have begun. I record both at the outset because both cut against me.

2. It is not the answer to the question my representation asked

My representation asked the Council to obtain the view of the lead local flood authority on whether the higher tiers of the Policy DP41 hierarchy had been properly assessed and ruled out. This response does not supply that view, for two reasons on its own face. It is the district council's own team, not West Sussex County Council as lead local flood authority — indeed the condition it recommends is framed by reference to the system being "as approved by the Lead Local Flood Authority", which is a different body. And it does not address the hierarchy at all: infiltration, the absence of testing, and Appendix L of the Flood Risk Assessment are not mentioned. I ask that the request be treated as outstanding.

3. It says nothing about foul water

The response is limited by its own words to "surface water grounds". The foul position — the combined sewer, the cumulative flows, and the fact that Southern Water has still not been consulted — is untouched by it. I re-checked the register on 23 September 2026: Southern Water is still not among the consultees.

4. The informative identifies the gap and then leaves it unsecured

The response ends with this informative:

"The applicant is advised that if new surface water discharge points are proposed into a third party asset, it is therefore important that the appropriate consents and approvals are sought before works are undertaken. It is noted that conversations with WSCC have begun but these should continue until a formal agreement is in place."

That is the Council's own drainage consultee recording, in terms, that this development discharges into a third party's asset, that consents and approvals are needed, and that no formal agreement is in place. It is the proposition my representation advanced, now stated from the Council's own side. My representation put it this way: "No application has been made for the works, there is no agreement with the highway authority, nothing before the Council secures them". The response confirms the second and third of those three, and it is the Council's own consultee that confirms them. On the first, I accept that the response records conversations having begun, which is more than the application documents disclose; conversations are not an application, and the response does not say one has been made. But it is left to an informative. An informative is advice: it secures nothing, and nothing turns on whether it is followed. The one condition recommended operates after the event — "No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority" — so it confirms that what was built matches what was approved. It does not secure the off-site upsizing of the carrier drain, and it could not, because that work is on land the applicant does not control.

5. What I ask

I do not ask the Council to disregard its consultee, and I do not say the response is wrong on surface water generally. I ask three things, each of which follows from the response itself:

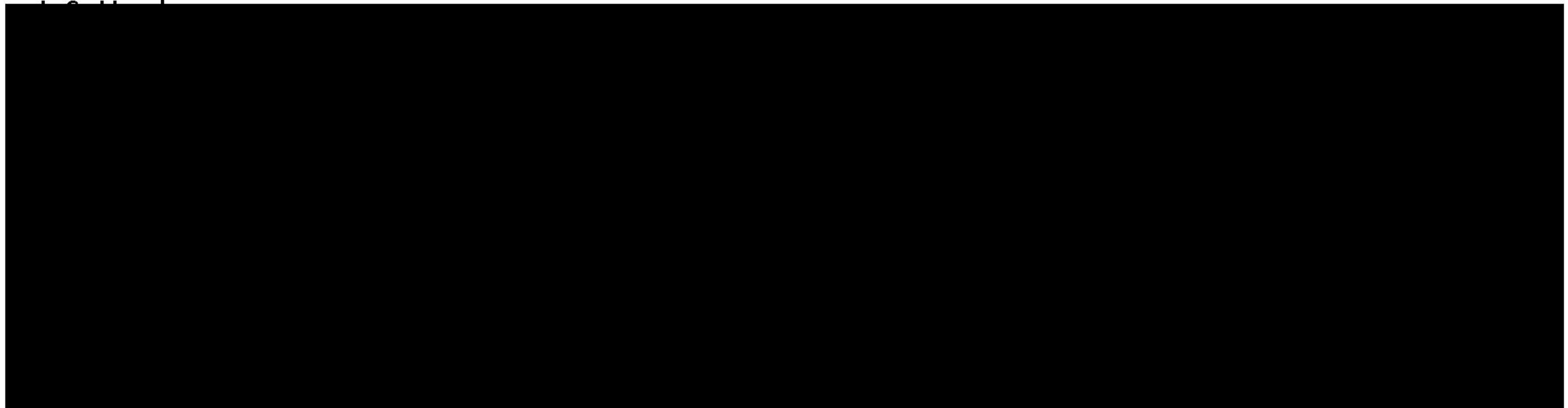
(a) that the lead local flood authority's view on the Policy DP41 hierarchy be obtained, the request at my representation being unanswered by a response from a different body which does not address it;

(b) that Southern Water be consulted on foul capacity, the response being expressly confined to surface water; and

(c) that, if the Council is minded to grant, the agreement with West Sussex County Council be in place before determination, or failing that that a condition in Grampian form be imposed requiring it before development begins, in place of an informative recommending it. A matter the Council's own consultee has identified as outstanding and outside the applicant's control should be secured by condition and not by advice.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours faithfully,



REPRESENTATION

To: Susan Dubberley, Case Officer Planning Department, Mid Sussex District Council, Oaklands Road, Haywards Heath, RH16 1SS planninginfo@midsussex.gov.uk / susan.dubberley@midsussex.gov.uk

Date: 22/09/2026

RE: Application DM/26/2178 — Land between No. 149 and No. 161 College Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9AF — erection of 6no. dwellings with associated access, landscaping, parking and areas of open space. OBJECTION.

I write within the consultation period, which closes on 30 September 2026 for the public and on 25 September 2026 for those served under the Article 13 notice. I have worked to the earlier date.

I object to this application and ask that it be refused. In the alternative, and on grounds I identify separately below, I ask that it not be determined until the material a decision-maker needs is before the Council.

I have no financial or proprietary interest in the application site, in the applicant, or in any land that competes with it. Nothing in this letter is written on anyone else's behalf. Every quotation is taken from a document on the Council's own register or from published policy, and I give the source for each.

The policy framework

- The development plan comprises the Mid Sussex District Plan 2014—2031 (adopted 28 March 2018), the Site Allocations DPD (2022) and the made Hurstpierpoint and Sayers Common Neighbourhood Plan (2015). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determination in

accordance with it unless material considerations indicate otherwise.

- The emerging District Plan 2021—2039 is not part of the development plan. It is a material consideration whose weight rises with its stage of preparation, and its hearings and main modifications consultation are complete.
- I accept that policy S5 of the National Planning Policy Framework (August 2026) is engaged, the qualifying category being unmet housing need where the authority cannot demonstrate a five-year supply. S5(1) requires such development to be approved unless the benefits would be “substantially outweighed by any adverse effects”. That is the test this letter addresses.

1. The Council’s own officer assessed this scheme as too urban and asked for a reduction that has not been made

Policy DP26 of the District Plan (2018) requires that *“All applicants will be required to demonstrate that development ... creates a sense of place while addressing the character and scale of the surrounding buildings and landscape”*. Policy **DP3** of the Framework is to the same effect.

The Council has already applied that test to this scheme. In her pre-application response of 26 May 2026, reproduced at Appendix A to the applicant’s own Statement, the officer wrote of this six-unit layout that *“the scale of the development still feels too urban for what is an edge of settlement rural location”*, and asked for *“a meaningful reduction in the overall scale of the proposal”*. Her summary recorded that the reduction from seven units to six had been achieved *“with little visual reduction in practice”*. In fairness the same email records that *“The views expressed in this letter are at officer level only and do not prejudice the Council from making whatever decision it considers appropriate”*; the weight to give an officer’s assessment is for the decision-maker. I say only that the Council has assessed this layout once and asked for a change it has not received.

The scheme before the Council is that scheme, unaltered. The applicant’s Planning Statement compounds this by describing the sequence backwards, stating that the reduction was made *“in direct response to officer concerns”* when the officer’s own email records the agent making it on 28 April 2026 and her criticism following on 26 May.

I ask the Council to refuse the application for conflict with Policy DP26 and Framework policy DP3, or alternatively to explain in the officer’s report why an assessment it has already made of this layout no longer holds.

2. Surface water depends on works outside the site, to a pipe that no drawing shows; and the foul position has never been put to the undertaker

Surface water: the outfall

Policy DP41 of the District Plan (2018) requires proposals to *“not increase the risk of flooding elsewhere”* and sets a hierarchy: *“1. Infiltration Measures 2. Attenuation and discharge to watercourses; and if these cannot be met, 3. Discharge to surface water only sewers.”* Framework policy F8 is to the same effect. The surface water goes to the carrier drain because the applicant’s own hierarchy puts it there, and I do not dispute that.

The applicant's Flood Risk Assessment and Drainage Strategy identifies a single outfall — the West Sussex County Council highway carrier drain in College Lane — and states at paragraph 7.41: *"In order to provide sufficient capacity, the pipe will need to be upsized from 225mm to 300mm."*

That drain lies outside the application site. No application has been made for the works, there is no agreement with the highway authority, nothing before the Council secures them, and no document states how much of College Lane would be opened up.

There is a more basic difficulty behind that one. I have looked for a drawing of this pipe on the file for this application, on the file for the adjoining application DM/24/1139, and on the Southern Water asset plan at Appendix G, and there is none. The document the Flood Risk Assessment cites for it is a West Sussex County Council plan of 7 November 2024 whose title block reads *"College Lane, Hassocks" over "Existing Road Gullies"*, which shows eleven highway gullies and no pipe, no invert and no outfall. The covering email offers it as *"all the information we have"*, and the sentence on which the 225mm diameter rests begins *"It would appear the existing carrier drain in a 225mm pipe"*. The extent of the works, the disruption and the downstream effect therefore cannot be stated from anything before the Council. One letter to the highway authority would settle it.

There is a second matter on the same strategy. **The tier above the one chosen was dismissed on a ground the same report contradicts.** Table 7.3 of the Flood Risk Assessment records against discharge to a watercourse that the tier is *"not viable due to no watercourses in the vicinity of the site"*. Yet paragraph 2.20 of that report states that *"The nearest known open water body is an ordinary watercourse that flows east-west approximately 230m north of the site"*, and Appendix L is the applicant's own engineer calling discharge to *"a nearby watercourse/ditch in College Lane"* the *"most sustainable option"*, rejected only for the length of pipe, with a measurement pasted into his email reading *"Total distance: 200.44 m"*. I do not say the ditch is a viable outfall. I say Policy DP41 requires the rejection of each higher tier to be justified, and the Council has not been given the engineer's own reason.

This point concerns the outfall, not the absence of infiltration testing, which I do not advance as a reason for refusal: the Council's own checklist does not require BRE 365 testing where a secondary discharge route is proposed, as it is here. What that checklist does require is that *"Applicants should provide evidence that each higher-tier option has been properly assessed and, if not feasible, ruled out with justification"*. Whether the desk assessment satisfies that is a question for the lead local flood authority, and I ask that it be put to it expressly.

I ask the Council to refuse the application for conflict with Policy DP41 and Framework policy F8, on the outfall.

Foul water: a different pipe, and a question the Council has been asked before

Foul water goes to a different pipe, and raises a different question. The surface water outfall dealt with above is the highway authority's 225mm carrier drain, which the applicant says must be enlarged to 300mm. The foul outfall is Southern Water's existing 300mm vitreous clay public sewer. The two are easily confused, because the carrier drain would be enlarged to the diameter the foul sewer already has.

The Flood Risk Assessment proposes to discharge foul water by gravity to the 300mm pipe in College Lane and concludes that *"it is anticipated that the sewer in College Lane, which has a diameter of 300mm, would have capacity"*. That is the applicant's anticipation, not the undertaker's confirmation. On the adjoining application DM/24/1139 the Council's officer recorded at paragraph 12.76 of his committee report that the same pipe *"is currently performing as a combined sewer"* and that *"while it is labelled as a foul sewer on asset plans, it is in fact a combined sewer"* — and permission was granted for those seven dwellings to pump their surface water into it. The Council's own Drainage Engineer asked there *"for Southern Water to provide a comment/reassurance towards this"*. Southern Water is not among the eight consultees

named on the Council's List of Consultations of 9 September 2026, and was still not a consultee when I re-checked the register on 22 September 2026.

The cumulative figure can now be stated, and no document before the Council states it. The conditions on the adjoining permission were discharged on 2 July 2026 under DM/25/2724, and the approved drainage information gives a pumped foul flow of 3.8 litres a second and a pumped surface water flow of 2 litres a second from those seven dwellings, both into the 300mm sewer. With the 0.05 litres a second this application calculates for itself, the two together would put 5.85 litres a second into that pipe. Southern Water's written position on that network moved twice in twenty days: on 6 November 2025 it responded that it *"does not accept surface water flows into the foul network"*, and on 25 November 2025 that it *"can discharge Condition 4 as required details have been recieved"* — the spelling is the undertaker's.

I do not put this as a reason to refuse: a developer has a right to communicate with a public sewer under section 106 of the Water Industry Act 1991 whatever the capacity, and it is for the undertaker, under its section 94 duty to provide a sewerage system, to answer the capacity question. It is a reason to consult Southern Water before determining the application.

3. The site is not a sustainable location, and none of the three things Policy Hurst H6 requires has been submitted

Policy Hurst H6 of the Neighbourhood Plan (2015) supports new housing development where it meets stated criteria, including *"b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements"*.

Policy DP21 of the District Plan requires the Council, in deciding development proposals, to take account of whether *"The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation"*. The applicant reproduces that bullet in its own Transport Statement and never applies it.

What has been submitted is a Transport **Statement**. There is no Travel Plan. There is no cumulative traffic assessment, notwithstanding the seven dwellings permitted on the adjoining paddock to the south-east and the 509 dwellings the emerging plan proposes for allocation at Hurstpierpoint. Policy Hurst H6 is listed at paragraph 6.5 of the Planning and Heritage Statement as a relevant policy and is then never applied.

This is not a matter of judgement about the adequacy of a document. The Travel Plan and the cumulative assessment do not exist at all, and what stands in place of the Transport Assessment is a document of a different kind. I do not rest this ground on the Framework, whose policy TR6 is less demanding: it applies to proposals *"likely to generate significant amounts of movement"*, which I do not say this is. Policy Hurst H6 names both documents, offers no choice between them and sets no threshold.

Those two limbs ask for different things. The three missing documents could be produced, and Policy Hurst H6 is a supportive policy, so failing a criterion withholds support rather than directing refusal. On that limb I ask the Council to require the documents before determining the application, not to refuse for want of them.

The location is a different matter, and no document cures it. Policy DP21 requires the Council to take account of whether *"The scheme is sustainably located to minimise the need for travel"*, and Policy DP6 supports expansion only where a site is *"demonstrated to be sustainable"*. On the applicant's own Transport Statement there is no footway at the site, the nearest is 640 metres south, the bus stops are a 1.2 kilometre walk, and the frontage carries the national 60 mph limit. An Inspector found in 2015 that access here *"would primarily be by car"*. The Council took a different view of the adjoining site in 2025, on the footing that it lay *"within the 30 mph speed limit"* — which is not true of

this frontage, on the applicant's own evidence. On that limb I ask the Council to refuse for conflict with Policies DP21 and DP6.

4. The Village Design Statement the Neighbourhood Plan requires to be followed is not mentioned anywhere in the application, and the scheme conflicts with it

Policy Hurst H5 of the Neighbourhood Plan (2015) provides: *"House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004)."*

The Planning and Heritage Statement claims compliance with Hurst H5 at paragraph 7.4.9. The phrase "Village Design Statement" appears in no document submitted with this application. Compliance with a policy that requires a named document to be followed cannot be asserted by a submission that does not mention the document.

I have obtained and read the Statement, and the conflict is on the applicant's own drawing. Policy H&SC 4.2 provides that, except where exceptional design quality is evident, *"the principal external building materials shall be those described in Section 5 (Guidance)"*. Paragraph 5.6.1, headed *"PREFERRED BUILDING MATERIALS FOR WALLS"*, gives five: *"Red stock bricks from local clays"*; *"Red plain tiles from local clays"*; *"Knapped or roughly coursed flint"*; *"Render painted off-white"*; and *"Ashlared sandstone"*. Paragraph 5.6.2, for roofs, gives two: *"Red plain tiles from local clays"* and *"Natural slate"*. Section 4.07 of the Design and Access Statement states that *"Dark-stained timber cladding is utilised as the primary facing material"*, paired with grey roof tiles. The cladding is not among the five wall materials and the grey roof tiles are not among the two roof materials, and paragraph 2.5.5 names boarding among the non-local materials which *"contributed to a reduction of local identity"*.

Three things cut the other way and I record them. The Statement notes that board cladding came from the Weald for barns; the applicant's own context study photographs dark boarding at 141 College Lane; and Policy H&SC 4.2 has an exception for exceptional architectural quality, which the applicant has never invoked because it has never mentioned the document.

On layout, Policy H&SC 4.7.1 requires applications to *"respect the established settlement pattern described in this document"*, and the document describes Hurstpierpoint as *"predominantly frontage development"* and Hurst Wickham as *"linear in form along College Lane"*. This scheme puts two houses on the frontage and four behind them along an internal cul-de-sac. That is the same objection the Council's own assessor made in 2014 and the Inspector made in 2015.

Its age does not answer this: a made neighbourhood plan adopted it by name in 2015, and section 38(6) requires the application to be determined in accordance with that plan. Framework policy DP3(3) then directs refusal where a proposal conflicts, without clear justification, with *"any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans)"*.

One further point, which is short. The application form answers *"Please refer to accompanying drawings."* to every question about external materials, and the plot drawings carry no material annotation, key or legend at all. Nothing in this application fixes what it would be built of.

I ask the Council to refuse the application for conflict with Policy Hurst H5, or to require the applicant to demonstrate compliance against the Village Design Statement itself and to provide a schedule of external materials.

5. The affordable housing threshold has been tested against one limb only

Policy DP31 of the District Plan (2018) provides for *“the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²”,* with gross floorspace measured as gross internal floorspace. Those are alternative triggers.

Paragraph 7.5.3 of the Planning and Heritage Statement recites both, describing DP31 as having *“a higher threshold for affordable housing on developments of 11 dwellings or more or a maximum combined gross floorspace of more than 1000m²”*. The Statement then applies only the first, concludes that six is fewer than eleven, and stops. **The combined gross internal floorspace of this development is nowhere stated, calculated or assessed.**

It can be derived from the applicant’s own drawings. The six dwellings total 968 m² — within 32 m², or about 3%, of the threshold before a single ancillary building is counted. Adding the detached garages takes the total above 1,000 m² on every reading. The application offers no affordable housing at all: the Draft Heads of Terms contain eleven proposed obligations and not one of them is affordable housing.

I do not press a particular measurement convention for garages and carports; that is for the Council. What I say is that the calculation has not been done. **The two triggers are disjunctive.** The proposition that this scheme falls below the affordable housing threshold is true only of the dwelling-number limb; a development of six dwellings engages DP31 if its combined gross internal floorspace exceeds 1,000 m².

I ask the Council to require a schedule of combined gross internal floorspace, stating expressly what is included and excluded, before determining the application — and, if the threshold is crossed, to apply Policy DP31.

6. The countryside test that governs this site has not been carried out

Policy DP15 of the District Plan (2018) permits new homes in the countryside only *“Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside”*. Policy DP12 permits development in the countryside *“provided it maintains or where possible enhances the quality of the rural and landscape character of the District”*, and names the evidence by which that is to be tested: the Mid Sussex Landscape Character Assessment, the West Sussex Strategy for the West Sussex Landscape and the Capacity of Mid Sussex District to Accommodate Development Study.

No landscape assessment of any kind has been submitted: no landscape appraisal, no landscape and visual impact assessment, and no reference anywhere in the submission to any of the three studies the policy names. DP12 is listed at paragraph 6.4 of the Planning and Heritage Statement and then never assessed. The Statement has sections on design, housing, heritage, drainage, ecology, transport, water and energy, and none on the countryside.

The same gap defeats Policy DP6, on which the applicant’s route to DP15 depends. Criterion 2 requires that *“The site is contiguous with an existing built up area of the settlement”*. No plan submitted with the application shows the built-up area boundary against the red line, and paragraph 2.6 of the Planning Statement asserts contiguity while citing no plan.

I record a passage in the pre-application advice that cuts against me: the officer wrote that DP6 *“can be considered to be out-of-date”* and carries limited weight. It does not settle the question. A policy said to be out of date is not disapplied: DP6 remains part of the adopted development plan and section 38(6) applies to it. And the applicant cannot have it both ways — its own Statement concludes that the proposal *“is considered to fully accord with the requirements of Policy DP6”* and relies on that as its route to DP15.

I have read the Council’s adopted Policies Map, Inset 15a (June 2022), and record what it shows even where it assists the applicant. The site lies outside the built-up area

boundary, as do Nos. 147, 149, 161 and 167 College Lane. On its own side of the lane it does not adjoin the boundary; along its frontage that boundary runs down College Lane itself, so the two are separated by no more than the width of the lane. Whether that satisfies criterion 2 is a judgement for the Council and may well go the applicant's way.

I therefore put the lesser proposition: not that the proposal conflicts with DP6, DP12 and DP15, but that compliance has not been demonstrated and cannot be until the assessment those policies require is carried out.

There is one assessment of this land's character on the record, and the applicant cites it without quoting it. An appeal for three dwellings on this same site was dismissed on 13 May 2015 (APP/D3830/W/14/3001881; Mid Sussex AP/15/0002). The Inspector found that houses here *"would lead to an undesirable urbanization of their surroundings to the detriment of its attractive rural character"*, and that even with screening they *"would still look intrusive"*. He recorded that it was agreed the Council could not demonstrate a five-year housing land supply, and concluded at paragraph 24 that *"even in the absence of a 5 year housing land supply permission was justifiably refused"*. The Planning and Heritage Statement quotes his list of main issues and not one word of his conclusions.

I am careful about the weight of that decision: it applied superseded policy and concerned three dwellings, where six deliver more. What has not changed is his description of this field, and his finding at paragraph 8 that allowing development here *"would make it difficult for the Council to resist further piecemeal development in the area, particularly in the gap that would remain to the bungalows to the south"* — the gap in which the seven dwellings of DM/24/1139 have since been permitted, and on which this application now relies. Thirteen unallocated countryside dwellings on this stretch. I say nothing against those permissions. I say that what the Inspector predicted has happened.

There is a third document on the Council's own file, and the applicant reports it the other way round. Paragraph 4.10 of the Planning and Heritage Statement states that the land availability assessment *"identifies the site as suitable for residential development of up to 14 dwellings"*.

The applicant reproduces that assessment itself, as Figure 5: the Council's Strategic Housing and Economic Land Availability Assessment of October 2023, headed *"Stage 1 Site Pro-Forma – All Sites"*. Its suitability row reads, in full: *"No known constraints - assessed as Suitable at Stage 1, progress to Stage 2 assessment"*. That is a screening conclusion that the site should go forward to be assessed, not that it is suitable for development, and paragraph 4.10 drops the stage qualifier which is its substance.

The assessment says so itself. Its main report states that it *"does not in itself determine whether a site should be allocated for housing development but is the first step in the process"*, and that the documents which identify sites suitable for allocation are the Site Selection Papers. When the Site Selection Paper reached Hurstpierpoint, this site was not in it: SSP8, Appendix 2 (July 2026) assesses eleven Hurstpierpoint sites totalling 1,274 dwellings, and site 173 is not among them.

The Council's earlier record for the same land points the same way. The SHLAA Site Summary for site 173 (HP/16) leaves the "Site Suitable?" box unticked while ticking "Site Available?" and "Site Achievable?". In that unticked box it records that *"The site performs poorly in terms of sustainability being over a mile from the services and facilities in the village centre and has no pavement for pedestrians"*, and its Overall Conclusion is that development of the entire site *"would extend the built-up area into the countryside and would not be in keeping with the surrounding residential character of the village periphery"*. In fairness the same conclusion adds that frontage infill *"may have a lesser impact on the wider landscape"* — while recording, in the same sentence, that it *"would require an extension of the built-up area boundary in a relatively unsustainable area"*.

One designation on that map is not in doubt. Inset 15a shows the Local Gap Prevention of Coalescence boundary running along the built-up area boundary at the northern end

of Hurst Wickham, with the countryside beyond it — the block in which this site sits — inside the Gap, annotated “DP12” and “C3”. Neither DP13 nor Hurst C3 is applied anywhere in the submission.

I ask the Council not to determine the application until a landscape assessment addressing DP12 and Policy Hurst C1 has been submitted and the built-up area boundary has been plotted against the red line, and in any event to place the 2015 appeal decision and the Council’s own land availability record for this site on this application’s file and take them into account.

7. The boundary on the access line is called a hedge by one of the applicant’s consultants and a treeline by another, and Policy DP37 is not addressed

Policy DP37 of the District Plan (2018) provides that “*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted*”, and requires that development “*incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme*”. The Planning and Heritage Statement does not address it.

The applicant’s arboriculturalist surveyed the linear feature on the line of the proposed access as group G13 and recorded that “*The linear group was an overgrown hedge whose hedgerow management had lapsed for many years*”, recommending “*Lay the hedge in the traditional manner and maintain as a hedge thereafter.*” The same report then requires it to be felled to create the vehicle access.

The applicant’s ecologist describes the same line differently. The Habitat Management and Monitoring Plan records that “*Linear feature H2 is proposed to be removed to facilitate access*”, and classifies it not as hedgerow but as urban trees. That distinction carries a figure. The statutory biodiversity metric runs hedgerows in a separate module from area habitats, with its own baseline; the claimed hedgerow gain is +30.59%; and the same Habitat Management and Monitoring Plan says the hedgerows on the site will be “*retained and enhanced*”. Classifying this feature as urban trees keeps it out of the hedgerow module altogether. So if it is in fact a hedgerow, a length of hedgerow is being removed while the hedgerow figures are calculated as though every hedgerow on the site were being kept.

I do not ask for refusal on this. I ask the Council to obtain its ecologist’s and tree officer’s view on whether this feature is a hedgerow or a treeline, to assess it against Policy DP37, and to have the metric re-run if it is a hedgerow — a question for this decision and no other, because regulation 6 of the Hedgerows Regulations 1997 permits a hedgerow to be removed both for development which has planning permission and for obtaining access to land, so no separate consent stage follows in which it could be asked.

What I do not say

An objection that overreaches is rightly discounted, so I should be clear about what is not wrong with this application.

The principle is not hopeless for the applicant. The Council cannot demonstrate a five-year housing land supply, policy S5 is engaged, and it granted seven dwellings in the countryside next door in March 2025. I do not ask the Council to reverse that. Framework policy HO7 gives substantial weight to homes meeting evidenced need —

but on 16 September 2026 an Inspector gave that weight to up to nine homes at Glebelands Field, Bolney, and still concluded that *“the benefits of the proposal would not substantially outweigh the adverse effects”* (appeal 6009838, paragraph 49).

Several things are properly done and I do not object to them. I accept the Tree Survey on the individual trees: none is protected by a Tree Preservation Order, the site is not in a conservation area, and the losses are low grade. What I do not accept is the classification of the linear feature on the access line, which is the point at section 7. I make no point on highway capacity, trip generation or the collision record, which is nil over five years, and nothing contradicts the visibility splays. The site is in Flood Zone 1 and outside the Ashdown Forest zone of influence. The dwellings meet the Policy DP27 space standards and two of the six are designed to Part M4(2), which exceeds what Policy DP28 expects. The scheme is all-electric with heat pumps, electric vehicle charging and cycle storage exceeding the standard. On biodiversity net gain I record what the applicant claims rather than accept it: +19.57% against a 10% requirement, a margin of about a fifth of a habitat unit, which turns in part on the classification question at section 7.

I do not seek refusal on Policy DP39, whose energy requirements this scheme meets; the only shortfall is the 110 l/p/d water standard, which a condition would secure. I do not press Policy Hurst H7. I do not assert that the proposal would harm the significance of Grove Cottage: my point on Policy DP34 is that no assessment of that building's significance has been submitted, so the section 66(1) duty cannot presently be discharged.

What I ask the Council to do

1. **Refuse the application** for conflict with Policies **DP26**, **DP41**, **DP21** and **DP6** of the Mid Sussex District Plan, Policy **Hurst H5** of the Hurstpierpoint and Sayers Common Neighbourhood Plan, and policies **DP3** and **F8** of the National Planning Policy Framework. I do not ask for refusal on Policy Hurst H6, for the reason given at point 3 above; the documents it names are among those sought at point 2.
2. In the alternative, do not determine the application until the following are before the Council: a landscape assessment addressing Policies DP12 and Hurst C1; a plan showing the built-up area boundary against the red line; a schedule of combined gross internal floorspace for Policy DP31; the lead local flood authority's view on whether the higher tiers of the DP41 hierarchy have been properly assessed and ruled out; West Sussex County Council's asset record for the College Lane carrier drain, with the extent, capacity and securing mechanism for its upsizing; an assessment of the significance of Grove Cottage and its setting; NatureSpace Partnership's advice on great crested newts; the Council ecologist's and tree officer's view on whether the linear feature is a hedgerow, with the metric re-run if it is; a Transport Assessment, Travel Plan and parking schedule, as Policy Hurst H6 requires; and a schedule of external materials assessed against Section 5 of the Village Design Statement.
3. Consult Southern Water, which is not among the eight consultees listed on the Council's consultation sheet of 9 September 2026 and was still not a consultee on 22 September 2026, and put to it

the cumulative figure of 5.85 litres a second set out above. Ask West Sussex County Council, at the same time, for its asset record for the highway carrier drain, which appears on no drawing on either file.

4. Establish and record the position on site notices, and extend the consultation period accordingly. Only five properties were notified; the consultation sheet has a blank row where a site notice would be recorded; and the Important Dates tab records no Latest Advertisement Expiry Date. The one document purporting to evidence a notice — a photograph added on 14 September 2026 — shows a notice for DM/26/2152, a side extension at East Grinstead. I do not say no notice was displayed here; I say there is no record on this file that one was.
5. **Place the 2015 appeal decision on the public file and take it into account.** It is on the Council's own register under AP/15/0002 (Planning Inspectorate APP/D3830/W/14/3001881, dismissed 13 May 2015) and is discussed at point 6 above. The applicant's Statement quotes the Inspector's list of issues and not one word of his conclusions.

On the material presently before the Council, this application does not accord with the development plan read as a whole, and the benefits would be substantially outweighed by the adverse effects when assessed against the national decision-making policies, within the meaning of policy S5. I ask that permission be refused.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours faithfully,

