

Members of the Planning Committee
Mid Sussex District Council

Date 12 August 2026
Your ref
Our ref 0547/328796.5

Dear Members of the Planning Committee,

Planning Committee 13 August 2026 Item 9
Land south of Old Rocky Lane, Haywards Heath — DM/25/27207

I write in support of the application for the erection of six apartments within a single three-storey building, with access, parking and landscaping, on land south of Old Rocky Lane, Haywards Heath. As you know, I have many years of experience in advising on planning matters in Mid Sussex. I find the Officer recommendation hugely surprising and one that fails to properly take account of the scheme benefits, policy background and planning balance.

Firstly, suggested reason for refusal 2, notwithstanding the fact that a very similar relationship exists elsewhere on the wider development and that this issue was not raised by officers until the report was published, could be simply overcome by imposing a planning condition, to allocate the space to the adjacent apartment. Reason 3, requires a S106, which we agree to provide and so this reason would be removed.

The site lies within the built-up area of Haywards Heath, which is identified as a Category 1 settlement with a comprehensive range of services, facilities and public transport provision. The application therefore concerns a modest residential proposal in one of the District's most sustainable locations, within walking distance of local services and within cycling distance of Haywards Heath town centre and railway station.

The current proposal should be considered afresh and on its own merits, because it is a materially different and reduced scheme from the previous nine-apartment appeal proposal. The earlier appeal related to the erection of nine apartments in a single three-storey building, whereas the present application is for six apartments, with a reduced

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scale and mass and with the south elevation set back materially further from Rocky Lane. The south elevation of the current scheme is set back by over 14 metres from the position of the previous DM/21/3763 proposal and nearly 19 metres from the position of DM/20/3456, which was the scheme considered at appeal. That relocation is central to the planning judgement now before Members, because the current proposal is not simply a re-run of the appeal scheme.

In my respectful submission, the committee report appears to give insufficient practical effect to the presumption in favour of sustainable development and to the tilted balance now engaged by the Council's housing land supply position. The Council's best-case supply position as 3.38 years at the 1 April 2024 base date, and therefore paragraph 11(d) of the National Planning Policy Framework is triggered for decision-taking. That is a significant change from the appeal context, where the Inspector proceeded on the basis that the Council could demonstrate a five-year housing land supply. In this changed policy context, permission should be granted unless the adverse impacts would **significantly and demonstrably** outweigh the benefits when assessed against the Framework taken as a whole.

The benefits of the proposal are real and should not be understated merely because the scheme is small. National policy recognises the important contribution of small and medium-sized sites, gives great weight to suitable windfall sites within existing settlements, and supports the effective use of underused and brownfield land for homes. The site is partly brownfield, underused and surrounded by existing residential development and transport infrastructure. Approving six smaller homes in this location would make efficient use of land within the settlement boundary and would help to meet local housing needs without pushing development into less sustainable greenfield sites. Members will be aware that the Local Plan is promoting significant greenfield releases within the National Landscape and further south-west of the application site beyond the current built-up area. This proposal can be delivered quickly and makes efficient use of brownfield land.

I am also concerned that the committee report appears to give reduced weight to out-of-date development plan policies but then places decisive reliance on disputed conclusions under Policies DP26 and DP37. There are numerous relevant policies which the scheme complies with, including policies relating to the principle of development, design, amenity, access and parking, ecology, arboriculture, sustainability and affordable housing. **It is disproportionate to characterise the proposal as conflicting with the development plan as a whole when the alleged conflicts are concentrated on disputed judgements about character, design and trees.**

The report's conclusions on landscape and visual harm also overstate the effects of the development when measured against the evidence submitted with the application. The proposal has been designed to follow the form, detailing and materials of the approved Kilnwood Apartments immediately to the east, which is a high-quality urban design precedent. The previous Inspector also acknowledged that the appeal proposal was of some architectural merit.

The landscape and visual assessment material should be given substantial weight in this regard. The planning statement records that the Design and Access Statement and verified views demonstrate very limited impact in the street scene, including from the A272 to the east and west. It further states that the current building does not harm views towards the South Downs from the A272 or Old Rocky Lane, with views from Old Rocky Lane largely blocked or heavily filtered by the strong landscaped belt of protected trees and lower-level planting. **Against that evidence, a conclusion of significant visual harm appears to depend heavily on subjective judgement rather than on the submitted landscape appraisal and verified views.**

The description of the site as semi-rural, or of the proposal as having an inappropriate urbanising effect, also requires careful scrutiny. The site is within the built-up area, lies between the A272, Old Rocky Lane and the London to Brighton railway line, and is adjacent to existing apartment blocks. The surrounding context has also changed substantially over the last decade through the completion of the relief road and significant residential development to the south and east. The local landscape character and views are heavily influenced by suburban development, the busy A272, the railway line, the railway cutting, the concrete bridge, palisade fencing and street lighting. In that context, the proposal is better understood as the careful optimisation of an underused site within an established urban edge, not as an incursion into an undeveloped rural landscape.

The landscaping position should also be weighed fairly. The existing trees to the north and west will be retained, that no trees will be significantly impacted, and additional planting is proposed to the south and west of the building. The bank to Rocky Lane would be heavily landscaped where there is currently no tree planting, providing additional softening both for the proposed building and the existing flats to the east. Given that the existing Kilnwood blocks are already prominent in the local street scene, the proposed additional planting should be treated as a positive mitigation and enhancement. The biodiversity position is also positive, with the application material stating that the scheme would deliver a net gain in excess of 16% for habitat units. The adopted policy threshold seeks 30% on-site affordable housing for residential developments of 11 dwellings or more, or where the maximum combined gross floorspace exceeds 1,000 square metres. The present proposal is for six dwellings and

is therefore below the usual affordable housing threshold. Notwithstanding that position, the applicant has agreed to provide a financial contribution through a section 106 agreement towards affordable housing. That offer should be recognised as a benefit in the planning balance, not reframed as a basis for refusal.

Finally, there is an internal tension in describing the planning judgement as finely balanced while also concluding that the alleged harms significantly and demonstrably outweigh the benefits. The planning statement records that previous officer reports described the earlier proposal as finely balanced and acceptable in principle, and that the current six-apartment scheme would have reduced negative effects when compared with that earlier position. That conclusion is reinforced by the changed housing land supply position and the engagement of the tilted balance. On the evidence submitted, the alleged harms do not significantly and demonstrably outweigh the benefits of a small, sustainable, well-designed residential scheme within a Category 1 settlement.

I respectfully ask Members to consider the application afresh, to attach proper weight to the reduced scale, relocated siting and changed policy context, and to assess the proposal against the tilted balance now engaged. It is interesting to note that the Town Council, support the application, having previously objected. For the reasons set out above, I invite the Planning Committee to resolve to grant planning permission, subject to appropriate conditions and any necessary legal agreement.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rainier' with a stylized flourish at the end.

Peter Rainier
Principal Director of Planning
For and on behalf of DMH Stallard LLP