

SUMMARY of PROOF OF EVIDENCE
for
GARETH GILES FRTPI

For Appeal APP/D3830/W/24/3350075
At Scamps Hill, Lindfield, West Sussex RH16 2GT

Following the appeal for non-determination of planning application
DM/24/0446 on 14/08/2024 under Section 78 of the Town and Country
Planning Act 1990

Date: 19th November 2024

Summary of Proof

- 1.1 I have been instructed by Mid Sussex District Council to give evidence on the issue of five-year housing land supply, the development plan, and the overall planning balance with regards to this appeal.
- 1.2 I have worked with the Council's planning policy officers to confirm the Council's position as at 1st April 2024 for use at this appeal. Under normal circumstances the Council would publish its next housing land supply position through the AMR in December 2024 or January 2025 and at the time of writing had not yet finalised this work in a published version. The evidence in my Proof draws upon information that has been compiled as part of that process.

Development Plan Status

- 1.3 My Proof at section 4 sets out the relevant legislation, policy and guidance and identifies the relevant development plan being the **Mid Sussex District Plan 2014-2031** (adopted in 2018), the **Mid Sussex Site Allocations DPD** (adopted in 2022), and the **Lindfield and Lindfield Rural Neighbourhood Plan 2014-2031** (made in 2016).
- 1.4 Relevant policies are identified and described.
- 1.5 It also provides an update on the **Submission Draft District Plan (2021-2039) (Regulation 19) (CD7.18)** was published for public consultation on 12th January 2024 for six weeks and was submitted for Examination on 8th July 2024.

Principles of the housing land supply position

- 1.6 I have applied the following principles to the housing land supply calculations for this case.
- The base date of 1st April 2024 is used for all parts of the 5YHLS calculations.
 - The relevant five year housing land supply ("5YHLS") period is 1st April 2024 to 31st March 2029.
 - Sites are identified as 'completions' if completed on or before 31st March 2024 and 'commitments' if approved or allocated (but not completed or expired) on or before 31st March 2024.
 - The definition of 'deliverable' from NPPF Annex 2: Glossary is adopted with a further note on this below.
 - Sites in the Council's housing land supply are grouped into two categories: A-List or B-List according to their status in accordance with the NPPF definition. B-List sites are still assessed as being 'deliverable' with "clear evidence" of deliverability within five years.
 - Communal Accommodation being residential institutions accommodating older people or students can count towards the housing land supply, providing the yield is based on a clear method and census data. Communal Accommodation is defined as that which cannot be occupied as an independent unit, i.e. does not have kitchen facilities or own front door. Any unit of accommodation that functions as a single dwellinghouse is excluded from this definition and counted normally. For older persons communal accommodation, a ratio of 2.38 is used, based on 2023 Census data so a retirement development of 60 units would be counted as 25 net units (60/2.38). For student communal accommodation a ratio of 2.5 is applied.

- Projected lead-in times and build out rates are based on evidence of a large sample set of constructed sites gathered and analysed by the Council. This evidence is provided at Appendices 1 and 2 of the July 2024 Housing Supply and Trajectory Topic Paper (July 2024, Appendix 6 to this proof).
- When considering the overall planning balance, in the event of a shortfall in supply, the extent of the shortfall is likely to be material, as will how long it is likely to persist, any action the LPA has taken, or is taking to address the shortfall, and the contribution a site can make to a shortfall.
- The Council’s HDT performance and past completion rates are relevant to the Council’s overall performance in meeting housing targets, and thus affect the weight which should be attached to any (disputed) shortfall, in line with the principles of the Hallam Land judgment.

1.7 My Proof also sets out the definition of deliverability with reference to the NPPF Annex 2: Glossary, National Practice Guidance and relevant appeal decisions.

Overview of Council’s Housing Land Requirement

- 1.8 I describe the positive past performance of the Council in bringing forward housing sites to meet its past requirements, and its Housing Delivery Test score of 148%.
- 1.9 The Standard Method is used to identify the housing requirement in Mid Sussex as the Council’s development plan is more than 5 years old. A **five year housing land requirement figure of 5,195 dwellings** being 5 x 1,039, and a **four year requirement of 4,156 dwellings** being 4 x 1,039 is therefore in force.
- 1.10 There is no requirement for a buffer to be added to the supply of housing land in the December 2023 version of the NPPF.

Local Housing Requirement at April 2024	
Annual Local Housing Need (Standard Method)	1,039
Five Year Requirement Total	5,195
Four Year Requirement Total (NPPF para 226)	4,156

Overview of Council’s housing land supply position

- 1.11 The Council’s housing land supply position is summarised in the following table with supporting descriptions and information provided within the Proof.
- 1.12 The Council can demonstrate a deliverable supply of 4,815 dwellings in the five years from 1st April 2024 to 31st March 2029, equating to 4.63 years’ worth of supply against a five year requirement of 5,195 dwellings.
- 1.13 This supply exceeds the minimum 4.0 year requirement of the NPPF paragraph 226 by +659 dwellings and so the tilted balance of NPPF paragraph 11(d) is not engaged for the purposes of this appeal.

Supply – ‘A-List’ sites	
Small Sites (1-4 units) with Permission	158
Small Sites (5-9 units) with Permission	127
Major Sites (10+ units) with Full or Reserved Matters Permission (under construction)	2228
Major Sites (10+ units) with Full or Reserved Matters Permission	706
Supply – ‘B-List’ sites	
Major Sites (10+ units) with Outline Permission	744
Major Sites (10+ units) with Adopted Allocation and pending Application	672
Major Sites (10+ units) with Adopted Allocation and no Application	22
Windfall Allowance	156
Supply Total	4815
Requirement	
Annual Local Housing Need (Standard Method) at 2024	1039
Five Year Requirement Total	5195
Four Year Requirement Total (NPPF’226)	4156
Performance against Four Year Requirement (NPPF’226)	
Surplus/Shortfall	+659
Year’s worth of supply	4.63

Housing Land Supply Sites in Dispute

- 1.14 The appellant disputes the Council’s housing land supply position. The parties have progressed a Housing Land Supply Statement of Common Ground (“HLS SoCG”) which confirms the matters of specific disagreement for the Inquiry. In summary, the appellant contests the deliverability of 14 sites, with either partial or total non-delivery against the Council’s position, with a difference of 1,438 dwellings. The appellant asserts that the Council has a resultant housing land supply of 3.25 years with a shortfall of 779 dwellings.
- 1.15 A Disputed Sites Schedule is provided in my Proof at page 25 and is not repeated here. Under subsequent headings I then set out the Council’s evidence to demonstrate deliverability for each site in turn, with reference for further evidence in Appendices and Core Documents list where relevant.

Heritage Impacts

- 1.16 the effect of the proposal on the setting of heritage assets, as referred to in reason 2, will be addressed in the Proof of Evidence by Ms Emily Wade, Conservation Officer for Mid Sussex District Council, in support of the Council’s case. Ms Wade’s evidence specifically addresses the effect of the proposal on the settings of the Lindfield Conservation Area, Grade II listed Greyfriars, Grade II listed Tythe Cottage and non-designated heritage asset, Walstead Grange as set out in the CMC Note. I defer to Ms Wade’s evidence in respect of these heritage matters, and rely on it in reaching a view on the overall planning balance within my evidence.

Consideration of main issues

1.17 I consider the following three main issues for this appeal, as identified by the Inspector within section 5:

- 5.1 The development plan;
- 5.2 The housing land supply position; and
- 5.3 The planning merits of the proposal and any material considerations.

1.18 I find that the development plan is up to date and consistent with the NPPF, and notwithstanding compliance with some policies, the scheme is in conflict with key policies DP6, DP12, DP15 and Policy 1 of the Neighbourhood Plan that are most relevant to the principle of the appeal scheme. Conflict has also been identified with policies DP34 and DP35 due to the proposal's harmful impact on heritage assets, which are also protected by legislation.

1.19 In these circumstances, the appeal scheme does not comply with the most relevant policies in the development plan, and is contrary to the development plan as a whole. Consequently, unless there are other material considerations (which is addressed further below) both section 38(6) and the NPPF indicate that permission should be refused.

1.20 I identify relevant material considerations and planning benefits of the scheme, in terms of social, economic and environmental benefits as well as dispute some of the benefits put forward by the Appellant and consider these to be relevant benefits:

- The supply of 27 affordable houses;
- The supply of 63 open market houses;
- Economic benefits through the construction phase and ongoing expenditure from residents;
- Biodiversity Net Gain above 10% legal requirement.

Planning Balance and Conclusion

1.21 For the reasons set out in my Proof, I do not agree with the Appellant that the tilted balance is engaged. Rather, the Council can demonstrate a deliverable housing supply of 4.63 years and the tilted balance does not apply. Contrary to the Appellant's argument, the paragraph 11 presumption in favour of sustainable development supports the importance of the plan-led system and the application of section 38(6) in identifying the development plan as the starting point for decision-making. Similar conclusions apply to the Appellant's analysis of heritage harms.

1.22 Drawing together my assessments of the appeal scheme's compliance with the development plan and other material considerations above, I attribute relative weight to the development plan, public benefits and other material considerations in Section 6. I am satisfied that the conflict with the development plan as a whole, and the lack of sufficient material considerations to outweigh that conflict in principle to justify a departure from the development plan, leads me to the conclusion that the appeal scheme should be dismissed.