



The countryside charity
Sussex



CPRE Sussex
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Mr Stuart Malcolm
Planning Department, Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex, RH16 1SS

Sent by email to: planninginfo@midsussex.gov.uk

22 March 2024

Dear Mr Malcolm,

Application No: DM/24/0446: Land off Scamps Hill, Scaynes Hill Road, Lindfield

I am writing on behalf of CPRE Sussex (CPRESx), the Sussex countryside charity. I am writing to let you know our views on the countryside and sustainability implications of this outline planning application, and why we would support a decision by your Council to refuse this application as being unsustainable, contrary to your Council's District plan policies, to the Lindfield and Lindfield Rural Neighbourhood Plan ("LLRNP") and to national planning policy.

Your Council will be aware that the National Planning Policy Framework ("NPPF") introduced the presumption in favour of sustainable development so that sustainable development is pursued in a positive way. Following on from this, paragraph 12 of NPPF sets out the statutory presumption that MSDC's District Plan should be the starting point for decision making because, whilst not up to date, it has been established that the District has a 5+ year housing land supply and its main plan policies are all still national-policy compliant. Sites not allocated for development in the District Plan should only come forward for development via a neighbourhood plan¹. There are no exceptional circumstances which require the approval of this non-policy compliant proposal.

The greenfield site is not allocated for development in the adopted District Plan 2014-31 and has been rejected in the current District Plan Review on the basis that it is unsuitable for development². The

¹ Para 3.21 Mid-Sussex District Plan 2014 - 31

² SHELAA #983

proposal contravenes numerous District Policies, but first and foremost granting outline planning permission for this site would be contrary to the law and the NPPF which state that planning decisions must be plan led. Moreover, the LLRNP does not envisage or endorse development in this location.

Incompatibility of this Application with the Mid Sussex Development Plan

Given that Mid Sussex has a 5 year housing land supply (though they only need to have a 4 year supply³) there is no justification for a major new housing development outside the built up boundary of a category two village, which would result in ever widening ribbon development along an already busy road and lead to further encroachment on the ancient division between Lindfield and Scaynes Hill. This is before one considers the flood risk, the impact upon extant listed buildings and the unsustainability of such a major new development which is neither wanted nor needed by the local community. This is evidenced by the numerous objections lodged on your Council's website. No matter how this is dressed up, it is nothing more than a speculative application designed to profit a developer. Much of the information supplied with the application is misleading, for example the Applicant's claim that your Council cannot even demonstrate a 4 year housing land supply and the distances to available services used to support its claim that the site is sustainably located.

Sustainability of the Proposed Site:

The principle of the District Plan's settlement hierarchy policy (DP6) is that new development should be proportionate to the size of the settlement involved. Lindfield as a category two settlement has a population of approximately 6000,⁴ and has already accepted 700 new homes in the past 10 years, the majority of which have been sited on the eastern perimeter of the village and close to this site. Despite this, no additional infrastructure has been added to healthcare or educational facilities, nor have there been any improvements to the road network.

The local village school is full. The medical centre is full. The roads are at capacity. There is no GP practice in nearby Scaynes Hill. In order to attend a primary school or to see a Doctor people will be pushed into Haywards Heath. Neither Scaynes Hill nor Haywards Heath are easily accessible on foot. These two facts alone make a mockery of the Developer's claim that the site is sustainable. The only possible conclusion is that further development in Lindfield of the scale proposed in this Application is contrary to the purposes of policy DP6: it is demonstrably unsustainable in terms of the burdens that, cumulatively with other permitted development locally, it places on Lindfield's resources and facilities, with the result that new residents would become unsustainably car dependent to reach basic schooling and medical facilities well outside Lindfield.

Relevant District Plan Policies

This application should be determined by reference to your Council's existing development plan, as planning laws and the NPPF para 12 require. To this end we consider that the following policies are the most significant. In each case the proposed development would be wholly incompatible with those policies.

³ See para's 77 and 226 of the new NPPF

⁴ 2021 Population Census

DP6: Settlement Hierarchy:

This policy undertakes to protect the countryside outside built-up area boundaries by "minimising the amount of land taken for development and preventing development that does not need to be there." Outside built-up boundaries, the expansion of settlements will be supported only where "the site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Document". This proposal contravenes both provisions, being demonstrably unnecessary and having been rejected in the District Plan and the LLRNP. Permission should be refused for these reasons alone.

DP12: Protection and Enhancement of Countryside:

A priority theme of the 2014-31 District Plan is protecting and enhancing the environment. Policy DP12 stipulates that "the countryside will be protected in recognition of its intrinsic character and beauty... Development will be permitted in the countryside (defined as the area outside of built-up area boundaries) ... provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and ... it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan". This application for development does not meet these tests.

It is notable that even the Developer Applicant concedes that its scheme "does not accord with policies DP6 and DP12" ("Planning and Affordable Housing Statement", 4.3.3). They argue that the importance of this conflict should be reduced because the Council "is unable to demonstrate a four-year land supply", but this is manifestly wrong⁵.

DP 37: Trees, Hedges and Woodland and DP38: Biodiversity

These policies provide that development that will damage or lead to loss of trees, woodland or hedgerows that contribute ... to the character of an area and/or that have landscape, historic or wildlife importance, will not normally be permitted.

The site is a natural floodplain which backs onto a biodiverse rich area. It borders the Weald to Waves nature recovery corridor which CPRE has urged your Council to support as a core part of its environmental enhancement credentials. The site also has an extensive boundary with the Little Walstead Wood ancient woodland, and the 15m buffer falls within the site.

DP34: Listed Buildings and Other Heritage Assets:

This policy requires that development protects both "listed buildings and their settings". The extensive bulk of the proposed scheme would loom over the Grade II listed Grayfriars, detracting seriously from both the building and its setting. The District Plan Review notes this "high impact" on a listed building and sees no benefits that would "outweigh harm or loss to the asset" (Site Selection, appendix 4). Grade II listed Tythe cottage is adjacent to the eastern side of the site, and Walstead Grange and its setting would also be adversely impacted.

⁵ See 10/2023 PINS Appeal Decision APP/D3830/W/23/3319542 Land South of Henfield Road Albourne, where the Inspector held that MSDC had a 5.09 year land supply. This has subsequently been bolstered by later decisions.

The developer's own Design and Access Statement⁶ concedes that Grayfriars and Tythe cottage would be affected, but states that the development is "anticipated to cause less than substantial harm at the lowest end of the spectrum," Your Council should rely on its own previous assessment of this site as being "considered unsuitable for development."⁷ In any case, even if the impact were less than significant, the law nonetheless requires great weight to be given to that harm.

DP21: Transport

The District Plan aims to create sustainable communities, and this includes a sustainable local transport network and ease of access to local services and facilities⁸. The proposed site is not sustainably located to minimise the need of travel, albeit that this is one of the core objectives of the Mid Sussex Transport Plan 2011-26. The bus service is extremely limited, being hourly on one route (with no service in the evening or on a Sunday) and seasonal only on the other. It is a fool's paradise to imagine people will wait up to an hour for a bus which will take a further half hour at least to get to basic facilities. They will use a car. 90 new houses will lead to between 100 – 180 new cars using these narrow, village road. Prior experience has shown that developments on the eastern edge of Lindfield are always car-intensive, and this would also increase the level of greenhouse gas emissions.

DP41 Flood Risk:

This policy requires that proposals for development will need to follow a sequential risk-based approach, ensuring that development is safe across its lifetime and not increase the risk of flooding elsewhere.

Objections have been submitted by and on behalf of homeowners and the Lindfield Enterprise Park ("LEP") which border the proposed site. The periphery of the site is within Flood Zone 2/3 and parts of the site are within areas of surface water flood risk. Even the Developer's own Design and Access Statement accepts that the site lies within the catchment of the River Ouse and areas of surface flooding lie on the eastern and western boundaries of the proposed site. The Scaresbridge stream which borders the western side of the site reaches high levels.

Concerns have been voiced about the potential for flooding by both small business owners in the LEP and neighbouring property owners should permission be given for a major housing development which will inevitably lead to an increase in ground water run-off. There would also be a knock-on effect to water levels downstream.

Conclusion:

The NPPF requires planning decisions to be plan-led. The Applicants themselves concede that their scheme is not consistent with the District Plan and it is in direct contravention of the LLRNP. To grant permission would therefore depart from the principles of national planning legislation and would also tacitly accept the applicants' (unsupported) claim that the District Plan is unsound, opening the door to similar unregulated development across the District. This is an unsustainable development proposal.

⁶ P.17 Design & Access Statement

⁷ Appendix 4 Site Assessment Conclusions by Settlement

⁸ Policy DP21 Mid Sussex District Plan as adopted in 2018

No exceptional considerations justify overriding the proposal's contravention of DP6, DP12, DP37, DP34, DP21 and DP41, or its conflict with the development plan as a whole.

We would urge your Council to reject this application.

