

**Town and Country Planning Act 1990 – Section 78
Town and Country Planning (Development Management Procedure) (England) Order
2013**

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Appeal by Gladman Developments Ltd

Land off Scamps Hill, Lindfield

**Against the non-determination of a planning application by Mid Sussex
District Council for:**

***“Outline planning for the erection of up to 90 dwellings including
affordable housing, with public open space, landscaping,
sustainable drainage system (SUDs) and vehicular access. All
matters reserved except for access.”***

PINS Ref: APP/D3830/W/24/3350075

LPA Ref: DM/24/0446

**Statement of Common Ground between the
Appellant and Mid Sussex District Council**



October 2024

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1 INTRODUCTION

1.1 Background

- 1.1.1 This Statement of Common Ground (SoCG) relates to an appeal by Gladman Developments Limited (herein after referred to as 'the Appellant') relating to a planning application (ref. DM/24/0446) within the administrative area of Mid Sussex District Council (MSDC or the Council) for:

“Outline planning for the erection of up to 90 dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SUDs) and vehicular access. All matters reserved except for access.”

1.2 Purpose and Structure

- 1.2.1 This Statement of Common Ground has been drafted by the Appellant with its appeal submission and has subsequently been agreed between the Appellant and the Council.
- 1.2.2 This Statement sets out the agreed matters of fact and agreed positions between the Council and the Appellant in respect of planning matters raised by this appeal and also identifies matters which are the subject of specific disagreement. It been prepared in accordance with the PINS Procedural Guide: Planning appeals – England (Updated 11 January 2024).

1.3 Parties

- 1.3.1 The SoCG is jointly agreed by:

Signed:

Date: 10 October 2024



Name: John Mackenzie

On behalf of Gladman Developments Limited

Signed:

Date: 10 October 2024



Name: Gareth Giles FRTPI

On behalf of Mid Sussex District Council

2 BACKGROUND TO THE APPEAL PROPOSALS

2.1 Context

2.1.1 The planning application for the proposed development was validated by MSDC on 23rd February 2024. The application was supported by a comprehensive suite of technical reports, in accordance with the council's planning application validation requirements, which are set out in the Planning and Affordable Housing Statement (CD1.15) that accompanied the application.

2.1.2 In a letter attached to an email, dated 14th June 2024, the Council requested an extension of time until 31st July 2024 to allow the applicant time to submit an Ecological Impact Assessment which was issued on 23rd July 2024. By way of email, dated 18th June 2024 (CD3.2) the Appellant confirmed their agreement to the extension of time until 31st July 2024. No further extension of time has been requested by the Council or agreed by the Appellant.

2.1.3 No decision was made within the statutory time period (as extended) and no defined reasons for refusal were identified. The Appellant has therefore exercised its right to appeal on the grounds of non-determination.

2.2 The Appeal Site and its Surroundings

Site Description

2.2.1 The appeal site comprises approximately 6.62 hectares (ha) of land and is formed of three pastoral field parcels bound by hedgerows and trees, located to the south east of Lindfield, adjacent to Scamps Hill and within 800m of Lindfield High Street where there is a good range of shops, public houses and food outlets.

2.2.2 To the northwest the site is bound by commercial buildings at Lindfield Enterprise Park and residential dwellings associated with Noah's Ark Lane and to the northeast lies the Ancient and Semi-Natural woodland of Little Walstead Wood. Residential development is found beyond Scamps Hill which adjoins the southwestern boundary of the site. To the southeast of the site is Walstead Grange (a Non Designated Heritage Asset) and the Grade II Listed Tythe Cottage which is surrounded by existing woodland and further agricultural land.

2.2.3 Lindfield is identified as one of six 'Category 2' settlements and as such is considered to be one of the more sustainable locations within the District to accommodate new housing. Lindfield is directly adjacent to Haywards Heath, one of three 'Category 1' settlements in Mid

Sussex, and a large retail and employment centre that also benefits from fast and regular train services into London.

- 2.2.4 The site is not currently allocated for development, however it is agreed that the site is in a sustainable location for new development in terms of accessibility.

The Appeal Proposal

- 2.2.5 The Illustrative Framework Plan (IFP) (CD1.3) shows a proposed residential development area of 2.51ha with the remaining area comprising landscaping, public open space and green infrastructure. The informal open space includes landscape planting, new parkland field, orchard planting, pedestrian and cycle links and footpaths. The proposals also make provision for a Locally Equipped Area for Play (LEAP). These details would be the subject of future reserved matters applications and will not be determined as part of the appeal. The Design and Access Statement (DAS) (CD1.4) and the IFP are however intended to establish the parameters for the development proposal, and it is expected that any subsequent reserved matters proposals should be in broad accordance with the provisions of these documents.

- 2.2.6 A range of densities and house types are proposed to meet local need. 30% of the dwellings will be affordable in order to meet the requirement of District Plan Policy DP31. Affordable housing provision and tenure will be secured by way of s106 Agreement.

2.3 Plans for Approval

- 2.3.1 The drawings for which the Appellant seeks planning permission are:

Drawing Name	Core Document Ref	Drawing Ref
Site Location Plan	CD1.2	FPCR-9432-L-06 Rev D
Proposed Access Arrangements	CD2.7	1723/08 Rev B

Table 1: Plans for approval

- 2.3.2 The IFP is not submitted for approval but is an illustrative indication of how the site could be developed.

3 PLANNING POLICY

3.1 The Adopted Development Plan

3.1.1 It is agreed that, as far as relevant to this appeal, the statutory development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 comprises the:

- Mid Sussex District Plan 2014-2031 (2018)
- Mid Sussex Site Allocations DPD (2022)
- Lindfield and Lindfield Rural Neighbourhood Plan 2014-2031 (2016)

Allocation Status in Adopted Development Plan

3.1.2 The site is not identified as an allocation for development in the adopted District Plan. The appeal site is located in the open countryside adjacent to the defined development boundary of Lindfield.

3.2 Most Relevant Policies

3.2.1 The putative reasons for refusal identified in the Council's Statement of Case identify the following development plan policies:

- DP6: Settlement Hierarchy
- DP12: Protection and Enhancement of Countryside
- DP15: New Homes in the Countryside
- DP20: Securing Infrastructure
- DP24: Leisure and Cultural Facilities and Activities
- DP31: Affordable Housing
- DP34: Listed Buildings and Other Heritage Assets
- DP35: Conservation Areas
- DP38: Biodiversity
- Neighbourhood Plan Policy 1: A spatial plan for the parishes

3.2.2 It is agreed that these are the most relevant policies for the determination of the appeal. It is agreed that there is no other identified conflict with the development plan in the putative reasons for refusal.

3.3 The Emerging Local Plan

3.3.1 The emerging Local Plan will cover the period up to 2039 and was submitted for Examination on the 8th of July 2024.

3.3.2 The emerging plan can only be attributed limited weight in the determination of the appeal.

3.4 National Planning Policy Framework and Planning Practice Guidance

3.4.1 It is agreed that the National Planning Policy Framework and Planning Practice Guidance are important material considerations in determination of this appeal.

3.4.2 Both parties accept that there are no policies identified in footnote 7 of the Framework which would preclude the presumption in favour of sustainable development being applied.

3.4.3 The weight to be attached to relevant policies in the adopted and any emerging development plan needs to be considered having regard to the degree of consistency of those policies with the NPPF, in accordance with the advice set out in paragraphs 48 and 225 of the Framework.

3.5 Written Ministerial Statement (30th July 2024) and the Consultation Draft of the NPPF

3.5.1 It is agreed that a Written Ministerial Statement (WMS) is a material consideration.

3.5.2 It is agreed that the WMS "Building the new homes we need" made by Angela Raynor, Deputy Prime Minister and Secretary of State (SoS) for Housing, Communities and Local Government on 30th July 2024 is a material consideration.

4 MATTERS ON WHICH THE PARTIES AGREE

4.1 Housing

4.1.1 It is agreed that the delivery of housing is a public benefit, in the context of the national planning policy objective to significantly boost the supply of housing.

4.2 Affordable Housing

4.2.1 The proposed development will provide 30% affordable housing on-site. This is in accordance with the high-level requirement outlined in Policy DP31. The Appellant has also confirmed that the proposed development will deliver an affordable tenure split of 75% social or affordable rented homes, with the remaining 25% for intermediate homes, in accordance with Policy DP31. This will be secured by planning obligation.

4.2.2 Provision of affordable housing is a public benefit of the proposed development.

4.3 Arboriculture

4.3.1 The application was supported by an Arboricultural Assessment (CD1.10) which considers the implications created by the proposed development.

4.3.2 An initial survey was carried out in 2020 and a follow up survey was carried out in October 2023. A total of 29 individual trees, sixteen groups of trees, one woodland and seven hedgerows were surveyed as part of the assessment.

4.3.3 The results demonstrated that the site consists of a range of tree cover from Category A to Category C with a single Category U tree identified.

4.3.4 There is an area of ancient woodland to the north east of the site which will remain untouched, and an area of green space is proposed around the ancient woodland which will provide an appropriate buffer.

4.3.5 All Category A trees shall be retained.

4.3.6 In order to facilitate safe vehicular access into the site, individual tree T18 (Category C) and a section of hedgerow H2 will require removing. The removal of tree T18 a section of hedgerow H2 can be mitigated for through onsite planting.

4.3.7 The Illustrative Framework Plan is acceptable from an arboricultural perspective and demonstrates that a sustainable relationship between the proposed development parcels and

retained trees and hedges can be achieved. An overall net gain in the arboricultural resource at the Site can be delivered through new tree planting.

4.3.8 The protection measures outlined in CD1.10 are acceptable and can be dealt with by way of condition.

4.3.9 It is agreed there are no objections on arboricultural grounds.

4.4 Archaeology

4.4.1 The consultation response from the Archaeologist consultant (CD4.5) identifies that while the site does have some archaeological potential it is unlikely to represent an overriding archaeological concern and recommends conditions to secure an appropriate mitigation strategy requiring a preliminary archaeological survey.

4.5 Biodiversity

4.5.1 The proposals are capable of delivering a biodiversity net gain of 13.55% for habitats and 19.70% for hedgerows.

4.5.2 The Appellant commits to securing at least a 10% biodiversity net gain through the development package.

4.6 Community Infrastructure

4.6.1 Both parties agree that the provision for community infrastructure is necessary to be included in a planning obligation (pursuant to Section 106 of the Town and Country Planning Act 1990, as amended) where these meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as updated).

4.6.2 It is agreed that subject to the provision of Section 106 contributions, where outlined as necessary by statutory consultees, the appeal proposals would not have an unacceptable adverse impact on infrastructure, services, or facilities in the local area.

4.7 Delivery of the Site

4.7.1 Following the grant of planning permission of an outline scheme, there are currently no known technical matters that will prevent the site from coming forward in a timely manner.

4.8 Design, Layout and Residential Amenity (including Noise/Odour/Light/Smoke)

- 4.8.1 As the application is in outline only, approval of layout, scale, design and landscaping would be considered in subsequent reserved matters applications should the appeal be allowed.
- 4.8.2 The IFP is illustrative and full details of design and layout would be provided at reserved matters stage.
- 4.8.3 Both parties agree that matters of impact on residential amenity would be fully assessed at reserved matters stage. However, the quantum of development sought is capable of being accommodated on the appeal site whilst securing an appropriate level of residential amenity.
- 4.8.4 It is agreed that air quality, dust and noise are not considered to have any unacceptable impact on new or existing residents, subject to appropriate planning conditions.

4.9 Pollution and Environmental Health

- 4.9.1 The parties agree that there is no objection to the proposal on public and environmental health grounds.
- 4.9.2 A construction management plan will be submitted in writing to the LPA before any development takes place.

4.10 Economic and Social Benefits

- 4.10.1 It is agreed that a number of economic benefits would accrue from the appeal site over its lifetime.
- 4.10.2 It is agreed that the economic benefits that would flow from the appeal proposals are a positive factor to weigh in the planning balance.

4.11 Education

- 4.11.1 It is agreed that the provision of a proportionate contribution as set out in West Sussex County Council's Consultee response (CD4.28) towards additional facilities at Lindfield Primary Academy, or another primary school in the planning area of Haywards Heath should this be more suitable and towards additional facilities at Oathall Community College, or another secondary school in the planning area of Haywards Heath should this be more suitable at the time, will mitigate the full impact of the proposals on education in Lindfield.

4.12 Flood Risk and Drainage

- 4.12.1 The proposed development is located within Flood Zone 1, where the Framework sequential risk-based approach to the location of development seeks to direct housing.
- 4.12.2 The application was supported by a Flood Risk Assessment and Drainage Strategy (CD1.11) which includes the details of the proposed drainage strategy comprising of a SuDS drainage scheme to manage excess runoff from the development, comprising a detention basin designed to maintain runoff at pre-development rates.
- 4.12.3 It is agreed, having regard to the Environment Agency and MSDC Flood Risk and Drainage Team consultation responses, that the proposed development is acceptable from a flood risk and drainage perspective, subject to appropriate conditions. The proposed development will not exacerbate the risk of flooding on the site or in the surrounding area.

4.13 Geo-environmental Constraints

- 4.13.1 Both parties are in agreement that there are no geo-environmental constraints that preclude the development of the site subject to pre-commencement conditions.

4.14 Highways

- 4.14.1 The parties agree that a safe and suitable access to the development can be achieved off Scamps Hill.

4.15 Landscape and Visual Impact

- 4.15.1 It is agreed between the parties that the site is not covered by any statutory or non-statutory designation for landscape character or quality nor is the site located within the Green Belt. The parties agree that the development of the appeal site has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects.
- 4.15.2 It is agreed that the consultation response from the Landscape consultant (CD4.24) was supportive of the proposed scheme subject to appropriate conditions and that they concluded:

"That the proposed development can be accommodated within the landscape in this location owed to the extent of surrounding vegetative screening and location on the edge of Lindfield settlement."

4.16 Locational Sustainability Public Transport and Active Travel Links

- 4.16.1 Lindfield is a sustainable settlement capable of accommodating the development proposal and contains a number of services and facilities within 1.2km of the site to meet the needs of future residents. It is agreed that the isochrones presented in Figure 5.1 of the Transport Assessment (CD1.6) demonstrate that a wide range of services and amenities are located within 1.2km walk of the site. These include, but are not limited to: bus stops, Lindfield Primary Academy, a nursery, Lindfield Medical Centre, pharmacy, opticians, bank/ATM, food outlets, public houses, salons, butchers and bakery.
- 4.16.2 Lindfield High Street is within a safe walking distance of 800 meters from the centre of the appeal, site where there is a good range of shops, public houses and food outlets.
- 4.16.3 The Appellant proposes to provide pedestrian infrastructure improvements, as set out at paragraph 5.1.12.1 of the TA and shown on Drawings 1723/08/B and 1723/09.
- 4.16.4 The cycle isochrones at Figure 5.3 of the TA demonstrates the services and facilities that are accessible within a 2km and 5km of the centre of the site, and these include the centre of Haywards Heath and it's associated amenities and services as a 'Category 1' settlement.
- 4.16.5 There are a number of bus stops located within the vicinity of the site, with the nearest bus stops being located on Gravelly Lane (240m to the southbound stop and 280m to the northbound stop). Service numbers 31/31A/31B operate between Haywards Heath and Uckfield at approximately hourly intervals. The service coincides with typical workplace start and finish times for journeys to/from Haywards Heath and Uckfield. This means that residents of the site have good opportunity to complete commuting journeys by bus.
- 4.16.6 The nearest railway station is at Haywards Heath and is about 2.9km from the site therefore well within the accepted convenient cycle distance of 5km. The bus service 31/31A/31B offers travel to bus stops in close proximity to the railway station. From Haywards Heath there are 6 trains per hour to London Victoria and 2 trains per hour to London Bridge & London St Pancras.
- 4.16.7 It is agreed that the site has good pedestrian and public transport accessibility. There is no locational sustainability objection to the proposed development.

4.17 Neighbourhood Planning

- 4.17.1 The Lindfield and Lindfield Rural Neighbourhood Plan (LALRNP) was made in 2016.
- 4.17.2 The appeal site sits outside of the built up area boundary.

- 4.17.3 The LALRNP does not allocate any sites for residential development.
- 4.17.4 The parties agree that due to the site's location the appeal proposal is currently in conflict with Policy 1 of the LALRNP. Both parties agree that, due to the neighbourhood plan's age and lack of housing allocations, paragraph 14 of the Framework is not engaged.

4.18 Public Open Space

- 4.18.1 The appeal proposals will provide areas of Public Open Space which can be accommodated on-site as demonstrated on the Illustrative Framework Plan (CD1.3).
- 4.18.2 The site will deliver a Locally Equipped Area of Play, formal and informal public open space constituting recreational routes, informal amenity spaces, new parkland and orchard planting.

5 MATTERS NOT AGREED BETWEEN THE PARTIES

5.1 Heritage

5.1.1 The parties disagree as to the level of harm the proposals will cause to the nearby heritage assets. The parties also disagree as to whether the harm is outweighed by the public benefits of the proposal.

5.2 Ecology

5.2.1 The parties disagree on the ecological impact of the proposed development. An Ecological Impact Assessment (CD2.3) has been submitted to the Council seeking to address the matters outlined in the consultee Response (CD4.13). Two subsequent holding objections from the Council's Ecology Consultants have been received and shared with the appellant; from Place Services (regrading general ecology matters) and NatureSpace (regarding Great Crested Newts). There appears to be some scope to narrow any dispute on ecology grounds and discussions between the parties are ongoing in this respect.

5.3 Housing Land Supply

5.3.1 The parties disagree on the Council's ability to demonstrate a four-year deliverable supply of housing land.

5.4 Planning Balance

5.4.1 The parties disagree on whether the Framework paragraph 11 tilted balance is engaged and the presumption in favour of sustainable development applies. The parties disagree on the planning balancing exercise as to whether the harm associated with the appeal proposals would significantly and demonstrably outweigh the benefits.

5.4.2 The parties disagree on whether outline planning permission should be granted for the proposed development.

6 PLANNING OBLIGATIONS AND CONDITIONS

6.1 Section 106 Obligations

6.1.1 A s106 agreement is in the process of being drafted. The draft s106 obligation will be provided to the Inspector ten days in advance of the Inquiry, in accordance with the PINS procedural guidance.

6.1.2 The s106 obligation will include provisions for the management of on-site open space, affordable housing provision and tenure (30% on-site) and Sustainable Drainage Systems.

6.1.3 Should any new s106 requests arise before the commencement of the Inquiry, the Appellant will review these with the Council and include in the obligation where necessary.

6.2 Planning Conditions

6.2.1 A draft list of conditions will be agreed by both main parties and an agreed list will be submitted to the Inspector in accordance with the appeal timetable.