
STATEMENT OF CASE

LAND SOUTH OF HENFIELD ROAD,
ALBOURNE

Appeal against the decision of Mid Sussex District Council for the refusal an outline planning application for up to 120 dwellings including 30% affordable housing, public open space and community facilities. All matters reserved except for access.

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WBP Ref: SB/8373



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1.0 Introduction

Context

- 1.1. This Appeal is made against the decision of Mid-Sussex District Council to refuse an outline planning application for up to 120 residential dwellings (30% affordable), the provision of public open space, and community facilities (all matters reserved except for access) (LPA Ref: DM/22/2416).
- 1.2. This application was refused on the 25th November 2022 for the following reasons:

1. National planning policy states that planning should be a plan-led system. The application site lies within countryside and the proposal would be contrary to the Development Plan. The Council can demonstrate a five year housing land supply. As a result, at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal would not maintain or enhance the quality of the rural and landscape character of the District. The development therefore conflicts with Policies DP6, DP12 and DP15 of the Mid Sussex District Plan 2014-2031 and Policies ALC1 and ALH1 of the Albourne Neighbourhood Plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan.

2. The introduction of up to 120 dwellings within this location will bring forth a sense of urbanisation and will in turn disrupt the balance of elements in the view from PRoW 12_1AI and 15_1AI. As such, the proposed development would have an adverse effect on landscape character and visual amenity. The site that has not been allocated for development in a Development Plan Document under the plan led process, and at this stage in the plan, there is not a need for this site to be developed. The proposal is therefore contrary to the plan led system of development management that is set out in paragraph 15 of the NPPF. The proposal thereby conflicts with Policy DP12 of the District Plan, Policy ALC1 of the Neighbourhood Plan and the provisions of the NPPF.

3. The proposed development would result in harm to the setting of the Albourne Conservation Area and to the settings of the following listed buildings (Hunters Cottage, Bounty Cottage, Finches, Souches, Spring Cottage, and Inholmes Cottage). The proposal therefore conflicts with Policies DP34 and DP35 of the District Plan. This harm is categorised as falling within the bracket of 'less than substantial' as defined by the NPPF. The public benefits of the proposal (additional housing, including affordable housing, additional spending in the local economy and additional economic activity during the construction phase) do not outweigh the harm to the heritage assets of the Albourne Conservation Area and the listed buildings referred to above that would arise from this proposed development on a site that has not been allocated for development in a Development Plan Document under the plan led process. As the public benefits of the proposal do not outweigh the less than substantial harm (which must be given significant weight to reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990) that the preservation of the setting of listed buildings is desirable, the proposal conflicts with paragraph 200 of the NPPF as there is not clear and convincing justification for the harm to these heritage assets.

4. The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing contributions required to serve the development.

- 1.3. The case for the Appellant is that the development plan is out of date in terms of the spatial application of its housing policies. In the circumstances, the presumption in favour of sustainable development (the tilted balance) at paragraph 11(d) of the NPPF is engaged. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 1.4. This is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the site beyond the defined settlement boundary for Albourne) can be reduced given the need to breach the settlement boundaries identified in the development plan (Policy DP6) to meet development needs.

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- 1.5. The weighty material considerations in favour of the Appeal are clearly sufficient to outweigh the identified conflict with the development plan. They include the delivery of wider community benefits, the provision of which are aligned with the aspirations of the Albourne Neighbourhood Plan.

S.38(6) the Development Plan

- 1.6. The development plan consists of the Mid Sussex District Plan 2014-2031 (adopted March 2018), the Mid Sussex District Council Site Allocations DPD (adopted June 2022) and the Albourne Parish Council Neighbourhood Plan (made September 2016).
- 1.7. The District Plan is a strategic level plan for the whole District, providing a strategic policy framework to guide development in the period to 2031.
- 1.8. Policy DP4 sets out a minimum housing requirement of 14,892 dwellings over the plan period with provision for a further 1,498 to ensure demand is met in the Northern West Sussex Housing Market Area. This equates to a minimum of 16,390 dwellings over the plan period. Policy DP states that *“The Plan will deliver an average of 876 dwellings per annum (dpa) until 23/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of the European Habitat Sites in Ashdown Forest”*.
- 1.9. As of 28th March 2023, the District Plan will be more than five years old and, in accordance with paragraph 73 and footnote 39 of the NPPF, the housing requirement falls to be determined against the local housing need derived from the standard method. This results in a need for 1,109 dwellings per annum plus a 5% buffer. This totals 1,164dpa. This requirement is greater than the annualised figure derived from District Plan Policy DP4.
- 1.10. The Site Allocations DPD was adopted by Mid Sussex Council in June 2022. It includes housing allocations in helping to meet the housing need identified in Policy DP4 of the District Plan.

- 1.11. The Albourne Neighbourhood Plan was adopted in September 2016. The Appeal Site lies outside the settlement boundary as defined in the NP. However, this is not a case where paragraph 14 of the NPPF is engaged.
- 1.12. Whilst the Appeal Site is located outside a defined settlement boundary, the policy conflict is reduced on account of the inconsistency between the housing policies of the development plan and the NPPF, especially regarding the inability of the defined boundaries to provide sufficient land to maintain the minimum 5 year supply; and identified housing need generally (Policies DP4 and DP5).
- 1.13. Although there is a conflict between the Appeal Scheme and District Plan Policy DP6, the Appellant has gone on to assess whether there are material considerations which justify the grant of planning permission. The Site is not identified within the development plan as forming any part of a countryside gap designation; and the heritage impacts of the scheme are outweighed by the public benefits (such that national policy for the protection of heritage assets is complied with). As such, there are no footnote 7 considerations that would otherwise operate to disengage the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF.
- 1.14. The material considerations are considerable in number and include the requirement to determine the scheme within the prism of the tilted balance, along with the substantial social, economic and environmental benefits, that justify the grant of planning permission.
- 1.15. In the circumstances, the Appeal Scheme is promoted in the context of the Council's most relevant Policies being out-of-date.

Overarching Summary

- 1.16. Having regard to the relevant planning policy and material considerations, the acceptability of the Appeal Scheme may be summarised as follows:

- i. Development of the Appeal Site for a sustainable form of development should now be considered favourably in accordance with the approach at paragraph 8 of the NPPF, having regard to the economic, social and environmental objectives of the planning system.
- ii. The Council's spatial strategy is out of date and cannot meet its identified housing need under Policies DP4 and DP5 without breaching the settlement boundaries identified in the development plan.
- iii. As such, and in accordance with paragraph 11(d), the most important policies (including those relating to settlement boundaries) are to be regarded as out of date and the presumption in paragraph 11(d)(ii) of the NPPF applies.
- iv. The Scheme represents a sustainable form of development, and the Appeal Scheme involves the provision of significant benefits, including the delivery of community facilities.
- v. Not only are there no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which justify the grant of planning permission.
- vi. The Appeal Scheme is submitted in accordance with the NPPF and the Scheme should be allowed so as to permit a sustainable form of much needed new market and affordable housing in helping to meet the District's housing needs and to provide the additional benefits which have been identified, including the delivery of community facilities (including parking for the school, a community shop, land to enable the expansion of the school, an orchard, and publicly accessible open space) .

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

Context

- 2.1. As set out at Policy DP6 of the District Plan, Albourne is designated as one of 13 'Medium Sized Villages'. This is the third-highest settlement tier located within Mid Sussex District.
- 2.2. Medium sized villages are described as *“providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.”*.
- 2.3. Albourne provides a variety of employment areas. As well as the Village Hall, Albourne has community facilities such as an under 5's pre-school and afterschool club (at the Village Hall).
- 2.4. However, there is no shop in the village. This is identified as a deficiency in the Neighbourhood Plan, which is remedied by the Appeal Scheme which includes provision of a shop. This will assist in making the village more sustainable for its existing occupants.
- 2.5. The Appeal Site is also located next to the school. The Appeal Scheme provides a new school car park to alleviate existing parking and congestion problems at school drop off and pick up times (paragraph 6.4 of the Neighbourhood Plan refers). The Appeal Scheme also secures additional land to enable the expansion of the existing school site.
- 2.6. Contextually, the Appeal Site is approximately 2km from Hurstpierpoint, where the main parade of shops is located as well as access to further educational, employment and recreational facilities. The Site and these facilities are sustainably linked via bus route 273 operated by Metrobus.
- 2.7. Regular bus services operate along the B2118 to Crawley and Brighton. There are bus stops in proximity to the Appeal Site (adjacent to the Recreation Ground

on the B2118 and on Henfield Road).

- 2.8. Rail services are available from Hassocks station (approximately 4.5km), Burgess Hill (approximately 8.5km) and Wivelsfield (approximately 10km).

The Appeal Site

- 2.9. The Appeal Site and surrounding area will be described in evidence.
- 2.10. The Site extends to approximately 11.54ha and is located to the south of Henfield Road, on the western side of Albourne.
- 2.11. The Site is identified on the adopted Proposals Map as being located within the countryside, beyond the settlement boundary for Albourne.
- 2.12. The Site comprises two fields, which are no longer required for agricultural purposes, and a small orchard.
- 2.13. The Site's northern, southern and western boundaries are defined by hedgerows and some mature trees with the eastern boundary abutting a small patch of public open space known as Millennium Gardens, residential development and Albourne CE Primary School.
- 2.14. The Site generally slopes gently from north to south with a section of higher land located in the southwestern corner of the site.
- 2.15. The Site is located on the southern side of Henfield Road, immediately to the west of the Albourne CE Primary School, on the western edge of the village. Albourne Recreational Ground is located slightly further east of the Site. This comprises a community football pitch and equipped playspace. It is accessed via The Street.
- 2.16. The boundary of the South Downs National Park (SDNP) lies approximately 1.8km to the south of the site at the B2117.
- 2.17. Church Lane runs along the southern edge of the Site and serves a small cluster of residential development.

- 2.18. Land to the west of the Site is comprised of open fields.
- 2.19. A public right of way (public footpath 15_1AI) crosses the Appeal Site along the boundary between the northern and southern fields. This connects onto public footpath 12_1AI which abuts the south-eastern corner of the Site.
- 2.20. Beyond the northwest corner of the site are open fields interspersed with small patches of residential development.
- 2.21. The Site is not located in, but is adjacent to, the Albourne Conservation Area. In addition, there are a number of Grade II listed buildings within the vicinity of the Site, including 5 buildings which abut the eastern boundary of the southern field.
- 2.22. Save for its 'countryside' location (beyond the defined settlement boundary), the Site is not subject to any landscape designations. Further, it is not located within a "valued landscape" for the purpose of paragraph 174(a) of the NPPF. This point is accepted by the Council in the Officer's Report upon the Application. The Landscape and Visual Impact Assessment and Addendum assess the local value attached to the landscape in accordance with the Landscape Institute's Technical Guidance Note (TGN 02/21).
- 2.23. As to flood considerations, the Site falls entirely within flood zone 1 defined by the Environment Agency (EA) of having a 'Low Probability' (1 in 1000 annual probability) of river or sea flooding and is therefore in an appropriate location in terms of acceptable flood risk.

3.0 APPEAL SCHEME DESCRIPTION

General and Plans

3.1. The Appeal Scheme will be described in evidence and it will be explained that the Framework Layout has been developed and informed following a thorough review of the opportunities and constraints afforded by the Site, including a collaborative pre-application process with the Local Planning Authority. A meeting was also convened with the Parish Council and a community consultation event took place. A website detailing the application was created and a mailshot issued to the local community to invite them to visit the website and leave feedback/comments on the proposals.

3.2. The Appeal Scheme description is as follows:

“Outline application for the erection of up to 120 residential dwellings, including 30% affordable housing, public open space and community facilities with all matters reserved except for access”

3.3. Only the principle of developing the Site for up to 120 dwellings, the proposed community facilities and the means of access are to be determined as part of this outline application.

3.4. Appearance, landscaping, layout and scale are reserved for subsequent determination.

3.5. The Appeal Scheme is set out on the following plans:

The Scheme

- i. Site Location Plan No. 3117/A/1001/PR/C
- ii. Proposed Access and Footway Design Plan No. 093.0002.005 Rev C
- iii. Proposed Eastern Access Location & Visibility Splay Plan No. 093.0002.002 Rev C

Supporting Plans

- iv. Land Use Plan No. 3117/A/1201/PR/C
- v. Building Heights Plan No. 3117/A/1203/PR/B

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- vi. Density Plan No. 3117/A/1204/PR/B
 - vii. Access Plan No. 3117/A/1202/PR/C
 - viii. Green Infrastructure Plan No. 3117/A/1205/PR/B
 - ix. Illustrative Layout Including Additional Land Plan No. 3117/C/1005/SK/K
 - x. Site Sketch Layout – Full Site No. 3117/C/1006/SK/M Rev A
 - xi. Illustrative Landscape Masterplan No. 3018-APA-ZZ-00-SK-L-0002 Rev P04
 - xii. Horizontal Illumination Plan No. 2367/DFL/ELG/XX/CA/EO/13001/S3 Rev P02
- 3.6. Plans (iv) to (xii) are submitted for illustrative purposes only, with permission sought for the principle of up to 120 dwellings along with the proposed community uses listed in the application description and the means of access.
- 3.7. For the avoidance of doubt, a separate condition could be imposed requiring the reserved matters to be submitted in general conformity with the Illustrative Masterplan (vii).

The Masterplan Approach

General

- 3.8. Preparation of the Illustrative Masterplan has been informed by the local community's aspirations to realise the delivery of the community and recreation facilities identified in Section 7 of the Albourne NP.
- 3.9. The Illustrative Masterplan has also been informed by a thorough contextual appraisal of the Site and its surroundings. This includes the various supporting technical reports.
- 3.10. The Scheme includes a range of land uses, including as follows:
- (i) Up to 120 dwellings (including 30% affordable housing).
 - (ii) A village shop.
 - (iii) A school car park to alleviate congestion and parking at school drop off and pick up times.
 - (iv) Land to enable the school to expand.

- (v) A community orchard.
- (vi) A significant area of publicly accessible open space.
- (vii) A 54% biodiversity net gain.

Community and Recreation Facilities

- 3.11. As shown on the Illustrative Masterplan, and in accordance with the design approach set out in the Albourne NP, the proposed community and recreation facilities are to be provided on the eastern, southern and western parts of the site.
- 3.12. The proposed facilities include a drop-off/pick-up area for Albourne Primary School, safeguarded land for future expansion of Albourne Primary School, an equipped play area and public open space comprising a species rich meadow.
- 3.13. The facilities will be secured through the obligations to be included in the s106 legal agreement and will make provision for transfer to and management of the land to a management company, or another entity.

Residential Character Areas & Density

- 3.14. The Illustrative Masterplan vision is built around four defined character areas. Full details are set out in the accompanying Design & Access Statement.
- 3.15. The Illustrative Masterplan demonstrates how the Site can be developed to achieve up to 120 units at an approximate density of 36 dwellings per hectare (dph), taking into account topography, site constraints and existing landscape features. This is based upon a net developable area of circa 3.33 hectares and is based on providing an appropriate housing mix in accordance with local planning policy. The density on Site is higher in the core and the density reduces as the development moves toward the outer edge and green edge.

- 3.16. Residential development is proposed within the northern part of the Site, and comprises predominantly two-storey dwellings with a handful of two-and-a-half storey dwellings and a few single storey subsidiary structures such as garages and refuse/cycle stores.
- 3.17. The DAS refers to the creation of four defined 'Landscape Character Areas' within the site, each responding to their setting. These areas are defined as Community Orchard & Entrance Green; Western Edge; Central Corridor; and Southern Parkland.
- 3.18. The layout seeks to deliver a high quality and attractive built environment at the site entrance. Landscape Character Area 1, Community Orchard & Entrance Green, includes enhancements to the existing orchard, meadow grassland, footpath connections and social gathering spaces.
- 3.19. Landscape Character Area 2, Western Edge, would be located away from the access, behind the enhanced community orchard that spans the length of the northern part of the Site and would create a new green edge spanning a majority of the Site.
- 3.20. Landscape Character Area 3, Central Corridor, would contain approximately 11 dwellings of predominantly 2-storey height set behind a corridor of new street planting. The dwellings forming this character area would be well contained in the centre of the Site. The new street planning would continue along the site towards the Site entrance.
- 3.21. Landscape Character Area 4, Southern Parkland, would be characterised by managed meadow grassland with seasonal wildflowers and mown paths. Informal seating and habitat features will allow for appreciation of the views towards the south, west and east. Views to the south from the school will also be retained.
- 3.22. As well as the Landscape Character Areas, the DAS refers to the creation of five defined 'Residential Character Areas' within the site, each responding to

their setting. These would be Arrival Space; Internal Streets; Central Green; Western Fringe and South View.

- 3.23. Residential Character Area 1, Arrival Space, would be characterised by a stand-alone building with a distinctive design and landscaping which would add a sense of arrival at the development. This character area would also include the community shop ensuring it is easily accessible by the existing settlement of Albourne.
- 3.24. Residential Character Area 2, Internal Streets, would be characterised by a higher density of development as it would be contained within the heart of the development. It is anticipated this character area would also facilitate street planting and linear visitor parking bays.
- 3.25. Residential Character Area 3, Central Green (also contained within Landscape Character Area 3), will be defined by a varied architectural approach to each of the dwelling contained therein, creating a distinct grouping to assist in wayfinding through the Site.
- 3.26. Plot density is reduced in residential Character Area 4, Western Green, to ensure an appropriate response to the countryside beyond the Site's western boundary. This area would be defined by detached dwellings fronting onto the adjoining open space (Landscape Character Area 2).
- 3.27. Residential Character Area 5, South View, would be similar to residential Character Area 4 by being defined by detached dwellings. However, as these dwellings would abut the open space to the south (Landscape Character Area 4), and would be visible from Church Lane, a more muted colour palette is proposed to reduce prominence in the wider landscape.
- 3.28. The aim of this architectural approach is to create a high-quality extension to Albourne, which is tenure blind and incorporates a local materials palette. Further detail is provided in Chapter 5 of the DAS.

Dwelling Mix (including affordable housing)

- 3.29. The Scheme includes the provision of 30% affordable dwellings, which could result in up to 36 affordable homes. The Council acknowledges this is worthy of significant positive weight.
- 3.30. The Illustrative Masterplan also shows how the Site could encompass principally a mixture of semi-detached and detached houses of two storeys and five 2.5 storey apartment blocks. This is considered in keeping with the surrounding development.

Landscape

- 3.31. The Illustrative Masterplan shows a pedestrian/cycle link to the existing public Right of Way (PROW) which runs east/west through the centre of the Site.
- 3.32. A range of native landscape habitats and features with amenity and wildlife benefit are proposed across the site, whilst existing boundary features will be protected and enhanced.
- 3.33. The northern area of the site proposes a retained hedgerow to provide screening from the Henfield Road and the retention and enhancement of the on-site orchard which will provide an attractive entrance feature. Planting would take place across the site to support habitats with increased biodiversity and support populations of native pollinators.
- 3.34. As shown on the Illustrative Masterplan, development is to be set back from the Henfield Road frontage by at least 15m, and even further from the eastern boundary with Albourne CE Primary School and the Grade II listed dwellings along The Street. These set-back distances afford opportunities to provide a considered landscaping belt that will help assimilate the proposed development into the existing settlement pattern. It will also soften the new settlement edge in this western part of Albourne.

- 3.35. The Illustrative Landscape Masterplan also shows how the on-site drainage attenuation features could be planted for further biodiversity gains, which would also provide an attractive environment for future residents. It also reinforces and supplements existing planting and landscape features which can be enhanced on the southern boundary which would, over time, reduce visual impact of the scheme from medium to long range views from the south (and the National Park).
- 3.36. The landscape scheme also seeks to provide a natural transition between the built form and the fields to the west.

Heritage

- 3.37. The Appeal Scheme has also been designed following a thorough review of the heritage context. The Illustrative layout has been arranged in order to minimise the impact of the proposed development upon the setting of listed buildings and the Conservation Area. In this regard, the southern part of this scheme is proposed as a publicly accessible area of open space whilst built form is proposed in the northern part of the Site.

Drainage Strategy

- 3.38. The surface water drainage strategy demonstrates that the Site on which residential and community development is proposed is located within flood zone 1.
- 3.39. It includes the provision of five attenuation basins/ponds to provide the required volume of attenuation and water quality treatment. They will also help to enhance biodiversity and provide amenity to the proposed development.

4.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

General

- 4.1. Whilst the detailed policy position will be set out in evidence, this section summarises the planning policy position, against which the acceptability of the Appeal Scheme falls to be determined.
- 4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 4.3. The first test, and the statutory starting point is whether the application is *'in accordance with the plan as a whole'*.
- 4.4. It is the Appellant's case that the Appeal Scheme accords with the spatial and development management policies of the development plan, save for the location of the site beyond the out of date adopted settlement boundary for Albourne as defined in Policy DP6 of the District Plan. However, and in so far as the settlement boundary relates to an out of date housing need, where the Council has adopted the Site Allocation DPD to aid in the delivery over the plan period, the weight to be attached to this policy conflict is significantly reduced.
- 4.5. In the circumstances, where the main development plan conflict is the location of the site adjacent to but beyond the settlement policy for Albourne, in a scenario where the Council is reliant upon permissions granted outside defined settlement boundaries to demonstrate a five-year housing land supply, the most important policies for determining the application are out of date.
- 4.6. The Appellant's case is the adverse impacts of granting permission comprising the loss of countryside and less than substantial impact upon designated heritage assets cannot be said to demonstrably, let alone significantly, outweigh the many benefits, such that planning permission should not be granted.

- 4.7. Section 39 of the Act identifies the requirement for decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements must be considered in light of the NPPF, including the 3 roles of sustainability set out at paragraph 8 (economic, social and environmental). However, and as set out at paragraph 9 of the NPPF, the three roles are not a checklist and their values are considered in light of that context.

The Development Plan

General

- 4.8. The Development Plan comprises the following:
- Mid Sussex District Plan 2014 – 2031 (adopted March 2018);
 - Mid Sussex District Council Site Allocations DPD (adopted June 2022);
 - and
 - Albourne Parish Council Neighbourhood Plan (made September 2016).
- 4.9. Mid Sussex District Council is currently undertaking a review of the current District Plan given that it is now 5 years old. The emerging Local Plan is quite rightly looking to review the housing requirement and the associated settlement boundaries. This is on account of the current Development Plan being out of date; including as the policies and proposals contained therein cannot meet current development needs (regardless of the five year housing land supply position).
- 4.10. At the time of writing, the emerging District Plan has undergone a Regulation 18 consultation. The representations made during this consultation exercise were presented to a meeting of Scrutiny Committee for Planning, Economic Growth and Net Zero on 15th March 2023. As paragraph 64 of the Report notes, the Council will consider the proposed changes to the NPPF before publishing its Regulation 19 version of the Plan. As such, timescales for preparation of the Plan are currently uncertain.

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- 4.11. The settlement boundaries as set out within the Proposals Map for the Mid Sussex District were identified to meet the housing needs from Spatial Policy DP6 of the District Plan.
- 4.12. The boundaries were drawn at that time to meet a need for 937dpa across the District. There is an ongoing requirement to satisfy the duty to cooperate, including the unmet needs within the wider Housing Market Area (Policy DP5 refers).
- 4.13. In so far as the District Plan is more than five years old, and in accordance with the requirements in paragraph 74 and footnote 39 of the NPPF, the housing requirement falls to be determined by the local housing need derived from the application of the standard method.
- 4.14. The Council's Five Year Housing Land Supply Position Statement (June 2021) identifies a 5,100 dwelling requirement (including a 5% buffer).
- 4.15. In so far as the settlement boundaries were not identified in relation to the current housing need, they operate as a constraint to development. Moreover, and in so far as the housing requirement on which the settlement boundaries were defined are required to be breached in order to demonstrate a 5 year housing land supply, the weight to be attached to any conflict with them can be reduced (See *Hopkins Homes*, paragraph 63).

Mid Sussex District Plan

- 4.16. The District Plan was adopted in March 2018 and covers the period 2014 to 2031.
- 4.17. Policy DP4 sets out a requirement for the provision of a minimum of 16,390 net additional dwellings within the District (including that part within the SDNP), at an average of 876dpa until 2023/24 and 1096dpa thereafter.
- 4.18. In so far as the housing requirement at DP4 of the District Plan is expressed as a minimum, the Appeal Scheme is in accordance with it.

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- 4.19. Policy DP6 sets out the spatial approach to the distribution of the housing requirement identified in Policy DP4. Albourne is identified in the third most sustainable tier of settlement. The supporting table to Policy DP6, on page 37 of the District Plan, identifies that 2,200 dwellings are to be provided across the plan period in medium sized villages such as Albourne.
- 4.20. Other applicable policy considerations from the District, which evidence for the Appellant will explain the scheme is in accordance with, include DP12 (Protection and Enhancement of the Countryside), DP13 (Preventing Coalescence), DP15 (New Homes in the Countryside), DP20 (Securing Infrastructure), DP21 (Transport), DP22 (Rights of Way and other Recreation Routes), DP25 (Community Facilities and Local Services), DP26 (Character and Design), DP28 (Accessibility), DP29 (Noise, Air and Light Pollution), DP30 (Housing Mix), DP31 (Affordable Housing), DP34 (Listed Buildings and Other Heritage Assets), DP35 (Conservation Areas), DP37 (Trees, Woodland and hedgerows), DP38 (Biodiversity), DP41 (Flood Risk and Drainage).
- 4.21. In spatial terms, there is obvious conflict with the settlement boundaries identified in DP6 and by association Policy DP12.
- 4.22. At this outline stage, it is considered that the Appeal Scheme accords with all of the other relevant District Plan policies.
- 4.23. Applicable policy considerations are set out below, which matter will be addressed in evidence.
- 4.24. The policies in bold represent those considered by the Appellant to be the most important for determining the Appeal, and which are considered to be out of date:
- **District Plan Policy DP4: Housing**
 - **District Plan Policy DP5: Planning to Meet Future Housing Need**
 - **District Plan Policy DP6: Settlement Hierarchy**
 - **District Plan Policy DP12: Protection & Enhancement of the Countryside**
 - District Plan Policy DP13: Preventing Coalescence
 - District Plan Policy DP20: Securing Infrastructure
 - District Plan Policy DP21: Transport
 - District Plan Policy DP22: Rights of Way & Other Recreation Routes

- District Plan Policy DP25: Community Facilities & Local Services
- District Plan Policy DP26: Character & Design
- District Plan Policy DP28: Accessibility
- District Plan Policy DP29: Noise, Air & Light Pollution
- District Plan Policy DP30: Housing Mix
- District Plan Policy DP31: Affordable Housing
- District Plan Policy DP34: Listed Buildings & Other Heritage Assets
- District Plan Policy DP35: Conservation Areas
- District Plan Policy DP37: Trees, Woodland & Hedgerows
- District Plan Policy DP38: Biodiversity
- District Plan Policy DP41: Flood Risk & Drainage

4.25. There is some conflict between the Appeal Scheme and Policy DP6 and DP12. However, Policy DP6 is out of date in terms of its spatial application; whilst DP12 does not distinguish between paragraphs 174(a) and 174(b) of the NPPF. As its application is predicated upon the settlement boundaries defined by DP6, it too is out of date. In any event, the landscape impact arising from the Appeal Scheme is limited and localised.

4.26. In *Suffolk Coastal DC v Hopkins Developments Ltd* [2017] UKSC 37 Lord Carnwath's judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies, can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements.

4.27. In addition, the Council is reliant upon permissions on land outside their defined settlement boundaries to demonstrate a 5-year housing land supply. As such, and in accordance with paragraph 11(d) of the NPPF, the most important policies (including those relating to settlement boundaries) are to be regarded as out of date.

4.28. In the case of Mid Sussex District, the Council has been granting planning permissions for housing development outside of settlement boundaries that are in breach of countryside and landscape policies to meet market and affordable housing needs and maintain a rolling five-year land supply. Schemes have also been allowed at appeal.

4.29. Consequently, the countryside and landscape policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan.

4.30. On this basis, reduced weight applies to any conflict with District Plan Policy DP6 which defines settlement boundaries.

Site Allocations Development Plan Document (adopted June 2022)

4.31. The Site Allocations DPD was adopted in June 2022 and sets out how the Council will meet the housing and employment needs identified in District Policy DP4 in the period to 2031.

4.32. The only policy in the Site Allocations DPD relevant to the appeal Site is Policy SA38: Air Quality, which supersedes the air quality section of District Plan Policy DP29 (Noise, Air and Light pollution).

4.33. As evidenced throughout this document, the Council has had to allocate sites beyond settlement boundaries defined in the District Plan in an attempt to address its housing need over the plan period.

Albourne Neighbourhood Plan (made September 2016)

4.34. The Albourne NP was made in September 2016. It even pre-dates the 2018 District Local Plan; and its strategic policy basis is out of date.

4.35. In the circumstances, the considerations at paragraph 14 of the NPPF are not engaged.

4.36. Section 2.2 sets out the following five strategic objectives that underpin the NP:

- Keeping the “village-feel” and sense of place
- Protecting and enhancing the environment
- Promoting economic vitality and diversity
- Ensuring cohesive and safe communities
- Supporting healthy lifestyles

- 4.37. All of these principles are met by the Appeal Scheme, including through the provision of community facilities to meet identified needs and reducing the need to travel to higher-order settlements to access similar facilities.
- 4.38. NP policies of relevance to the determination of the Appeal Scheme are summarised below:
- **Policy ALC1** - Development, including formal sports and recreation areas will be supported in the countryside, defined as the areas outside the Built up Area Boundary shown on the policy map where the following criteria are met:
 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;
 2. It maintains, or where possible enhances, the quality of the rural and landscape character of the Parish area;
 3. It is supported by a specific policy reference elsewhere in this Plan;
 4. It is necessary for essential infrastructure and it can be demonstrated that there are no alternative sites suitable and available, and that the benefit outweighs any harm or loss.
 - **Policy ALH1:** Development will generally be supported within or immediately adjoining the Built Up Area Boundary provided that:
 1. The development is appropriate to a village setting in terms of scale, height and massing; and
 2. The development is demonstrated to be sustainable, having regard to the settlement hierarchy; and
 3. The development makes an appropriate use of a brownfield site; or
 4. The development is infill and surrounded by existing development.
- 4.39. As the policies explain, the principle of additional development is supported in the NP.
- 4.40. The Appeal Scheme accords with Policy ALC1.
- 4.41. In relation to Policy ALH1, the Appeal Scheme accords with parts (1) and (2). However, there is conflict with parts (3) and (4). As such, there is a partial breach of the policy. However, the landscape impact is limited and localised and that harm must be weighed against the many benefits that are provided.

- 4.42. Section 6 sets out the approach to transport, with paragraph 6.1 noting traffic congestion and pedestrian safety in The Street and adjacent to the School as a significant traffic and transport concern.
- 4.43. Paragraph 6.4 identifies significant, and at times serious, problems with traffic congestion and car parking arrangements in and around The Street, and in all areas adjacent to the School. The 'Aim' on page 22 of the NP to address congestion on The Street is to manage traffic congestion and parking arrangements in this area. It is intended that a scheme will include specific measures (in conjunction with the School) to seek to address the issues apparent at school drop off and pick up times.
- 4.44. Paragraph 7.3 sets out the approach to schools, noting in relation to Albourne Primary School as follows:

"Albourne Church of England Primary School has a single form entry and the current roll is just under 200 pupils. The school supports a wide geographic area taking pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and from Albourne itself. It is considered important that primary age school children in Albourne should be able to attend school in their village. The School is nearing capacity and the recent increase in housebuilding in Albourne and the School's catchment area will place greater demands on places."

- 4.45. The 'AIM' below paragraph 7.4 of the NP states as follows:

"AIM. Amenities : Albourne Village School

The Council will support and assist efforts by the School to increase capacity and improve facilities for teachers and pupils."

- 4.46. The Appeal Scheme will address these aims, helping to expand the School whilst also addressing the identified parking and traffic congestion concerns/issues.
- 4.47. The Appellant considers that the Appeal Scheme accords with the thrust of the NP policies. However, by operation of paragraph 11(d) of the NPPF, they are themselves also out of date.

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- 4.48. As set out above, NP Policy ALH1 acknowledges that development may need to occur outside the defined settlement boundary.
- 4.49. The Appellant is of the view that the Appeal Scheme is appropriate to the village setting in terms of scale, height and massing and that it is sustainable. This achieves compliance with parts (1) and (2) of Policy ALH1. However, there is conflict with parts (3) and (4) of the Policy as the Appeal Site is not brownfield and it does not amount to infill.
- 4.50. In the circumstances, where the requirements in policy ALH1 pulls in different directions, the Appellant accepts there is some conflict. However, taken as a whole, the Appeal Scheme does satisfy the broad objectives of the NP.
- 4.51. It is the case for the Appellant that whilst there is some conflict with parts of ALH1 (and therefore a partial breach of a small part of the NP), the NP is out of date and the benefits arising from the Scheme clearly outweigh that minor conflict.
- 4.52. The NP was made in 2016 and the issues identified in the NP, including lack of infrastructure and congestion at school drop off and pick up times, remain. Some 7 years on there have been no solutions. However, many can be addressed by the Appeal Scheme.

Material Considerations

National Planning Policy Framework

- 4.53. The National Planning Policy Framework (NPPF) was most recently updated in July 2021. It is a material consideration of particular standing in the determination of planning applications.
- 4.54. The content of the NPPF as it relates to the proposed development of the application site is addressed in the order set below:
- The presumption in favour of sustainable development
 - Decision making
 - Delivering a sufficient supply of homes

- Promoting sustainable transport
- Conserving and enhancing the natural environment

4.55. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

Economic Role

4.56. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the Appeal Scheme on the basis that it is located within a sustainable location, within walking and cycling distance to local services and facilities. The Scheme also provides for housing development of the type and mix required to meet identified needs.

4.57. The Scheme further addresses the economic role in terms of increased LPA Revenues, Construction impacts (increased GVA, jobs etc.) and increased expenditure in the local area.

Social Role

4.58. The social role requires the planning system to provide the supply of housing required, creating a high-quality built environment, accessible to local services and reflecting the community's needs. All these requirements can be achieved with the Appeal Scheme.

4.59. Provision of land to enable the expansion of the School, along with the provision of a car park to alleviate the existing parking congestion will provide a social benefit. As will the provision of a community shop.

Environmental Role

4.60. The environmental role requires the planning system to protect and enhance the natural, built and historic environment. This can be achieved with the

proposal in a location that will not result in any significant adverse effects upon the character of the surrounding area, including in landscape terms.

- 4.61. Overall, the Scheme secures a BNG in excess of 10%, an overprovision of publicly accessible open space, a net gain in the number of trees on the Site, provision of a community orchard, and increased opportunity to enjoy the countryside through provision of publicly accessible walking and amenity areas.

Decision Taking

- 4.62. In setting out the presumption in favour of sustainable development, paragraph 11 of the NPPF adds at paragraph 11(d) that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless (i) policies in the NPPF provide a clear reason for refusing the development; or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 4.63. It has been discussed earlier in this Statement, why it is considered that the policies for the supply of housing are materially out of date.
- 4.64. Section 4 of the NPPF sets out the approach to decision-taking. Paragraph 38 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.65. The Site is in a sustainable location and will improve the economic and social conditions of the area. It will also help to provide an enhanced landscaped edge to the settlement and new biodiversity habitats.
- 4.66. Paragraph 48 refers to the weight to be given to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections.
- 4.67. In the context of Mid Sussex District, the emerging Local Plan is only at the Regulation 18 stage and carries very limited (if any) weight.

Delivering a Sufficient Supply of Homes

- 4.68. Paragraph 60 sets out the Government's objective of significantly boosting the supply of homes.
- 4.69. Paragraph 61 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method in national planning guidance – unless an alternative approach is justified.
- 4.70. It is also added that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 4.71. Paragraph 68 sets out the need to provide a five year supply of deliverable sites for housing. It also requires sites for years 6-10 and beyond.
- 4.72. Paragraph 74 requires LPAs to demonstrate a five-year supply of deliverable housing land. The Council is reliant upon allocations outside defined settlement boundaries, to the sum of 658 dwellings, to demonstrate such a supply. Moreover, and whilst the Inspector examining the Site Allocations confirmed a 5 year supply at April 2021, this was not for the purposes as outlined in paragraph 74 (b) of the NPPF.
- 4.73. This Appeal Scheme for up to 120 dwellings would make a notable contribution towards meeting identified housing need.

Promoting Healthy and Safe Communities

- 4.74. Chapter 8 requires planning policies and decisions to achieve healthy inclusive and safe places. This also extends to the provision of recreational services the community needs.

- 4.75. Paragraph 95 adds that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It is added that great weight should be given to the need to create or expand schools.

Open Space and Recreation

- 4.76. Paragraph 98 sets out support for enabling access to a network of high-quality open spaces and opportunities for informal sport/play and recreation.
- 4.77. Paragraph 100 also requires planning policies and decisions to protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.
- 4.78. These requirements are met by the Appeal Scheme.

Promoting Sustainable Transport

- 4.79. Section 9 sets out the approach to providing for sustainable growth.
- 4.80. Paragraph 105 states as follows:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

- 4.81. The Appeal Site is located adjoining an identified settlement, within safe and convenient walking distance to local services and facilities. Moreover, the Appeal Scheme seeks to provide additional services and facilities, reducing the need of the existing settlement to travel to neighbouring towns for goods and services.

- 4.82. The supporting Transport Assessment demonstrates the acceptability of the Scheme in sustainability terms. Accordingly, the Scheme is consistent with paragraph 105.

Achieving Well-Designed Places

- 4.83. Section 12 sets out the approach to achieving well-designed places.
- 4.84. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It is added that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.85. Paragraph 131 adds that trees make an important contribution to the character and quality of urban environments, with planning policies and decisions to ensure opportunities are taken to incorporate trees within developments.
- 4.86. The outline scheme incorporates a number of trees, landscape buffers, a community orchard public open space, whilst the detailed design is a matter that can be controlled at the reserved matters stage.

Natural Environment

- 4.87. Section 15 sets out the approach to conserving and enhancing the natural environment.
- 4.88. As to landscape considerations, the site is not located within any formal designations for the most valued landscapes. Accordingly, paragraph 174 of the NPPF is not a constraint to development in this case.
- 4.89. The Scheme can also secure a 54% net gain in biodiversity.

Historic Environment

- 4.90. Section 16 sets out the approach to conserving and enhancing the historic environment.
- 4.91. Albourne Conservation Area is adjacent to the southeast boundary of the appeal site. A collection of Grade II listed buildings also abut the south-eastern boundary of the Site including Hunters Cottage, Bounty Cottage, Finches and Souches.
- 4.92. The Heritage Report prepared by RPS (July 2022) identifies a low level of harm to the setting of the listed buildings and the Conservation Area. This is described as falling within the lowest level of the less than substantial spectrum of harm set out in paragraph 202 of the NPPF.
- 4.93. The low magnitude of harm that has been identified needs to be weighed against the public benefits of the proposal and given appropriate weight in accordance with approach in *Barnwell Manor*.
- 4.94. It is the case for the Appellant that the many public benefits (economic, social and environmental), demonstrably outweigh that harm.
- 4.95. Overall, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the witnesses for the Appellant have paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. This will be explained in evidence.

DCLG Announcements

- 4.96. The NPPF should also be read in the context of a number of DCLG and Ministerial Statements which have emphasised the importance on the timely delivery of housing development.

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- 4.97. These announcements are of some vintage, demonstrating the emphasis placed upon the need to significantly boost the supply of homes. They include, but are not limited to, 'Laying the Foundations: A Housing Strategy for England' (Nov 2011); the Ministerial Statement 'Planning for Growth' (March 2011); and the Ministerial Statement 'Housing and Growth' (6 September 2012) with the latter confirming that the need for new homes is 'acute', that supply remains constrained and that a proactive approach was required to support growth.
- 4.98. Government announcements have repeatedly confirmed the need to increase the supply of housing.
- 4.99. As far back as 2013 the Government referred to the existence of a nationally identified housing crisis¹. This further supports the need to significantly increase the supply of housing.
- 4.100. The message relating to the need to boost the supply of housing and the associated economic benefits that arise have been carried forward in the more recent Statement produced in July 2015 by HM Treasury "Fixing the Foundations: Creating a More Prosperous Nation."
- 4.101. Paragraph 9.1 states in relation to house building as follows:

"The UK has been incapable of building enough homes to keep up with growing demand. This harms productivity and restricts labour market flexibility, and it frustrates the ambitions of thousands of people who would like to own their own home."

- 4.102. Paragraph 9.7 adds in relation to the planning system and the need for increased house building:

"There remains more to do. As the London School of Economics (LSE) Growth Commission found, 'under-supply of housing, especially in high-growth areas of the country has pushed up house prices. The UK has been incapable of building enough homes to keep up with growing demand'²."

¹ In the House of Commons Debate on 24 October 2013, the Planning Minister, Nick Boles, reaffirmed that there is a national housing crisis.

² Investing for Prosperity, London School of Economics Growth Commission, September 2013

4.103. More recently, The House of Commons Committee of Public Accounts (19th June 2019) (paragraph 1 of summary) concluded:

*“The Department has a highly ambitious target to deliver 300,000 new homes per year by the mid-2020s but does not have detailed projections or plans on how it will achieve this. Meeting the target of 300,000 new homes a year will need a **significant step-up in the level of house building**. Current levels are not promising: the number of new homes has increased every year since 2012–13, with 222,000 new homes in 2017–18, but the average number in the period 2005–06 to 2017–18 was still only 177,000 a year. The Department accepts that it will need to transform the housing market to get more new homes built and says that achieving the target would be “very challenging”. Despite having introduced some projects to help, including encouraging small builders through the small builders guarantee scheme and reforming the planning system, the Department simply does not have the mechanisms in place to achieve the 300,000 target. This is compounded by lack of detailed rationale as to why this target was chosen in the first place. It also lacks year-on-year projections on how it will ramp up house building, only illustrative projections which are not in the public domain. **To make this even more concerning, the target does not align with the Department’s new method for calculating the need for new homes which shows that just 265,000 new homes a year are needed.**”*

4.104. The Committee of Public Accounts also noted with respect of affordable housing (paragraph 5), that:

“The Department acknowledges that it will need to sustain and increase the numbers of affordable housing built to help it achieve the target of 300,000 new homes but cannot say how many and what types of affordable homes are needed. The Department has not detailed its expectations for numbers of these types of homes to be built as part of its 300,000 target for new homes. It is encouraging greater numbers of affordable homes to be built through the Affordable Homes Programme; and its reforms to the planning system aim to deliver more homes in areas of high unaffordability, such as London and the South East. At local level, local authorities detail the numbers of types of affordable housing needed in their local plans including social housing, affordable rent, built to rent, and that provided by Housing Associations. However, these planned numbers can be undermined as developers renegotiate section 106 agreements to provide less affordable

housing than originally agreed with local authorities. The Department believes that its reforms to section 106 agreements would help the provision of affordable homes.”

- 4.105. The announcements explain the importance of the need to support the *Government’s objective of significantly boosting the supply of homes* (NPPF paragraph 60) which matter is a material consideration in relation to the assessment of housing supply. Within this boosting of the supply of housing is a clear recognition of the importance of providing affordable homes (NPPF paragraph 62) as this will help meet the needs of specific groups (paragraph 60).

Housing White Paper (Aug 2020)

- 4.106. The content of the White Paper is a further material consideration relevant to the assessment and determination of the appeal proposal.
- 4.107. It expands upon certain of the above publications, highlighting the fact that the country does not have enough homes and that the housing market is broken. The introduction identifies the cause as being very simple: the lack of supply. Accordingly, the proposals set out how the Government intends to boost housing supply.

Government Announcements (Dec 2022)

Written Ministerial Statement (Dec 2022)

- 4.108. On 6th December 2022, the Secretary of State for Levelling Up, Housing & Communities Minister for Intergovernmental Relations, made a Written Ministerial Statement (“WMS”) in which announcements were made about the government’s intentions to make further changes to the planning system alongside those in the Levelling Up and Regeneration Bill.

PINS NOTE 14/2022

- 4.109. The implications of the WMS were considered in the PINS NOTE 14/2022, where paragraph (3) states as follows:

“A WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details of the intended changes are yet to be published and consulted upon.”

4.110. Paragraph (5) provide greater clarity, stating as follows:

“No action is required in any casework areas, at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.”

NPPF - Consultation Changes

4.111. The Appellant notes the changes proposed in the consultation draft NPPF, including in relation to the approach to five year housing land supply. However, and for the reasons set out in PINS NOTE 14/2022, the starting point for decision making remains extant policy. The suggested changes only carry limited, if any, weight.

Summary

4.112. These recent publications and announcements highlight the importance and therefore weight to be given to increasing the supply of housing land.

4.113. As explained above, the presumption in favour of sustainable development (or ‘tilted balance’) is engaged on account of the inconsistency between the development plan and the NPPF. This includes in relation to the spatial application of its policies being out of date.

Affordable Housing SPD (July 2018)

- 4.114. The SPD supplements the requirement at District Plan Policy DP31 relating to the District wide target for 30% affordable housing provision on sites of 11+ dwellings.
- 4.115. The Appeal Scheme proposes the on-site provision of 30% affordable homes (up to 36 dwellings), thus achieving a policy-compliant affordable housing provision.
- 4.116. Paragraphs 20(a), 60 and 62 of the NPPF sets a strong emphasis on the delivery of sustainable development including affordable homes, within the context of the Government's aim to "boost significantly the supply of homes".
- 4.117. The acute affordable housing need reinforces the merits of the Appeal Scheme with the on-site provision of 36 affordable dwellings.
- 4.118. The Appellant considers substantial weight is attributable to the benefits associated with the provision of affordable housing.

Five Year Housing Land Supply Statement (June 2021)

- 4.119. As to five year housing land supply, paragraph 74 of the NPPF requires local planning authorities to demonstrate a five year supply of deliverable housing land against the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 4.120. In so far as the District Plan was adopted on 28th March 2018 and is more than five years old, the five year housing land supply position falls to be determined against the local housing need, derived from the standard method.
- 4.121. The Council's latest position is set out in their June 2021 Position Statement, which purports to be able to show a 5,701 dwelling supply against a 5,100

dwelling requirement for the period 1st April 2021 to 31st March 2026. This represents a 5.59 year supply; and a surplus of 601 dwellings.

- 4.122. The matter of five year housing land supply was considered by the Site Allocations DPD Examination Inspector.
- 4.123. Paragraph 86 of the Inspector's Report into the Site Allocations Local Plan sets out the Inspector's conclusions on the adequacy of the Council's claimed five year housing land supply position as follows:

"On the basis of the above considerations, I am satisfied that the Council can demonstrate, to a reasonable degree of certainty, a 5-year supply of housing land to meet the Plan's requirements."

- 4.124. Of particular relevance is the Inspector's summary of the housing land supply information that was provided, with paragraph 84 stating as follows:

"The Council's summarised calculation³ gives a 5-year land supply figure of 5.59 years. The Council has also included an appendix to this document, which is a detailed site-by-site analysis of every planning permission, including sites under construction, major (10+ dwellings) and minor sites, together with an assessment of site allocations which it is considered are likely to yield dwellings within the 5-year period. I am satisfied that this level of detail is sufficient to demonstrate that the Council's estimates on future delivery are reliable beyond reasonable doubt."

- 4.125. The footnote references the Council's response to the Inspector on Housing Land Supply (MDSC 06a). Within paragraph 4.11 of MSDC06a stating as follows:

"The Council has not asked if the Inspector examining the Site Allocations DPD, to fix the 5 year supply through the examination of the Sites DPD."

- 4.126. Document MDSC 06a is also clear that the Inspector's acceptance that it could demonstrate a five year supply at 5.59 years (through references in paragraphs 84 and 86) is on the basis of a 5% buffer⁴.

³ Calculation table at para 5.1 of Examination Document AP4 (MSDC 06a).

⁴ By virtue of the table which follows paragraph 5.1 of MSDC 06a

4.127. Therefore, whilst the Inspector examining the Site Allocations confirmed a 5 years supply at April 2021, this was not for the purposes as outlined in paragraph 74 (b) of the NPPF.

4.128. However, in seeking to demonstrate a 5.59 year supply at April 2021 the Council relies upon the delivery of dwellings on sites which at the date of determination were outside settlement boundaries. The extent of the Council's reliance upon such sites is shown Table 1 below.

Table 1: Permissions for housing which contribute towards the Council's five year Housing Supply at 1st April 2021 (which, when approved, were on sites beyond a defined settlement boundary)

Sites allowed at appeal outside of settlement boundary	Dwellings	Date of Decision
West of Turners Hill Rd, Crawley Down	44	01/03/2018
South of Hazel Close, Crawley Down	60	01/03/2018
Hill Place Farm, Turners Hill Road, East Grinstead	200	01/03/2018
Land south of Scamps Hill/Scaynes Hill Road, Lindfield	148	01/03/2018
Land at Kingsland Laines, Reeds Lane/London Rd, Sayers Common	133	07/12/2017
Land rear of 88 Folders Lane, Burgess Hill	73	15/06/2017
Total No. Dwellings	658	

4.129. The Council is only able to claim a five year supply through the inclusion of sites that were originally granted planning permission at appeal on sites beyond defined settlement boundaries. The settlement boundaries have since been amended through adoption of the Site Allocations DPD to include these sites.

4.130. The entire surplus of 601 dwellings (paragraph 4.121 above refers) is as a result of schemes being allowed at appeal on greenfield sites beyond settlement boundaries defined at that time.

4.131. This matter was considered in an appeal decision on land south of Gilda Terrace and North of Finch Way, Braintree⁵ dated 27th July 2021 Paragraph 54 of the appeal decision states:

⁵ PINS ref APP/Z1510/W/20/3265895

“The Council acknowledges that the revised HLS position has relied upon the contributions made by a number of sites outside of development boundaries, and that the restrictive nature of policies RLP 2 and CS 5 is not fully in accordance with the Framework. These development boundaries were evidently predicated upon much earlier levels of housing need, dating back to the 2001 Essex and Southend-on-Sea Replacement Structure Plan, and conceived many years prior to the publication of the original 2012 Framework. The conflict with policies RLP 2 and CS 5, over the site falling outside the settlement boundary, is therefore given limited weight, with a finding of a corresponding degree of limited harm.”

- 4.132. An appeal decision on land North of Netherhouse Copse, Fleet (Hart District)⁶ dated 6th October 2017 (HLS4). Paragraph 63 of the appeal decision states:

“Nevertheless, as the Supreme Court held in the case of Suffolk Coastal, the weight to be given to restrictive policies can be reduced where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements. In that case the Inspector’s finding was consequential upon there being no five year housing land supply and on the basis that the Council could not deliver the housing to meet current needs. In the current appeal the Council argued that it can provide five years supply of housing land. However, this is a reflection of the Council granting a number of permissions for housing development outside of settlement boundaries identified in the LP in breach of Policies RUR2 and RUR3 in order to meet market and affordable housing needs and maintain a rolling five year land supply. Consequently it is not meeting current housing needs on the basis of the settlement boundaries in the development plan. I therefore find that Policy RUR1 is out-of-date and carries only moderate weight.” (Our emphasis underlined)

- 4.133. This acknowledgement that sites outside of settlements had artificially boosted the supply was also recognised in two appeal decisions in Wokingham Borough. This was that for land east of Finchampstead Road, Wokingham⁷ and for land north of Nine Mile Ride, Finchampstead⁸.

⁶ PINS ref APP/N170/W/17/3167135

⁷ Appeal dismissed on 25th August 2020 – PINS ref APP/X0360/W/19/3235572

⁸ 5 Appeal dismissed on 9th April 2020- PINS ref APP/X0360/W/19/3238048

4.134. In paragraph 29 of the east of Finchampstead Road appeal, the Inspector concluded:

I have found later in my decision that the Council can demonstrate a five-year housing land supply. However, despite the views of the Council, it does rely on supply that falls outside of the currently set settlement boundaries. It is therefore clear to me that delivering a sufficient supply of housing cannot be done, whilst also meeting the requirements set out in Policies CP9, CP11 of the CS and CC02 of the MDD LP. They are therefore out-of-date.

4.135. This view is repeated in paragraph 26 of the north of Nine Mile Ride appeal (HLS6) where the Inspector states:

The scale and location of housing and the associated development limits were established to accommodate this lower housing requirement. However, as the Hurst Inspector observed, policy CP17 does not cap housing numbers and includes flexibility to bring land forward in identifying future land supply. Housing land supply is considered later in the decision, but the evidence is clear that this depends on some sites that are outside the development limits. The delivery of a sufficient supply of homes is a fundamental objective of the Framework but cannot be achieved through adherence to policies CP9, CP11 and CC02, which are all dependent on the development limits. These policies are therefore out-of-date. In this respect I disagree with the Hurst Inspector, but I note that there was no dispute about housing land supply in that case and therefore the evidence on which his conclusions were based was materially different.”

4.136. The role of development contrary to the Plan in boosting supply is also highlighted in the appeal decision for land off Satchel Lane, Hamble-le-Rice ⁹. In paragraph 18, the Inspector concluded:

“As stated above the fact that the authority can clearly demonstrate a five year housing land supply is not relevant to the weight which should be accorded to development plan policies. However when considering the currency of a policy, it is relevant to have regard to the record of how it has been applied. In this case the Council has achieved the current supply position in part by greenfield planning

⁹ Appeal allowed 20th December 2018 – PINS ref APP/W1715/W/18/3194846

permissions outside settlement boundaries – in some cases on sites which were within Strategic Gaps (an additional policy objection which does not apply in this case). I do not criticise the authority for any of these decisions but it is reasonable to infer that, in those cases, the Council either considered that the settlement boundary carried reduced weight or that the policy harm was outweighed by other considerations.”

- 4.137. These appeal decisions demonstrate that when an Authority is reliant upon the inclusion of sites contrary the development plan, the policies for the supply of housing are out of date.
- 4.138. Whilst Mid Sussex District is able to demonstrate a five year supply of deliverable housing land, the components of supply upon which they rely include permissions granted on sites beyond defined settlement boundaries.
- 4.139. The Council relies upon 658 dwellings from schemes allowed at appeal, on sites beyond settlement boundaries.
- 4.140. This reduces the weight to be attached to the conflict with the development plan, in a situation where the presumption in favour of sustainable development is engaged on account of the most important policies for the supply of housing being out of date.
- 4.141. This approach is reinforced by the judgement in *Eastleigh Borough Council v Secretary of State for Housing Communities and Local Government* [2019] EWHC 1862 (Admin) (WB21) which followed the *Satchell Lane* appeal decision. In paragraph 54 of the judgement, it concludes:

“As to the rationality of the Inspector’s reasons, in my judgment, Mr Glenister has a complete answer. He submits that the Inspector’s “consideration of the past application of the policy ... revealed that the current compliance with the 5YHLS was achieved “in part by greenfield planning permissions outside settlement boundaries – in some cases on sites which were within Strategic Gaps”. This indicates that the development plan policies were not consistent with the NPPF, which goes to their “currency”. Consideration of this was clearly rational”. I agree.”

- 4.142. In so far as the Appeal is expected to be determined on the basis of the housing land supply position as at the 2022 or 2023 base-date, for which figures are yet to be published, the Appellant will liaise with the Council with a view to preparing a separate statement of common ground on housing land supply. This will include in relation to the five year requirement and the deliverability or otherwise of the identified components of supply, hopefully narrowing the issues between the parties in this issue and saving time and resources at the inquiry.
- 4.143. The Appellant also reserves the right to review the five year housing land supply case on account of the publication of more recent information should that materialise from the Council prior to the exchange of evidence.
- 4.144. In the event the Council is not able to demonstrate a five year supply of deliverable housing land as at the new base date (2022 or 2023), this would trigger the presumption in favour of sustainable development (as a result of the operation of footnote 8 of the NPPF), quite apart from the separate issue of the spatial policies being out of date (as a result of being predicated on an out of date assessment of development needs (see *Hopkins Homes*)).

Affordable Housing

- 4.145. Policy DP31 of the District Local Plan requires a minimum of 30% affordable dwellings on sites exceeding 11 dwellings. The Policy references the role of the various evidence documents which informed this approach. This includes the “Northern West Sussex Affordable Housing Needs Update Report (2014)” which confirmed an annual need for between 116 and 474 affordable homes from 2014 onwards. The level of need depends on the data set used i.e. whole housing register¹⁰ or just those in reasonable preference¹¹.
- 4.146. Whilst the annual need varied according to the inputs, the extent of the Council’s waiting list since 2014 is shown in Table 2 below.

Table 2: Extent of housing waiting list changes in Mid Sussex¹²

¹⁰ High Estimate of 223 – 474dpa affordable homes (para 4.74 of 2014 Update)

¹¹ Low Estimate of 116 to 367 affordable homes dpa (para 4.73 of 2014 Update)

¹² Data from [Local authority housing data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/datasets/local-authority-housing-data).

	1/4/14	1/4/15	1/4/16	1/4/17	1/4/18	1/4/19	1/4/20	1/4/21	1/4/22
Households on waiting list	5,281	1,759	1,420	1,243	1,273	1,164	1,562	1,811	1,993
Households in reasonable preference category	1,401	381	391	337	342	265	432	623	655
Homeless	152	152	57	49	46	30	37	25	21

4.147. A comparison of the council's delivery of affordable housing with the ranges detailed in the 2014 Update is shown in Table 3 below.

Table 3: Affordable Housing Completions compared to range identified in the Housing Needs Update (2014)

Year	Net Affordable Delivery ¹³	Compared to Housing Needs Update (2014)			
		Min 116dpa	–	Difference	Max - 474dpa
2014/15	229	116		113	474
2015/16	79	116		-37	474
2016/17	82	116		-34	474
2017/18	178	116		62	474
2018/19	73	116		-43	474
2019/20	139	116		23	474
2020/21	197	116		81	474
2021/22	398	116		282	474
Total	1,375	928		447	3,792

4.148. Compared to the upper range of 474dpa identified in the Council's evidence base there has been a significant shortfall in the provision of affordable homes.

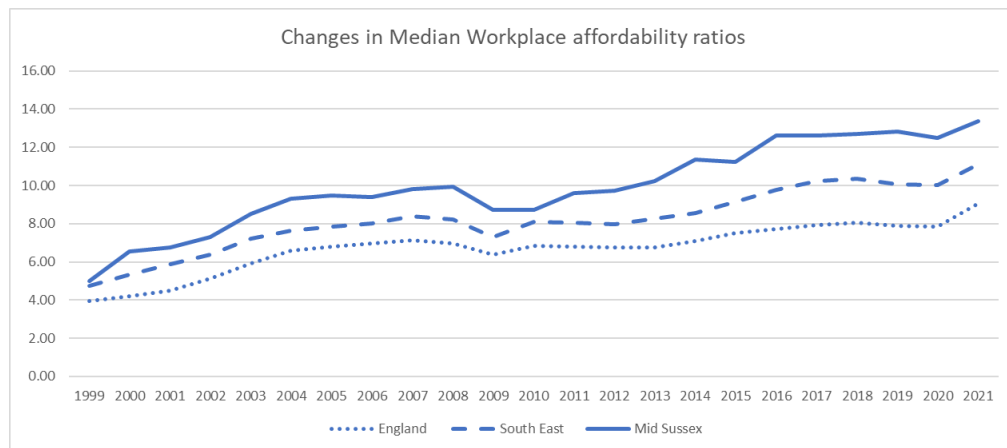
4.149. The Council's delivery of 1,375 affordable homes from 2014 through to 2022 equates to 172dpa.

4.150. Paragraph 62 of the NPPF requires that the needs of groups with specific housing requirements are addressed, which includes those requiring affordable housing. There is no evidence that this will be achieved in Mid Sussex District.

¹³ Source: [Live tables on affordable housing supply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/live-tables-on-affordable-housing-supply) (Table 1011C)

4.151. The failure to meet the identified needs of affordable housing is a dire situation indicating that the Council is not fulfilling the objectives at paragraph 61 of the NPPF.

4.152. The continued under delivery of affordable housing, has contributed to the worsening of the affordability ratios in the District as indicated in the chart below:



4.153. The chart also shows that affordability ratios in Mid Sussex District have more than doubled between 1999 and 2021, and their divergence from those in the South East Region since 2010 has continued and is gradually increasing.

4.154. This doubling in the affordability ratio has occurred because of a failure to deliver sufficient homes to meet market and affordable need in the District. This is illustrated by the divergence of the affordability ratio for the district from those for both England and the Region. Consequently, it is essential that further increases in house building occurs to improve affordability, especially given the continual under-delivery in supply.

4.155. A step change in the delivery of affordable housing is therefore required to begin to address the dysfunctions of the local housing market. Such a step change would be consistent with the thrust of paragraph 60 of the NPPF, to boost significantly the supply of homes.

Emerging Local Plan

4.156. The Regulation 18 Draft Mid Sussex District Plan 2021-2039 was published for consultation between the 7th November and 19th December 2022.

4.157. Emerging Policy DPH1 states that *“The Local Housing Need (LHN) for housing is 20,142 dwellings (an average of 1,119 dwellings per annum). This figure has been calculated using the standard method and there are no exceptional circumstances to justify an alternative approach.”*

4.158. The Draft Plan goes further to propose a number of strategic urban extensions and alterations to existing settlement boundaries.

4.159. The table extract taken from page 32 of the Draft Mid Sussex Plan (see below) identifies Albourne as having the potential to support proportionate growth.

Limited Further Growth Potential	Potential for Proportionate Growth	High Growth Potential
Ansty	Burgess Hill	Copthorne (Crabbet Park)
East Grinstead		
Haywards Heath	Cuckfield	Sayers Common
Hassocks	Crawley Down	
Hurstpierpoint	Ashurst Wood	
Lindfield	Albourne	
Ardingly	Bolney	
Balcombe	Pease Pottage	
Handcross	Scaynes Hill	
Horsted Keynes		
Turners Hill		
West Hoathly		
Sharpthorne		
Twineham		

Extract from the Mid Sussex Draft District Plan 2021-2039¹⁴

4.160. It performs a role in the overall settlement hierarchy and the Appeal Scheme will assist in achieving sustainable patterns of growth.

4.161. For the reasons set out above, and in accordance with the approach set out at paragraph 48 of the NPPF, the emerging Local Plan can only be afforded limited weight as a material consideration.

¹⁴ [Mid Sussex Draft District Plan 2021-2039](#)

Strategic Housing and Economic Land Availability Assessment ("SHELAA")

4.162. The SHELAA was published in April 2022. The Appel Site has been assessed as Site Ref: 986.

4.163. The Appeal Site is generally assessed positively in the SHELAA, including in relation to the overall assessment of the site as follows:

Suitable	Relatively unconstrained - assessed as Suitable at Stage 1, progress to Stage 2 assessment
Availability	Site submitted through Development Plan consultation
Achievability	There is a reasonable prospect that site could be developed within the Plan period
Timescale	Medium-Long Term

Urban Capacity Study ("UCS") (September 2022)

4.164. The Council published its UCS in September 2022. It forms part of the evidence base to the emerging Local Plan and establishes the development capacity within the defined settlement boundaries of the District.

4.165. Paragraph 3.48 of the UCS states that a total of 87 sites were assessed.

4.166. Table 12 of the UCS summarises the findings of the assessment work by settlement.

4.167. As set out at paragraph 3.49 and summarised in Table 12, of the 87 sites assessed, only 58 were assessed as being developable (note that does not mean deliverable). Table 12 suggests these sites could yield approximately 466 dwellings.

4.168. Paragraph 6.5 of the UCS also outlines that approximately 99 dwellings could come forward on small windfall sites.

4.169. The UCS, at paragraph 6.9 concludes that:

“The UCS has found that capacity does exist for new homes within the existing built up areas surveyed in the District. This is in addition to sites explored through the SHELAA. Although this could contribute to meeting future housing requirements in the District **it will not provide all of the answers and further options to accommodate new homes will most likely need to be explored.**”

- 4.170. As this report forms part of the evidence base for the emerging District Plan, it has been accepted by the Council that settlement boundaries will need to be amended to accommodate identified housing need.

5. ACCEPTABILITY OF THE APPEAL SCHEME: THE CASE FOR THE APPELLANT

5.1. This section of the Statement of Case summarises the Appellant's case in relation to the acceptability of the Appeal Scheme.

5.2. The main issues are considered to comprise the following:

1. Principle
2. Provision of Community and Education Facilities
3. Heritage
4. Landscape Impact
5. Ecology
6. Highways Impact and Safety
7. Flood Risk, Surface Water and Drainage
8. Planning Obligations
9. Development Plan Compliance and Overall Planning Balance

5.3. The Appellant expects to call a total of 4 no. witnesses to deal with these main issues (town planning (including five year housing land supply), landscape, education and heritage).

5.4. The case for the Appellant in relation to main issues is summarised in turn below.

Principle

5.5. The presumption in favour of sustainable development (or 'tilted balance') is engaged on account of the reliance upon sites outside defined settlement boundaries to demonstrate a 5 year housing land supply. This includes in relation to the spatial application of its policies being out of date.

5.6. As to five year housing land supply, the Council's latest position is set out in their June 2021 Position Statement purports to be able to show a 5.59 year supply of deliverable housing land for the period 1st April 2021 to 31st March 2026.

- 5.7. However, and on our analysis, the Council is reliant upon sites granted planning permission at appeal on land that was (at the time of the decisions) outside of defined settlement boundaries. The six sites total 658 dwellings.
- 5.8. Mid Sussex District Council is currently undertaking a review of the current District Plan given that it is now 5 years old. The emerging Local Plan is quite rightly looking to review the housing requirement and the associated settlement boundaries. This is on account of the current Development Plan being out of date; including as the policies and proposals contained therein cannot meet current development needs (Regardless of the five year housing land supply position). This demonstrates that existing settlement boundaries to meet housing needs arising from the housing requirement in policy DP4 of the District Plan are out of date (see *Hopkins Homes*).
- 5.9. As confirmed in case law and numerous appeals (as outlined earlier in this statement), the reliance upon such sites to demonstrate a 5 year housing land supply means that the policies contained within the District Plan are out-of-date and the weight afforded to the conflict with settlement boundaries is significantly reduced. This is a material consideration when assessing the merits of housing delivery from the Appeal Scheme.
- 5.10. In so far as the Appeal is likely to be determined on the basis of the housing land supply position as at the 2022 base-date, for which figures are yet to be published, the Appellant will liaise with the Council with a view to preparing a separate statement of common ground on housing land supply. This will include in relation to the five year requirement and the deliverability or otherwise of the identified components of supply, hopefully narrowing the issues between the parties in this issue and saving time and resources at the inquiry.
- 5.11. As of 28th March 2023, the District Plan will be more than five years old and, in accordance with paragraph 73 and footnote 39 of the NPPF, the housing requirement falls to be determined against the local housing need derived from the standard method. This results in a need for 1,109 dwellings per annum plus a 5% buffer. This totals 1,164dpa.

- 5.12. The Appellant reserves the right to review the five year housing land supply case on account of the publication of more recent information should that materialise from the Council prior to the exchange of evidence. This includes in relation to the five year position assessed against the 1,164dpa housing requirement.
- 5.13. In the circumstances, the weight to be attributed to the conflict between the location of the Appeal Site adjacent to, but beyond the settlement policy boundary for Albourne defined in Policy DP6 of the District Plan is significantly reduced (and by association DP12). These are the only development plan policy conflicts that are said by the Appellant's to be occasioned by the Appeal Scheme. All other policy tests are satisfied.
- 5.14. As set out in the settlement hierarchy listed in the table on page 32, and further defined in the table of page 36, of the District Plan, Albourne has a good level of sustainability. Such sustainability would be improved by the Appeal Scheme by reducing reliance on neighbouring settlements for services and facilities.

Provision of Community and Education Facilities

General

- 5.15. The Appeal Scheme secures the provision of community facilities, resulting in wider community benefits, which accords with Policy DP25 of the District Plan.
- 5.16. The community facilities to be provided by the Appeal Scheme comprise as follows:
- (i) A village shop.
 - (ii) A school car park to alleviate congestion and parking at school drop off and pick up times.
 - (iii) Land to enable the school to expand.
 - (iv) A community orchard.
 - (v) A significant area of publicly accessible open space.
 - (vi) A 54% biodiversity net gain.

- 5.17. Section 4.2 of the NP notes that there remains a deficiency in the provision of shops in Albourne, and that the capacity of the local Primary School is a concern.
- 5.18. The Appeal Scheme would deliver new community facilities to include a shop, land safeguarded for the extension of the local Primary School, a new drop-off/pick-up area for the Primary School and the provision of a substantial area of landscaped public open space.
- 5.19. The mix of facilities follows the receipt of feedback from the community, and it is notable that it would address the long standing lack of a shop in the Village and capacity issues at the local Primary School.

Reserved School Land

- 5.20. As paragraph 7.3 of the NP identifies, Albourne Church of England Primary School has a single form entry and the current roll is just under 200 pupils. The school supports a wide geographic area taking pupils from Hurstpierpoint, Sayers Common, Poynings, Pyecombe, Newtimber and from Albourne itself. It is considered important that primary age school children in Albourne should be able to attend school in their village. The School is nearing capacity and the recent increase in housebuilding in Albourne and the School's catchment area will place greater demands on places. The lack of school capacity is identified as a concern in the NP.
- 5.21. The Albourne Neighbourhood Plan notes the importance of the School to the community with particular reference to the desire for children resident in the village being able to attend. Developments both in the village and in surrounding areas have placed more pressure on School capacity, and the Neighbourhood Plan sets out that the Parish Council will *"support and assist efforts by the School to increase capacity and improve facilities for teachers and pupils."*
- 5.22. The Council's strategic policy to deliver sustainable development requires development to increase opportunities for people to spend more time in their

communities, and build safe and socially inclusive places. Providing land for the School to potentially expand, or to increase the quality of existing educational provision contributes toward this objective.

- 5.23. The land shown as reserved would be transferred to Albourne School for this purpose.
- 5.24. The primary school is a 1 form entry (210 place) Voluntary Controlled (CofE VC) school. As at January 2022, the School had 185 pupils.
- 5.25. The School has been consistently nearly full over that last decade with an average of 193 pupils (92% occupancy).
- 5.26. As a CofE VC school, the building and access areas are owned by, in this case, The Chichester Diocesan Fund and Board of Finance (Incorporated). The open space (playing field and hard surface) to the south of site is owned by the County Council (Education). It is understood that the land to the west of the access road is owned by the Parish.
- 5.27. Throughout the School's history it has served the wider area (parishes) with relatively few physically living in the village. For example: 71/195 pupils in 2015, 52/178 pupils in 2020 and an estimated 45/185 pupils in 2022. The in-village cohort is falling year on year.
- 5.28. This is because the village population is ageing. In 2011 the median age of the village population was 43.5 years compared with 39.6 years for the UK population a difference of 3.9 years. For 2015, the difference was 4.2 years: 44.2 years vs 40.0 years. For 2020, the difference was 7.6 years: 48 years vs 40.4 years.
- 5.29. The population has aged because, in part, the turnover of market and social housing properties are generational (between 19 years and 30 years depending upon the housing market at any one time) and there has been only limited new dwellings provided in the village through the planning system.

- 5.30. The Appeal Scheme provides land to expand the school. New homes provided through the Appeal Scheme will also assist in sustaining the school and the village.

Addressing Parking and Congestion at School Drop off and Pick Up

- 5.31. A further need expressed in the NP is a desire to tackle congestion in The Street resulting from School traffic. Paragraph 6.4 states that “*There are significant, and at times serious, problems with traffic congestion and car parking arrangements in and around The Street, and in all areas adjacent to the School.*” The NP aim, as expressed in Paragraph 6.4 is that “*A scheme to manage traffic congestion and parking arrangements in this area will be developed. It is intended that the scheme will include specific measures (in conjunction with the School) to seek to address the issues apparent at school drop off and pick up times.*”
- 5.32. It has been seven years since the Plan was made and no such scheme has come forward. The proposed development includes land for a car park to be used by parents at pick up and drop off points. It will be managed so that traffic flows are one way only to maintain movement through the site. Further, it would be accessed via the main site entrance from Henfield Road. Pedestrian access would be provided from the car park to the school land. This would remove a significant amount of traffic from The Street, thereby easing congestion and meeting an identified Community need.

Village Shop

- 5.33. Albourne’s position within the settlement hierarchy as a Medium Village is by virtue of the School, Village Hall and good connectivity with the services at Sayers Common and Hurstpierpoint, both of which are within 5km and with which it is well connected. However, the lack of a shop is a constraint to development noted in the NP as residents’ only options for basic goods (bread, milk etc) is online shopping or making a trip to an adjoining settlement.

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- 5.34. The Appeal Scheme includes space for a community shop within the ground floor of the community building at the entrance to the development. It would make a small contribution to the local economy.
- 5.35. A village shop would provide an alternative choice for existing and future residents to get day to day provisions, reducing the need to travel, and increasing opportunities to spend more time in local communities. It also increases opportunities to walk or cycle to meet day to day needs, and contributes to the creation of balanced communities. It is also well located in relation to the proposed drop-off point, providing potential combined trips from those driving their children to school.

Publicly Accessible Open Space

- 5.36. Almost half of the Appeal Site is to be secured for community benefits. This includes a significant area of publicly accessible open space. Landscape features are proposed that will create a diverse and species rich environment for the benefit of both biodiversity interest and recreational users. This would open up the area from private agricultural land to public open space delivering environmental, social and community benefit.
- 5.37. An orchard area is also proposed which could also be utilised for forest school opportunities by the School and/or wider community.
- 5.38. Recreational routes would be provided through this land, connecting with the existing rights of way network, so that it becomes a space for everyone to enjoy.
- 5.39. The parkland would create a community space and the opportunity to spend more time in the Village, providing recreational space for walks and congregating for leisure. It would help improve quality of life for existing and future residents through this public area which would be open to all.
- 5.40. The Appeal Scheme secures the requirements of District Plan Policy DP25, whilst also delivering much needed housing, in a sustainable location, within walking distance from local services and facilities.

Heritage

- 5.41. There are five listed buildings located to the south eastern boundary of the site which include the site within their settings. These buildings are Hunters Cottage; Bounty Cottage; Finches and Souches on The Street and Spring Cottage located slightly further to the south east of the site on the opposing side of Church Lane. The Albourne Conservation Area is located to the east of the site. The western boundary to the conservation area abuts the eastern boundary to the southern section of the site.
- 5.42. They are seen and experienced as traditional village dwellings within the townscape of The Street. They are not seen as agricultural buildings with an historic or functional connection to a landscape setting. A number of the houses have high coniferous hedges and mature trees and hedges located around the listed buildings and between the curtilages within the Site, which means many of the views towards the listed buildings from within the site are limited.
- 5.43. The level of contribution to the significance of the listed buildings along the east side of The Street made by the site is considered to be of a low level. The buildings derive significance primarily as historic buildings with a large degree of historic fabric in situ and of the experience of the listed buildings as a traditional village group with The Street. With regard to Spring Cottage to the south east of the site, the site makes a limited contribution to the significance of this listed building and derives largely from a sense of openness and rural character rather than direct views to and from the site itself.
- 5.44. The heritage assets are largely screened from views achievable in the northern field. The southern field does have a clearer relationship with these properties. Despite this, as stated in the RPS report, the significance of the heritage assets is due to their historic fabric and collective value when viewed as a group from The Street. The Site provides an open backdrop to these buildings which would be retained by the undeveloped nature of the southern field.
- 5.45. The RPS assessment also notes that there is no historic or functional connection between the listed buildings that are considered to include the site within their settings with the exception of Souches, which was in the same

ownership as the land within the site at the time of the tithe survey in 1838, although the cottage was not in agricultural use with a clear connection to the site.

5.46. The Heritage Assessment concludes that the contribution made by the Application Site to the significance of the listed buildings is low.

5.47. With regard to the Conservation Area, Mid Sussex Council describe the special character of the area being attributed to:

- (i) the many trees and hedges which line The Street, particularly where it meets Church Lane;
- (ii) the sunken road in relation to many of the properties, which creates a sense of enclosure due to banks and attractive retaining walls;
- (iii) the cottage style houses with small windows;
- (iv) the lack of any set building line and pavement, together with varying road widths, which helps to create a rural meandering character; and
- (v) the attractive countryside views to the west and south.

5.48. The proposed development concentrates built form to the north of the site, with the public open space (with its more open character) on the south. The Heritage Assessment concludes that the impact of these proposals would be minimal. Indeed, ensuring the southern half of the site remains largely open, added to the existing relationship between the Site and the listed buildings and their domestic curtilages, means that the site's contribution to the significance of the listed buildings and Conservation Area would be largely unchanged.

5.49. The proposed development would alter the existing sense of openness to the wider setting of the listed buildings and Conservation Area. However, the degree of change and the limited contribution the Site makes to significance means that the application proposals would result in less than substantial harm to the setting, and therefore significance, of the listed buildings and Conservation Area. This level of harm would be at the lower end of less than substantial.

5.50. The heritage conclusion, finding less than substantial harm within the lowest level of the less than substantial scale, engages the 'heritage balance' at

paragraph 202 of the NPPF. This requires any harm to be weighed against the public benefits of the proposal.

- 5.51. It is the case for the Appellant that the many public benefits (economic, social and environmental), demonstrably outweigh that harm.
- 5.52. Overall, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the witnesses for the Appellant have paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. This will be explained in evidence.

Landscape Impact

- 5.53. It is agreed with the Council that the Appeal Site is not a “valued landscape” for the purpose of paragraph 174(a) of the NPPF.
- 5.54. The Appeal Scheme was accompanied by a Landscape and Visual Impact Assessment (LVIA) (Allen Pyke Associates) (July 2022), which records the main baseline elements relating to the landscape, and its character, as well as the visual attributes of the site and its surroundings. It also seeks to identify the main landscape and visual effects that would arise from the proposed development and to identify measures that could assist with mitigation, all as generally shown on the Illustrative Landscape Strategy.
- 5.55. Landscape objections to the proposal have been received from the County Landscape Architect (citing an unacceptable impact on local landscape character and views).
- 5.56. The Site lies on the western side of the settlement of Albourne and 1.8km north of the South Downs National Park boundary on the B2117.
- 5.57. The site has a slight north to south fall with a high point in the southwest corner. This is comparable with the levels in the immediate locality.

- 5.58. This moderately level landform and the mature boundary hedgerows result in a quite self-contained site in its immediate local context when seen from its lower surroundings where the strong hedgerow pattern tends to limit and compartmentalise views.
- 5.59. Minimising the impact on landscape is a design objective for this Scheme. This is in response to both the location of the site in relation to the boundary of the National Park and surrounding landscape character.
- 5.60. Currently, there are two PROWs, footpath 15_1AI (running east/west through the centre and footpath 12_1AI adjoining the southeast boundary) crossing the site. An extensive public rights of way network runs to both the immediate north, south and west of the site. Views of the Site are achievable from footpaths 15_1AI and 12_1AI and these have been considered in the indicative design of the proposed Scheme. Both footpaths would be contained within the landscaped southern part of the Site, enhancing the experience of the user along these stretches of footpath with additional accesses provided along the southern boundary of the Site.
- 5.61. The Illustrative Landscape Masterplan (Drawing No. 3018-APA-ZZ-00-SK-L-0002 rev P04) shows how the site could be planted and managed into the future to reduce and minimise landscape and visual impact. It shows the retention of boundary trees, with particular reference to those adjoining listed buildings and along Church Lane, which will ensure the natural site boundaries remain intact. The well-established hedgerows (including mature trees visible on the skyline in views from the Listed Buildings) will also remain within the site and would be protected during the development and enhanced post-construction as part of the future landscape management of the site. The only removals will be where access is required, and these will be kept to the minimum loss possible. New planting of both trees and hedgerow is proposed, resulting in an overall net gain in the number of trees on the Site.
- 5.62. The proposed development maintains the field pattern through protection of the internal hedgerows. It provides significant offsets of built form to the development boundary, introducing landscape features including swales and ponds which, in addition to their drainage function, will have a beneficial impact

on the visual appearance of the development.

- 5.63. The conclusion considers that the Appeal Scheme could be successfully integrated into the local landscape and would not cause unacceptable harm to wider landscape character including any of the key features which define the Low Weald, to the special qualities of the SDNP, to views or to the perception of separation between Albourne and neighbouring settlements.
- 5.64. The localised change to the landscape character of the site has been assessed against the criteria of Policies DP12 and DP26 of the District Plan whilst also securing much needed new homes in a sustainable location.
- 5.65. The LVIA accepts there will be adverse effects on the landscape at a local scale and that the most sensitive receptors are walkers using the footpaths within the Site. It considers the local value afforded to these routes and it considers how these transient experiences will be affected by the proposals.
- 5.66. The landscape proposals offer additional amenity routes and community facilities which will provide a residual benefit to walkers moving through the Site. The introduction of seating and interpretation boards within the new areas of Public Open Space and along the existing rights of way will provide opportunities to celebrate the locally valued views towards the nationally designated South Downs. They will also provide opportunities to educate existing and new residents on biodiversity enhancements within the Site and the history of the nearby Conservation Area.

Ecology

- 5.67. The Appeal Scheme secures a range of ecological benefits. This includes a 54% biodiversity net gain, achieved through on-site enhancements.
- 5.68. The Scheme also secures an enhanced resource for walkers on the PROW to better experience the countryside. Interpretation Boards are also proposed which will assist in education local residents/walkers about local ecology and the AONB.

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- 5.69. A full suite of ecological work has been undertaken, comprising of an Ecological Impact Assessment and a Wintering Bird Survey (both produced by CSA Environmental), the results of which are submitted with the Application.
- 5.70. The Ecological Impact Assessment (“EIA”) confirms that the site is not subject to any statutory/non-statutory nature conservation designations, nor are any present within 2km of the site. Ancient Woodland is not present within or near to the site.
- 5.71. The habitats on site contains an orchard, hedgerows, trees and a mix of grassland and scrub.
- 5.72. The EIA notes the presence of important hedgerows on site. Where feasible, these are all to be retained as part of the proposed development and will be enhanced as part of the proposals. Any minor loss needed to facilitate access will be mitigated through additional hedgerow planting. Buffer strips will also be maintained either side of retained hedgerows as part of the long-term management of the site.
- 5.73. The EIA identified the presence of Bats on site, mainly contained to the woodland along the western edge of the Site. The proposal does not require any works that would disturb this woodland. In addition, a lighting scheme has been produced which shows that the scheme would not impact upon bats.
- 5.74. Slow Worm and Grass Snakes have also been identified on-site whilst potential for Great Crested Newt (GCN) is also established. Mitigation and new habitat has been incorporated into the design of the scheme (additional planning, five new attenuation ponds). The EIA also identifies a swathe of additional suitable habitat in the locality of the Site.
- 5.75. The EIA has found no evidence of dormice, badgers, hedgehogs, harvest mice or invertebrates.
- 5.76. A supporting bird survey was also undertaken which identified a number of species of local importance on-site. Much like the bats, these are predominantly located to the woodland along the western edge of the Site that will be undisturbed by the proposal.

- 5.77. These were undertaken during appropriate survey seasons in 2021 with further surveys carried out in 2022. Full details are provided in appendix G of the EIA produced by CSA Environmental and submitted with the application.
- 5.78. As set out in the submitted application material, it is proposed to deliver compensatory habitats as part of the future landscape scheme at the site. Proposed enhancements are set out in the EIA and will be taken forward by the proposed development. These include implementing a programme of hedgerow management, delivering biodiversity enhancements as part of the Sustainable urban Drainage System network (offering opportunity to create priority wetland habitat), provision of bird and bat boxes and wildlife planting (including appropriate habitat for GCN and reptiles) as part of the soft landscaping proposals. A full tree planting schedule will also be provided at Reserved Matters stage to further enhance biodiversity at the site.
- 5.79. The Scheme will also secure a 54% biodiversity net gain, with matters to be secured through preparation of the legal agreement.

Highways Impact and Safety

- 5.80. The supporting Transport Assessment (TA) submitted with the application assessed the impacts of the scheme upon the existing highway network, the suitability of the proposed site access and the accessibility of the site to local services and facilities.
- 5.81. The submitted access arrangement, shown on plan 093.0002.005 Rev C, has been developed in accordance with pre-application discussions with the Local Highway Authority.
- 5.82. Pedestrian access to the Site would utilise an existing footway link at the northeast corner of the site onto The Street. There is also a possibility of a pedestrian link to the Millennium Garden (shown indicatively on the Illustrative Masterplan).
- 5.83. In terms of accessibility to local services, facilities and transport options, the below table included in the Planning Statement produced by Strutt & Parker (July 2022) summarises the accessibility of the Site:

Amenity	Distance	Walking Time	Cycle Time
Primary School (Albourne CE Primary School)	55m	1 min	1 min
Park (Albourne Recreation Ground)	200m	2 min	1 min
Public House (Duke of York – Sayers Common)	1600m	21 min	6 min
Restaurant (Crossways Fish and Chips Hurstpierpoint)	1850m	22 min	6 min
Convenience Store (Sayers Common Community Shop)	1900m	25 min	6 min
Supermarket (Co-Op Hurstpierpoint)	2000m	25 min	6 min
Post Office (Hurstpierpoint Post Office)	2100m	26 min	6 min
Pharmacy (Lloyds Pharmacy Hurstpierpoint)	2200m	27 min	7 min
Health (Hurstpierpoint Health Clinic)	2200m	27 min	7 min
Leisure (Hurstpierpoint Village Theatre/Cinema)	2300m	28 min	7 min

5.84. The above table evidences that there are a number of facilities within walking distance of the Site.

5.85. Of particular relevance, as outlined by Strutt & Parker, when determining an application for an ‘extra care’ development some 350m from the Appeal Site, (LPA Ref: DM/19/3241644) the Inspector in that case determined that scheme would:

“be relatively sustainable in terms of location to minimise the need to travel”

5.86. The Appeal Site includes the provision of a shop which would give the settlement of Albourne the ability to service its day-to-day needs without needing to travel to a neighbouring town. The lack of a shop in Albourne is referenced in Section 4.2 of the Albourne NP. This would be remedied by the Appeal Scheme.

5.87. The Appeal Site is in a sustainable location.

5.88. Regarding traffic generation, the TA concludes that the proposed development would not result in adverse effects to highway or pedestrian safety. Moreover, it outlines that, through the provision of a drop-off/pick-up area for the local Primary School, that the development would reduce congestion in the centre of Albourne.

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- 5.89. Whilst the Appeal Scheme is only in outline form, the illustrative masterplan shows how residential parking in accordance with Sussex County Council's 'Guidance on Parking at New Developments' (September 2020)' can be achieved on-site.
- 5.90. It is also anticipated that cycle parking will be provided within the curtilage of each plot.
- 5.91. The Scheme also includes a new car park for the School, thus alleviating traffic congestion and addressing safety concerns on The Street, key objectives of the NP.
- 5.92. Overall, the Appeal Site affords a sustainable location in helping to meet identified housing need whilst avoiding any adverse impacts to highway and pedestrian safety.

Flood Risk, Surface Water and Drainage

- 5.93. The below analysis is largely set out in the Planning Statement prepared by Strutt & Parker (July 2022), which summarises the acceptability of the Scheme in flooding and drainage terms as follows:
- (i) The Appeal Site was wholly within Flood Zone 1 defined by the Environment Agency (EA) of having a 'Low Probability' (1 in 1000 annual probability) of river or sea flooding, and is therefore in an appropriate location in terms of acceptable flood risk
 - (ii) The Flood Risk Assessment (FRA) submitted in support of this application demonstrates that the site is at low risk from all types of flooding (fluvial, tidal, surface, ground, reservoir, canal and lake).
 - (iii) It does note that the northern boundary of the site appears to lie in an area of low to high risk of flooding from surface water. The area shown on the EA flood map is consistent with the location of the existing small watercourse crossing and bounding the site in this area. There is also another surface water path of low to high risk of flooding to the south of the site. This is consistent with topographical low-lying areas draining south toward the unnamed watercourse.
 - (iv) The drainage strategy has taken these flow paths in to account whilst the illustrative layout shows that the development can take place without any residential dwellings located within the surface water flow paths.

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- (v) The FRA has identified all potential sources of flooding and demonstrates that the site is at low risk. The site's location in Flood Zone 1 means that no sequential test is required to demonstrate that it is safe for development. The development accords with Policy DP41 of the MSDC Local Plan and the NPPF.
 - (vi) The surface water drainage strategy submitted in support of this application includes the use of Sustainable Drainage Systems (SuDS), in accordance with the drainage hierarchy. It has been prepared in accordance with relevant local and national guidance, including the West Sussex Lead Local Flood Authority (LLFA) Policy for the Management of Surface Water.
 - (vii) National and local Policy requires surface water from new development to leave the site at the greenfield runoff rate (i.e. the same as it would pre-development). The submitted surface water drainage strategy demonstrates that this is a discharge rate of 12.2 litres per second (l/s).
 - (viii) Attenuation storage is required to achieve this run off rate, and this is shown in the drainage strategy through the provision of five attenuation basins and a small area of underground storage. The attenuation volumes are based on the 1 in 100yr rainfall event and include a 45% allowance for climate change. Furthermore, each attenuation pond has a depth of 1m with 300mm of freeboard.
 - (ix) The drainage strategy shows the site split into six catchments, each draining to one of the basins. The point of discharge is to the watercourse on the northern boundary through Basin 3 where a hydrobrake controls the flow leaving the site to 12.2l/s
 - (x) The surface water drainage strategy has been devised to conform with LLFA local standards. It demonstrates that SuDS can be implemented at the site to manage surface water and ensure it leaves the development at the greenfield run off rate. They have been designed sensitively and incorporated into the wider landscape strategy so that they can also deliver wider amenity and biodiversity benefits. The development is in accordance with Policy DP41, LLFA guidance and National Policy. Further, it includes measures that reflect the need to adapt to the impacts of climate change, thereby creating a development which meets both present and future needs, in accordance with the Council's wider spatial policy.

5.94. The LLFA's consultation response upon the Application raises no objection, but does offer advice on additional measures that could be implemented to complement the proposed SuDs scheme. Such measures include raingardens and permeable paving. Such additional features would be considered as part of a reserved matters application.

Planning Obligations

- 5.95. Matters of detail, including in relation to the likely financial contributions are to be agreed as part of the preparation of a legal agreement.
- 5.96. Subject to meeting the necessary tests at paragraph 57 of the NPPF, it is considered that the following may be provided for in legal agreement:
- i. Affordable Housing (30%)
 - ii. The transfer and management of the community facilities.
 - iii. Securing biodiversity net gain.
 - iv. Highways.
 - v. A financial contribution towards Primary Education facilities at Albourne CofE Primary School
 - vi. A financial contribution towards additional facilities at Downlands Community school
 - vii. A financial contribution towards the improvement on local library facilities
 - viii. A financial contribution towards pedestrian & road user safety measures along the Albourne stretch of the B2118 and B2116.
 - ix. A financial contribution towards sustainable link improvements from Albourne to Sayers common, Hurstpierpoint and Hassocks.
 - x. Up to £99,750 towards children's play equipment
 - xi. Up to £28,643 towards 'Kickabout' provision
 - xii. Up to £147,043 towards formal sports facilities
 - xiii. Up to £147,043 towards community facilities at Albourne Village Hall
 - xiv. Up to £23,569.94 towards policing infrastructure
- 5.97. Mid Sussex District is not yet a CIL Charging Authority and financial contributions will also be secured at the reserved matters stage once the amount of proposed floorspace is fixed.

Development Plan Compliance and Overall Planning Balance

- 5.98. In the circumstances, where the main development plan conflict is the location of the Appeal Site adjacent to but beyond the settlement policy for Albourne, thus resulting in a narrow or partial breach of Local Plan policies DP6 and DP12; and NP Policy ALH1, in a scenario where the most important policies for determining the application are out of date and the adverse impacts of granting permission, comprising the loss of countryside outweigh the many benefits, such that planning permission should be granted.
- 5.99. Although the Appeal Site is not allocated for development, it is contiguous with the settlement boundary for Albourne. It is sustainable; whilst the Scheme will also assist in making the settlement more sustainable. This is achieved through the provision of additional land to enable the school to expand and through the provision of a village shop (for which a need is identified in the NP).

The Planning Balance: Assessing Sustainability

- 5.100. This section assesses the significant merits of the Scheme in relation to the three sustainability tests set out at paragraph 8 of the NPPF and clearly shows that whilst there are considered to be some slight adverse impacts, these considerations are plainly incapable of outweighing, let alone significantly and demonstrably outweighing, the many benefits of the Scheme.
- 5.101. Paragraph 9 of the NPPF states (amongst other things) the assessment of the sustainability roles should not be undertaken in isolation, because they are mutually dependent.
- 5.102. A planning balance exercise has been carried out in accordance with the guidance at paragraph 9 of the NPPF and sets out a combined analysis in relation to the sustainability roles (economic, social and environmental).

Economic

- 5.103. The Appeal Scheme satisfies the economic role of sustainability including through the provision of housing to support growth and the associated provision

of infrastructure, to be secured through preparation of the S106 agreement and by on-site provision of affordable housing.

5.104. The Appeal Scheme generates a series of local and District-wide economic benefits including through (i) construction of the scheme and the range of employment generated as a result; and (ii) the on-going expenditure from the households purchasing and occupying the new homes.

5.105. The principal economic benefits arising from the scheme are summarised below:

- (i) Increased house building in an area where there is a demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
- (ii) The provision of up to 120 new homes in the District where there is an established need for housing.
- (iii) The Scheme will deliver much needed affordable homes (up to 36 dwellings) at a policy compliant 30% that will meet the acute need for affordable housing within the District.
- (iv) Meeting general housing needs is a significant benefit, consistent with the Government's objective of significantly boosting the supply of housing.
- (v) In order for the economy to function, sufficient housing is required in the right locations and at the right time. This site represents a location where there would be no significant impact upon the landscape nor on the amenity of neighbouring properties.
- (vi) Based upon a multiplier of 2.3 jobs per new home¹⁵, the up to 120 dwellings are estimated to create approximately 276 new jobs.
- (vii) Increased expenditure in the local area will support local FTE jobs.

¹⁵ See page 13 of the Homes Builders Federation "Economic Footprint of UK Housebuilding " (July 2018) - https://www.hbf.co.uk/documents/7876/The_Economic_Footprint_of_UK_House_Building_July_2018LR.pdf

(viii) Helping to deliver a significant boost to the local economy through ‘first occupation’ expenditure of £655,440¹⁶. This is expenditure on new furniture and other household goods that residents spend as ‘one-offs’ when moving into a new home.

(ix) In terms of household expenditure, data from ONS Family Expenditure Survey 2019-20¹⁷ shows that the ‘average UK household spend’ is £567.10 per week (Table A33) (or £29,489.20 per year), whereas in South East England it is 17.3% higher than the UK average (Table A33). This means average weekly spend per household is £665.40 (or £34,600.80 per annum). For the Appeal Scheme, the total gross expenditure is estimated to be £4.15m per year to the economy. A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Mid Sussex District. The expenditure will include that a proportion of that spent on areas including food & non-alcoholic drinks (£72.80 per week); alcoholic drinks (£13.80 per week); recreation and culture (£88.80 per week), household goods and services (£42.70) and miscellaneous goods and service i.e. hairdressing & beauty treatments (£50.50 per week).¹⁸ Given the current economic challenges facing the UK these are significant economic benefits.

5.106. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 120 no. dwellings on the site satisfies the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.

5.107. This is further emphasised in the Government’s November 2011 Paper ‘Laying the Foundations: A Housing Strategy for England’ where paragraph 11 states *“getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year”*.

5.108. The economic benefits are to be accorded substantial weight in the planning balance.

¹⁶ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.co.uk/the-buying-process/home-buying-advice/>) which shows an average of £5,462 per dwelling.

¹⁷ [Family spending workbook 3: expenditure by region - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/physicalhealth/articles/familyspendingworkbook3/expenditurebyregion).

¹⁸ Figures based upon SE Regional data in Table A33

Social

5.109. The Appeal Scheme satisfies the social role, in helping to support strong, vibrant and healthy communities, including through providing the supply of housing required to meet identified needs in open market and affordable sectors. This is a significant benefit. In addition;

- 1) Future residents will be in an easy walking and cycling distance to local services and facilities in Albourne, as well as bus stops providing services to higher order settlements.
- 2) The Scheme secures much needed community facilities, on a sustainable site, in accordance with the requirements of the ANP.
- 3) The Application Scheme will provide a range of housing types and size, including up to 36 affordable dwellings (30%)
- 4) Securing a mix of dwellings types, including for families, to address the ossifying population.
- 5) The scheme secures a high quality form of development consistent with the development management policies of the NPPF and the approach to high quality design set out in the NPPF.
- 6) Provision of a village shop.
- 7) Provision of a significant area of publicly accessible open space, as an enhanced recreational resource for local residents/walkers to better experience the countryside and PROW.

5.110. The details of the layout and house type design are to be agreed through the determination of a subsequent reserved matters application, with the detailed scheme to reflect the particular need for housing at that time.

5.111. Overall, the social benefits of the scheme can be afforded substantial weight in the overall planning balance.

Environmental

5.112. In terms of the environmental role, the Appeal Site is not located on land designated for its landscape value. As set out above, the Appeal Scheme will

not have any adverse impact on ecological receptors, and will in secure a measurable net gain for biodiversity. In addition, it is agreed with the Council that the Site is not a “valued landscape” for the purpose of paragraph 174(a) of the NPPF.

- 5.113. The Scheme also achieves a 54% biodiversity net gain; whilst significant areas of land will be provided for recreational, amenity and play space.
- 5.114. The retention of existing boundary trees and hedges around the Appeal Site help to assimilate the Scheme into the character of the local area.
- 5.115. The proposals would deliver sustainable homes allowing the fulfilment of this important objective whilst at the same time moving to a low carbon economy and securing an environmentally sustainable form of new residential development.
- 5.116. On the basis of the above, there are environmental benefits which would arise from the proposals, to which, on balance, moderate positive weight should be attached to in the overall planning balance.

6. SUMMARY AND CONCLUSION

Development Plan Compliance

- 6.1. The Appeal Scheme proposes an outline application for up to 120 dwellings including 30% affordable housing, public open space (including a community shop, secured land for the expansion of Albourne Primary School, a new drop-off/pick-up area for Albourne Primary School as well as substantial landscaped public open space) and community facilities with all matters reserved except for access.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3. In this instance, the location of the Appeal Site beyond the settlement boundary for Albourne as defined in the District Plan, means the Appeal Scheme results in a narrow breach and conflict with policies DP6, DP12 and ALH1.
- 6.4. However, and along with the publication of a revised NPPF in 2021, the development plan is now out of date in terms of the spatial application of its housing policies.
- 6.5. In the circumstances, the presumption in favour of sustainable development (the tilted balance) at paragraph 11(d) of the NPPF is engaged. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 6.6. This is demonstrably a case where the weight to be attached to conflict with the development plan (the location of the Site beyond the defined settlement boundary for Albourne) can be reduced on account of the need to breach the settlement boundaries identified in the development plan to meet development

needs. The weighty material considerations in favour of the Appeal Scheme are clearly sufficient to outweigh the identified conflict with a single development plan policy.

- 6.7. Either of (i) the lack of consistency between the housing requirement and settlement boundaries with the NPPF; or (ii) the lack of a deliverable five year supply of deliverable housing land triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 6.8. For the reasons explained in this Statement, the weight to be attached to the conflict between the Appeal Site and its location adjoining but ultimately beyond the settlement policy boundary for Albourne is significantly reduced. In addition, and importantly, the Appeal Scheme delivers much needed community facilities for Albourne that are referenced in Section 4.2 of the Albourne NP.

Summary

- 6.9. The benefits are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address. The Site is sustainably located and will also deliver qualitative and quantitative improvements to the recreation and community facilities within Albourne, to be the benefits of existing and future residents. This includes the provision of a village shop and addressing safety and congestion issues in The Street at school drop off and pick up times.
- 6.10. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d) of the NPPF, the material considerations in favour of the scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary, loss of agricultural land and localised change to the landscape.
- 6.11. For the reasons set out above, the Appellant will be requesting that the Appeal should be allowed.
