



woolf bond
planning

Statement of Case

Land South of Green Road, Wivelsfield Green

Appeal against Lewes District Council's failure to determine
application LW/24/0820 within the statutory period

Prepared for:
Taylor Wimpey UK Ltd

Prepared by:
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WBP Ref: 7779/SBAC

LPA Ref: LW/24/0820



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1. Introduction and Overview

General

- 1.1. This Statement of case has been prepared by Woolf Bond Planning Ltd in support of an appeal ("the Appeal") by Taylor Wimpey UK Ltd ("the Appellant") against Lewes District Council's ("the Council") failure to determine an outline application within the statutory period for *"the erection of up to 150 dwellings, with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road"* (LPA Ref: LW/24/0820) ("the Application Scheme" now "the Appeal Scheme") on land south of Green Road, Wivelsfield Green. All matters reserved except for access.
- 1.2. The Appellant issued a notice of an intention to submit an appeal to the Planning Inspectorate ("PINS") and the Council on the 20th January 2026.
- 1.3. The Appellant is seeking the inquiry procedure (see section 9 below). Accordingly, this Statement of Case ("SoC") is accompanied by draft Statement of Common Ground ("SoCG") that the Appellant will seek to agree with the Council. As part of the SoCG process, the Appellant will also seek to agree draft conditions and a list of core Documents with the Council.

2. The Appeal Site & Locational Context

The Appeal Site

- 2.1. The Site comprises a 20.89ha parcel of land to the south of Green Road, Wivelsfield Green.
- 2.2. Presently the Site is undeveloped, comprising agricultural land to the east and grassland to the west, with hedgerow, trees, and an existing drainage ditch running through the western part of the Site in proximity to the existing residential dwellings on Eastern Road.
- 2.3. A bridleway runs through the Site in a north-south alignment, providing access from Green Road through the Site to the area of ancient woodland to the south (West Woods).
- 2.4. The part of the Site lying to the east of the bridleway is a parcel of agricultural land adjacent to Wivelsfield Primary School. The part of the Site lying to the west of the bridleway is undeveloped grassland, which is positioned to the south and west of existing dwellings on Green and Eastern Roads. The bridleway through the Site accounts for approximately 0.6ha of the Site area.
- 2.5. In relation to access, the Site is served by an existing vehicular access from Eastern Road and a field gate access by the war memorial along Green Road. It is proposed that this access point be retained only for non-motorised traffic (pedestrian/cycle access) and a new vehicular access be created onto Green Road, to the north (along with an additional pedestrian/cycle access onto the latter).
- 2.6. The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and Lewes District Council's Planning Policies Map indicate that the Site is not covered by any statutory designations for landscape character or quality. It is agreed that the Appeal Site is not a valued landscape.
- 2.7. The Site is not located within a Conservation Area and there are no statutory or locally listed buildings or scheduled monuments that would be affected by the proposal.

2.8. The Site is wholly within flood risk zone 1. Overall, and for the reasons stated, there are no environmental or statutory designations that would otherwise serve to limit the development potential of the Site.

Locational Context

2.9. The Site is located within walking and cycling distance from the services, facilities and bus stops in Wivelsfield and Wivelsfield Green. Higher order facilities are also accessible in Burgess Hill and Haywards Heath.

2.10. Lewes District Council has, in connection with its emerging Local Plan, undertaken a review of the settlement hierarchy (July 2023) for the parts of the district lying outside the National Park.

2.11. The review identifies the settlements considered by the Council to be most sustainable, based on the level of services, facilities and amenities. The Council proposes a hierarchy of settlement categories as follows:

- District Centres (Seaford, Newhaven, Peacehaven & Telscombe);
- Rural Service Centres (Newick, Ringmer);
- Local Villages (Broyle Side, Cooksbridge, Chailey North, South Heighton);
- Service Villages (Barcombe Cross, Plumpton Green, **Wivelsfield Green** and South Chailey);
- and
- Hamlets (Barcombe, Chailey Green, Wivelsfield).

2.12. Notably Wivelsfield and Wivelsfield Green have been assessed separately, as two separate settlements despite their close proximity. The gap between the two separate areas is approximately 70m, and the two areas function as one settlement, in terms of the use of local services and facilities.

2.13. The sustainability merits of the locality of the Appeal Site to accommodate growth is established in recent appeals in Wivelsfield/Wivelsfield Green (Refs: APP/P1425/W/22/3305946 and

APP/P1425/W/22/3299370). These appeal decisions are included in the Document Schedule at the end of this Statement of Case.

3. The Appeal Scheme

Introduction

- 3.1. The Application was developed and informed following a thorough review of the opportunities and constraints afforded by the Application Site.
- 3.2. The Appeal Scheme proposes up to 150 dwellings (C3 Use), with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road.
- 3.3. Only the principle of developing the site for up to 150 dwellings and associated works. (as described above), together with the means of access are to be determined as part of this Appeal. Appearance, landscaping, layout, and scale are reserved for subsequent determination.
- 3.4. The Environment Agency updated their flood risk mapping in January 2025 which required some amendments to the Scheme as initially submitted following revised flood modelling of the Site.
- 3.5. The detailed surface water modelling has led to the repositioning of the northernmost basin further east. This adjustment increases separation from the rear garden boundaries of properties on Eastern Road, providing the benefit of allowing additional landscaping between the basin and these boundaries.
- 3.6. The basin's relocation required moving the children's play area to the southwest, immediately east of the on-site public footpath. This new location ensures accessibility and natural surveillance from the proposed new homes. The play area remains unchanged at 0.04ha (400sqm).
- 3.7. The residential developable area remains unchanged at 4.06ha, as does the public open space, which extends to approximately 16ha.

3.8. These amendments uphold the original design principles, including retention of the eastern part of the Site as public open space (corresponding with the Local Green Space designation in the Wivelsfield Parish Neighbourhood Plan) and maintaining the 30m - 120m buffers to the ancient woodland of West Wood.

3.9. The Scheme as revised is what constitutes the Appeal Scheme and is comprised of the following:

The Scheme

- Site Location Plan No. CSA/6467/107
- Parameters Plan No. CSA/6467/112A
- Proposed Green Road Access No. 794-PLNTRP-00048-DR-004C
- Proposed Eastern Road Footway No. 794 -PLN -TRP-00048-DR-006C

Supporting Plans

- Development Framework Plan No. CSA/6467/104 Rev I
- Landscape Masterplan No. P23-0592_EN_0010_0001ILMP

3.10. The Plans listed under 'The Scheme', above, comprise the plans which are submitted for approval via this Appeal. The other 'Supporting Plans' are submitted for illustrative purposes only/ background information but can be subject to a condition requiring the reserved matters scheme to be in general conformity with these plans.

3.11. Following discussions and correspondence with the LPA and statutory consultees, the following documents were submitted during the application process:

27 March 2025

- ESCC Highways Response Note 01 (RPS)

22 April 2025

- Response to East Sussex County Council Objection Letter dated 13th February 2025 (RPS)

02 May 2025

- SUDS Consultation Submission to LLFA Comprised of:
 - o Completed ESCC application form
 - o Parameters Plan No. CSA/6467/112 Rev A
 - o Meeting Request Letter dated 11.04.2025 (RPS)
 - o Response to East Sussex County Council Objection Letter dated 13th February 2025 (RPS)
 - o ESCC LLFA Consultation Response Dated 13.02.2025

24 June 2025

- TN01: Arboricultural Consultee Response (Aspect)

02 September 2025

- Briefing note: L&V Rebuttal (Pegasus)

26 November 2025

- Cover Letter (Woolf Bond)
- Development Framework Plan No. CSA/6467/104 Rev I
- Arboricultural Technical Note: 11728. TN.02 (Aspect)
- Technical Note: Ecology November 2025 (Ecology Solutions)
- Flood Risk & Drainage Technical Note: HLEF03595 (RPS Terratech)
- Built Heritage Technical Note: JCH02048
- Technical Note: Landscape & Visual: R005v1 EN KMSE_Tech Note 2025-11-25 (Pegasus)
- Masterplanning Briefing Note (CSA)
- Model Log (RPS)
- Surface Water Flood Risk Hydraulic Modelling 794-ENV-HYD21223 Rev 03 (RPS Terratech)
- Transport Technical Note: TRP-00048-09 (RPS Terratech)

3.12. The above listed technical notes confirm that the findings within the initially submitted technical reports are applicable to the scheme following the updated flood modelling exercise.

07 January 2026

- Flood Risk Assessment and Drainage Technical Not: HLEF03595 (RPS Terratech)
- Surface Water Flood Risk Hydraulic Modelling 794-ENV-HYD21223 Rev 04 (RPS Terratech)

Masterplan Approach

3.13. Preparation of the Development Framework Plan was informed by a number of technical studies (as summarised in Section 4 of the Planning Statement) alongside consideration of relevant planning policy requirements, and statutory consultee responses received in response to the initial application. The Masterplan approach, including in relation to design, is underpinned by a thorough contextual appraisal of the site and its surroundings. Full details are set out in the Design and Access Statement, and Masterplanning Briefing Note submitted with the Application.

3.14. The Masterplan vision is to create a high-quality and considered development, that responds appropriately to the constraints and opportunities of the Appeal Site and its surrounding context and provides a range of dwelling sizes to meet different occupiers' needs. These will be set within a hierarchy of streets, with green open space and natural surveillance.

3.15. The principal elements of the Appeal Scheme are summarised as follows:

- The scheme provides for up to 150 dwellings;
- The scheme will include a mix of dwelling sizes and a mix of market and affordable homes;
- Extensive open space will be provided including children's play area; -
- Landscape buffers;
- Vehicular, pedestrian and cycle access from Green Road; a further pedestrian and cycle access will be maintained from Eastern Road to facilitate access to the network of PRoW and West Wood;
- Improvement to the existing bridleway;
- Land for education or community use; and
- Associated biodiversity enhancements.

Residential

- 3.16. The Indicative Framework Plan demonstrates how the Site can be developed to deliver up to 150 dwellings, on 4.06ha of the Site (less than one fifth of the total Site area). The density in the residential areas is approximately 37dph, which has been designed in response to the topography and constraints of the Site.
- 3.17. In recognition of the constraints of the Site and the need to maintain a buffer to the ancient woodland and deliver Local Green Space it is appropriate to develop at slightly higher density in parts of the Site (to make efficient use of the Site) so that these important open landscaped areas can also be delivered.
- 3.18. The Scheme includes the provision of 40% affordable dwellings, which could result in up to 60 affordable dwellings. The precise housing mix will be developed and detailed at the later reserved matters stage.

Land for Education or Community Open Space

- 3.19. As identified on the accompanying Development Framework Plan, a parcel of land extending to 0.5ha and located to the south of the Primary School is proposed to be provided as additional land for use by the school in the form of an extended playing field. The transfer of the land to East Sussex County Council would be secured through the legal agreement to be prepared during the application process.
- 3.20. The County Education Authority, in their consultation response dated 30th December 2025 confirmed their support for the provision of this land for the expansion of Wivelsfield Primary School.

Landscaping and Public Open Space

- 3.21. The proposal includes approximately 16.5ha of public open space and landscaped areas, which is 80% of the Site. This includes the 9ha Local Green Space on the eastern part of the Site and also involves delivery of a children's play area, a natural play, community orchard and new recreation routes.
- 3.22. As shown on the Indicative Framework Plan, a pedestrian/cycle link will be provided to Eastern Road, and the existing Public rights of way (PROW)/ bridleway and permissive paths through the Site are retained within green corridors. Support for this approach is advocated by the County Council PROW Officer, and the Local Highway Authority with neither raising objection to the proposed development.
- 3.23. The existing green infrastructure network, in terms of existing hedgerows and trees, will be protected and enhanced to strengthen the local green infrastructure network. A new east-west aligned hedgerow in the southern part of the western part of the Site will provide definition and an additional degree of enclosure to this part of the Site.
- 3.24. The indicative framework plan incorporates at 30m buffer to the ancient woodland at West Wood. In this buffer area, new ecotone planting will be provided to create a transitional area of landscape between the woodland and the development's public open space.
- 3.25. It is envisioned that a management company will undertake the long-term maintenance of all public open spaces whilst the management of each plot will become the responsibility of its owner.

Drainage Strategy

- 3.26. The surface water drainage strategy demonstrates that the Site on which residential development is proposed is located in Flood Zone 1 (lowest risk of fluvial flooding). Surface water will be restricted to greenfield rates and attenuated in ponds and swales on the Site, therefore not

increasing surface water risk at the Site/ surrounding area. The location of the proposed attenuation ponds and swales is shown on the Indicative Framework Plan; annotated 'SUDS' (Sustainable Urban Drainage Systems).

3.27. Pursuant to a review of the updated drainage and flood risk modelling information submitted during the application process, the LLFA's consultation response dated 3rd February 2026 confirms the acceptability of the Appeal Application Scheme in drainage and flood risk terms, subject to the imposition of conditions.

Access

3.28. Vehicular access is to be taken from the southern side of Green Road. A simple bell mouth junction design has been agreed with the local Highway Authority. This is shown on Plan No. 794-PLNTRP-00048-DR-004C.

3.29. Further cycle and pedestrian linkages into Eastern Road are also proposed. These are shown on Plan No. 794 -PLN -TRP-00048-DR-006C. Again, this arrangement has been agreed with the local Highway Authority.

3.30. The Development Framework Plan also shows a further cycle/pedestrian access onto Green Road in the north eastern corner of the Site.

Land Uses

- 3.31. On the basis of the foregoing and having regard to the on-site opportunities and constraints informing the proposed development, the proposed land uses are summarised in the table below.

Table 1: Proposed Land Uses

Land Use	Area (Ha)
Land for Housing	Approx. 4
Landscape amenity green space, including SuDs	Approx 16.5
Land for school expansion or community use	0.5
Total Site Area	Approx 21

Housing Mix & Affordable Housing

- 3.32. The Appeal Scheme proposed 40% affordable housing (which equates to 60 dwellings based on a 150-dwelling scheme).
- 3.33. The remaining (up to) 90 dwellings will comprise a range of 4+ bedroom houses, with the precise mix to be agreed at the reserved matters stage.
- 3.34. The development will allow for a mix of housing sizes, types, and tenures, to meet the local needs identified in the most recent evidence base. This could include a mixture of family housing and smaller starter homes.

Density

- 3.35. With a net developable area of approximately 4ha, the scheme achieves a density of 37dpha. This density will ensure the new dwellings integrate with, and complement the local area in terms of scale, massing and layout, whilst sympathetically responding to the Appeal Site's edge of settlement location whilst making efficient use of this sustainably located land parcel.

4. Decision Making Framework & Material Considerations

General

- 4.1. Whilst the detailed policy position will be set out in evidence, this section summarises relevant planning policy and other material considerations, against which the acceptability of the Appeal Scheme falls to be determined. As such, this section of the Statement of Case sets out the overarching decision-making framework, before going on in Section 5 to set out the Appellant's assessment of the main issues for determination in this Appeal.
- 4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the legal requirement that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This represents the S.38(6) 'balance'.
- 4.3. Lewes District Council is currently designated under section 62A of the Town and Country Planning Act 1990 for the quality of its decision making.

The Development Plan

Overview

- 4.4. The Development Plan, for the purposes of s38(6) PCPA 2004 comprises the following adopted/ made plans.
- Lewes District Council Local Plan Part 1: Joint Core Strategy ("JCS") (May 2016); ("LPP1")
 - Lewes District Council Local Plan Part 2: Site Allocations and Development Management Policies (February 2020); ("LPP2")
 - Wivelsfield Neighbourhood Plan (February 2016); ("WNP") and
 - Ditchling, Streat and Westmeston Neighbourhood Plan (2018) ("DSWNP").

4.5. Listed below are the specific policies considered to be relevant to determination of the Appeal.

4.6. As the Appeal Scheme is submitted in outline (save for access), matters associated with more detailed design of the site layout will be elaborated upon at the reserved matters stage.

Lewes District Council Local Plan Part 1: Joint Core Strategy 2010-2030 (Adopted May 2016); ("JCS")

- SP1 (Provision of Housing and Employment Land)
- SP2 (Distribution of Housing)
- CP1 (Affordable Housing)
- CP2 (Housing Type, Mix, Density)
- CP7 (Infrastructure)
- CP8 (Green Infrastructure)
- CP9 (Air Quality)
- CP10 (Natural Environment and Landscape)
- CP11 (Built and Historic Environment and Design)
- CP12 (Flood Risk, Coastal Erosion and Drainage)
- CP13 (Sustainable Travel); and
- CP14 (Renewable and Low Carbon Energy)

Lewes District Council Local Plan part 2: Site Allocations and Development management policies (February 2020); ("LPP2")

- DM1 (Planning Boundary)
- DM14 (Multifunctional Green Space)
- DM15 (Outdoor Playing Space)
- DM16 (Children's Playing Space)
- DM19 (Agricultural Land)
- DM20 (Pollution Management)
- DM22 (Water Resources and Water Quality)
- DM23 (Noise)
- DM24 (Protection of Biodiversity and Geodiversity)
- DM25 (Design)
- DM27 (Landscape Design)
- DM33 (Heritage Assets)
- DM35 (Footpath, Cycle and Bridleway Network)

Wivelsfield neighbourhood Plan 2012-2032 (Made 2018): ("WNP")

- Policy 1 (Spatial Plan)
- Policy 3 (Education)
- Policy 5 (Design)
- Policy 6 (Green Infrastructure and Biodiversity)
- Policy 7 (Local Green Spaces)

Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 (2018): ("DSWNP")

- DS1 (Development Strategy)
- HSG1 (Criteria for Housing Applications)
- HSG2 (Site Density and Layout)
- HSG5 (Infrastructure Capacity)
- TRANS1 (Off-Street Car Parking)
- TRANS2 (Traffic Calming)
- CONS2 (Design Standards)
- CONS3 (Heritage Assets)
- CONS6 (Landscape and Views)
- CONS8 (Dark Night Skies)
- CONS9 (Habitats and Biodiversity)
- CONS12 (Green Infrastructure)
- CONS13 (Links to the Countryside)

4.7. Section 5 of the Planning Statement contains an analysis on whether each of the policies listed above are consistent with the NPPF, whether the Application Scheme accords with them and which policies are the most important for determining the Application.

Development Plan Status

4.8. The JCS made provision for at least 6,900 net additional homes in the period 2010-2030 as set out in Spatial Policy 2. This level of delivery was based on housing targets arrived at under the guise of the 2012 version of the NPPF. The housing requirement for Lewes District was not reviewed when the Council adopted its LPP2 in 2020. The development limits and settlement boundaries in the Development Plan flow from that spatial strategy and the assessment of housing need at that time.

- 4.9. In summary, it is the Appellant's position that the Development plan is out of date in relation to housing requirements and provision set out in Spatial Policy 2 of the JCS, and the settlement boundaries defined by Policy DM1 of the LPP2.
- 4.10. The JCS, LPP2, WNP, and DSWNP do not seek to identify or meet the full objectively assessed need for market or affordable housing using an NPPF compliant assessment (derived via the standard method).
- 4.11. The content of the spatial strategy predates the publication of the current version of the NPPF. Accordingly, that collection of policies is in conflict with the current NPPF requirement (paragraph 61) to significantly boost the delivery of housing by meeting identified housing needs. In the case of Lewes this is to be derived from the current standard method (paragraph 78).
- 4.12. On that basis, Spatial Policy 2 of the JCS is out of date and so too are the settlement boundaries set out in Policy DM1 of the LPP2 to deliver the vision of the JCS.
- 4.13. There is an inability to meet identified needs within existing settlement limits. As such, only limited weight can be given to the conflict between the Appeal Scheme and the settlement boundaries defined by Policy DM1. In all other respects, the Appeal Scheme is considered to be compliant with the development management policies within the Development Plan other than the minor loss of non-BMVL agricultural land which attracts very limited weight, and the localised change in landscape character which attracts limited weight.
- 4.14. Further, the Council accepts they are unable to demonstrate an adequate supply of deliverable housing land, and there remains an acute need for affordable housing. Their latest position statement, contained within their Statement of Case for the recent Merlins Appeal Decision (PINS Ref: APP/P1425/W/25/3368895 LPA Ref: LW/24/0216) purports a supply position of just 3.02 years. This position was found to be inaccurate with the Inspector siding with the conclusions of The Orchard Appeal (PINS Ref: APP/P1425/W/25/3360979) which cites a **land supply position of 2.35 years.**

- 4.15. The housing land supply calculations shall be updated in evidence and agreed in the Housing Land Supply Statement of Common Ground.
- 4.16. Both Neighbourhood Plans were made more than five years ago so do not alter the tilted balance in terms of the operation of paragraph 14 NPPF.
- 4.17. On that basis, the weight to be attached to the conflict with Policies DM1 of the LPP2, Policy 1 of the WNP, and DS1 of the DSWNP, (which relate to the Site's location beyond defined settlement limits of Wivelsfield Green) is reduced due to the operation of paragraph 11(d) NPPF.
- 4.18. As identified in the evidence base for the Local Plan Update, the Council cannot meet its identified development needs by adhering to and applying the settlement boundaries as defined in the current JCS and LPP2.
- 4.19. This is demonstrably the case given the review of settlement boundaries undertaken through the emerging Local Plan Update process, and the proposal to allocate significant areas of additional land beyond current settlement boundaries for housing.
- 4.20. It is clear that the current boundaries (defining the settlements) cannot be maintained in their current position if the identified housing need is to be met. This is a material consideration that weighs against the conflict between the Appeal Site and the out-of-date settlement boundaries defined under Policies DM1 of the LPP2, Policy 1 of the WNP, and DS1 of the DSWNP.
- 4.21. The emerging local Plan is currently undergoing its second round of Regulation 18 public consultation. The Council are advocating a spatial strategy that caters for 8,568 new homes across the District in the period up until 2042. By their own admission, this is some 6,432 homes short of their identified housing needs (15,000 homes). This is directly contrary to paragraph 69 of the NPPF.

- 4.22. The Council's Revised Local Development Scheme¹ does not envisage, at best, examination in public of a new Development Plan until spring 2027, with adoption occurring (assuming no main modifications are required) in winter 2027.
- 4.23. In the meantime, for the purposes of this Appeal, the lack of an up-to-date plan means the presumption in favour of sustainable development (at NPPF paragraph 11(d)) is engaged. The policies which are most important for determining the application are out-of-date due to their inconsistency with the NPPF's objective of significantly boosting the supply of housing.
- 4.24. As a result, planning permission should be granted unless there is a "strong reason for refusal" on footnote 7 grounds (which does not arise here, as discussed further below), or "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".
- 4.25. As outlined throughout this Statement of Case, the Appellant's position is that the Scheme delivers a number of significant benefits that clearly outweigh the conflict with the spatial strategy and the other identified harms, including harm to the landscape character and loss of a very small area of good quality agricultural land. The proposal accords with relevant development management policies.

Other Material Considerations

- 4.26. Other material considerations relevant to the determination of this Appeal are as follows

- NPPF and associated PPG
- Identified housing needs and 5-Year housing land supply
- Affordable housing needs
- Lewes District Council Local Plan Update
- Recent LPA and Appeal decisions relating to development proposals in the Council's administrative area:

¹ Lewes District Council: Revised Local Development Scheme (February 2026)

- Other appeal decisions relating to development proposals beyond settlement boundaries
- Lewes District Council Supplementary Planning guidance and Supplementary Planning Documents
- The Council's Land Availability Assessments

Lewes District Council Local Plan Update

4.27. Section 5 of the submitted Planning Statement considered the Council's progress on its emerging Local Plan.

4.28. It is acknowledged that the Council have made some progress by publishing a draft spatial strategy and site allocations consultation document to accommodate 8,568 new homes across the District in the period up until 2042.

4.29. The level of growth the Council is planning for is directly contrary to the requirements of paragraph 69 of the NPPF. By only seeking to accommodate 8,568 homes across the plan period to 2042, this represents a shortfall of 6,432 homes against their identified housing needs (15,000 homes); representing only 43% of the actual requirement.

4.30. The Council's revised Local Development Scheme (February 2026) does not envisage a new Local Plan being adopted until winter 2027 at the earliest. As such, there remains no short- or medium-term plan in place to alleviate the pressing housing need in the District.

4.31. The Local Plan Update will be explored in more detail in the Planning Proof of Evidence.

5. The Appellant's Position on the Main Issues for Determination of This Appeal

Main Issues for Determination

5.1. The main issues for determination in this Appeal are considered to be:

- The principle of development.
- Five year housing land supply.
- Highways and transport, including locational sustainability.
- The effect of the proposed development on the character and appearance of the area;
- Technical Considerations

5.2. All of the matters listed above are considered in detail in Section 6 of the submitted Planning Statement. The sections below provide an overview of the Appellant's stance on each matter.

The Principle of Development

5.3. It is acknowledged that the Appeal Site is located beyond, but adjacent to, the settlement boundary of Wivelsfield Green. As such, the Appeal Scheme conflicts with Policy DM1 of LPP2 which seeks to restrict development to within defined settlement boundaries.

5.4. As discussed throughout this Statement of Case, the Council cannot demonstrate a 5-year housing land supply. In accordance with footnote 8 of the NPPF, the policies most important for the delivery of housing are out of date. This applies to Policy DM1 which defines policy boundaries.

5.5. Furthermore, there are no footnote 7 designations that represent a strong reason for refusal, either individually or cumulatively. As such, the presumption in favour of sustainable development at

paragraph 11 (d) of the NPPF (“the tilted balance”) is engaged. The engagement of the tilted balance has been reaffirmed in many recent appeal decisions in Lewes District².

- 5.6. When allowing an appeal for 100 dwellings on land between Broyle Gate and Ringmer (APP/P1425/W/22/3298993 November 2022), the Inspector noted that:

*“Given the very considerable shortfall in housing land supply, the settlement boundaries within the development plan are acting as a barrier against the provision of housing that is clearly needed in the district. **This considerably reduces the weight to be given to the conflict with Policy DM1.**”*

- 5.7. These comments are just as prevalent now.

- 5.8. Section 6 of the submitted Planning Statement assesses in detail the principle of development beyond, but adjacent to, settlement boundaries defined by policy DM1. Where necessary, this will be expanded upon in the Planning proof of Evidence.

Five Year Housing Land Supply

- 5.9. The council is unable to demonstrate five year supply of deliverable housing land. Accordingly, the appeal scheme falls to be determined under the auspices of paragraph 11 of the NPPF.
- 5.10. The appellant will work with the council in establishing the five year housing land supply position to inform the preparation of evidence.
- 5.11. As part of the discussions relating to five year housing land supply, the parties will also seek to agree a position in relation to the need and supply of affordable housing.
- 5.12. To the extent that matters are not agreed, the Appellant will address housing land supply and affordable housing (need and supply) in evidence.

² PINS Ref. APP/P1425/W/25/3368895, APP/P1425/W/25/3373753, APP/P1425/W/25/3360979

Highways and Transport, including Locational Sustainability

- 5.13. The proposed access arrangements from Green Road, shown on drawing no. 794-PLN-TRP-00048-DR-004 Rev A5, and from Eastern Road shown on drawing no. 794-PLN-TRP-00048-D, have been agreed with the local Highway Authority (LHA).
- 5.14. The LHA have also assessed the likely trip generation arising from a development of 150 dwellings and consider that it will not result in adverse impacts upon the wider highway network or prejudice highway safety.
- 5.15. In addition to the agreed access arrangements with the LHA, the submitted Transport Assessment and Travel Plan highlight that the Appeal Site is within walking distance of a range of day-to-day services and facilities including
- Wivelsfield Primary School
 - Wivelsfield Village Hall & Recreation Ground
 - Gulf petrol Station & Morrisons Daily
 - Wivelsfield Green Post Office (Londis)
 - Bus stops on Green Road
- 5.16. The Appeal Scheme provides safe and suitable access for all users and gives priority to sustainable methods of transport in accordance with paragraphs 110 and 115 of the NPPF.
- 5.17. Similarly, subject to conditions, the County Council's PROW Officer has raised no objection to the Appeal Scheme. As such, the Appeal Scheme accords with Policy DM35 of the LPP2.

The Effect of the Proposed Development on the Character and Appearance of the Area

- 5.18. The eastern part of the Appeal Site is designated as Local Green Space under Policy 7 of the WNP.
- 5.19. Paragraph 108 of the NPPF states that development proposals upon a Local Green Space should be determined in accordance with National Green Belt Policy (noting footnote 45 excludes the engagement of grey belt and previously developed land arguments).

- 5.20. The Appeal Scheme proposes to retain the green space designation in the eastern part of the Site and to make it available for publicly accessible recreation.
- 5.21. A landscape-led approach has been taken to the masterplan design, taking careful consideration of the relationship between the edges between Wivelsfield and Wivelsfield Green and the countryside, to ensure that the landscape acts as an integrating framework for the Proposal and an overarching green infrastructure strategy sets the parameters for the concept masterplan.
- 5.22. The concept design has been informed by a thorough analysis of the character and features of the existing landscape of the Site and its surroundings. The existing boundary vegetation, including hedgerows/ trees and mature woodland were identified as key constraints, along with the Local Green Space designation in the eastern part of the Site. The existing PRoW, including the bridleway were also identified as key design drivers.
- 5.23. It is proposed that the built development envelope be restricted to the western part of the Site, west of the bridleway, with existing boundary and internal vegetation retained (with appropriate set backs).
- 5.24. The development envelope has been separated between the existing field parcels, ensuring that the field pattern and associated hedgerows are maintained. In the south of the Site the development limit has been set back from the woodland edge, to maintain a 30m buffer to the same, and also allow a stand off from higher areas of topography (as the slope rises slightly towards the south, towards the woodland edge).
- 5.25. We also note that in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord Carnwath said [63] the Inspector was “clearly entitled” to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out of date housing requirements. There are obvious parallels with the situation arising here in Lewes.

- 5.26. Overall, the Proposal has been developed so as to maintain, and where possible enhance the natural, locally distinctive and heritage landscape quality as required by Policy CP10.
- 5.27. The Site is considered to have capacity for change without harming the character of the wider area; given the degree of containment, impacts are likely to be localised. As such, the requirements of CP10, and also CP8, Policy 6 WNP and CONS2 of DSWNP are predominantly met, other than the localised change in landscape character within the Site itself which could conflict with Policy CP10.
- 5.28. As these effects are localised in nature, and the proposed dwellings would not be erected within any valued landscape, we afford limited weight to this impact. CP10 is afforded reduced weight as there is wide acceptance of a need to utilise countryside/ open sites to deliver housing needs.
- 5.29. The District is heavily constrained, given that some of the more sustainable locations are within the setting of the South Downs National Park (which is indeed a sensitive landscape). As such, there is an inherent recognition that countryside sites of no particular designated landscape value, which are in sustainable locations adjacent to settlements, will need to be developed.
- 5.30. On 6 November 2024 the Planning Committee resolved to grant planning permission for 95 dwellings outside Ringmer (LW/23/0752). The officer's report noted a degree of landscape harm, stating that:

“the proposed development would inherently result in a degree of landscape harm through the building over of a large open field that maintains [and] contributes to the setting of Ringmer and Broyle Side and contributes towards the gap that defines them as separate settlements. Furthermore, the site also falls within the setting of the South Downs National Park.”

- 5.31. That Site was also BMV agricultural land and there was an impact to the historic setting of nearby listed heritage assets. Nevertheless, the officer recommended approval (which the Committee followed), stating that:

“following application of the tilted balance, it is considered that these harms do not significantly outweigh the significant benefits of the scheme in the delivery of a sustainable housing development. For this reason, the application is recommended for approval...”

5.32. In terms of the landscape harm, the officer gave this only moderate weight in the planning balance, due to the localised landscape impact and lack of significant impact on long distance views.

5.33. By comparison, this Proposal at Wivelsfield does not involve development in the setting of the South Downs National Park and nor does it cause any coalescence of settlements / development in a green gap. As such, the landscape impact attracts limited, as opposed to moderate weight. Given the officer’s reasoning in the above application, the landscape harm could certainly not be attributed any more than moderate weight, by the Council’s own rationale.

5.34. The Council’s landscape consultant is yet to respond with their comments on the Appeal Scheme. However, it is considered that any landscape matters arising can be dealt with in a Landscape Proof of Evidence and/or a Landscape Statement of Common Ground.

Technical Considerations

Loss of Agricultural Land

5.35. Policy DM19 of the LPP2 protects against the irreversible loss of ‘best and most versatile agricultural land’. This Site is classified as grade 3b/4 agricultural land (moderate/ poor quality); as such, it does not fall within the remit of this policy. The report submitted by Reading Agricultural Consultants, in support of the application, provides further detail on the process by which the authors arrived at this classification.

Heritage

5.36. Policy CP11 (Built and Historic Environment) of JCS encourages and supports proposals which conserve or enhance the historic environment.

- 5.37. Policy DM33 (Heritage Assets) of LPP2 seeks to avoid impacts on heritage assets. It requires submission of information which describes the significance of any assets which may be affected (including any contribution made by their setting) and assesses the impact of the development proposal.
- 5.38. CONS3 (Heritage Assets) DSWNP defers to the NPPF approach to assessment of impacts on heritage assets (designated or otherwise).
- 5.39. Section 16 of the NPPF also requires submission of information describing the significance of heritage assets and assessing potential impacts thereon.
- 5.40. Paragraph 216 requires that the effects on non-designated assets (such as the War Memorial) be taken into account when determining the application, stating that: "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 5.41. The heritage impact assessment and archaeological assessments submitted with the Application confirm that, subject to appropriate mitigation (such as a written scheme of investigation), there will be no adverse impacts on nearby heritage assets (including the War Memorial).
- 5.42. The County Council Archaeologist has raised no objection subject to conditions requiring a written scheme of investigation to be submitted, approved, and implemented prior to commencement of development.

Flood Risk and Drainage

- 5.43. The Appeal Site Is located wholly in Flood Zone 1, placing it at the lowest risk of fluvial flooding. However, the site is subject to surface water flooding.
- 5.44. Whilst a sequential test was conducted and submitted with the initial Application, changes to the PPG mean that for sites subject to surface water flood risk this is no longer the case:

"The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.

In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."

Paragraph: 027 Reference ID: 7-027-20220825

5.45. Following updates to Environment Agency flood risk mapping in January 2025, revised drainage modelling was undertaken and submitted to the Council in November 2025. Following this update modelling exercise, the following minor amendments were made to the illustrative site layout:

- The repositioning of the northernmost basin slightly further east.
- Relocation of the children's play area to the southwest, immediately east of the on-site public footpath.

5.46. Further modelling was then undertaken in December 2025 and submitted to the Council in January 2026. This was accompanied by an updated Flood Risk Assessment and Drainage Technical Note that reaffirms that development of the Appeal Site would be safe from flooding for its lifetime, without increasing flood risk elsewhere. Additionally, the report concludes that the Appeal Scheme will result in a positive reduction in flood risk across the Site.

6. Consultation Responses

6.1. A number of internal and external consultees raised **no objection** to the Appeal Scheme (where appropriate, subject to conditions/ s106 legal agreement):

- Council CIL Officer
- East Sussex Fire & Rescue
- Natural England
- East Sussex County Council PROW Officer
- Sussex Police
- East Sussex County Archaeologist
- Council Contaminated Land Officer
- East Sussex County Council Education
- East Sussex County Council Lead Local Flood Authority

6.2. The following consultees have raised **holding objections**:

- Active Travel England
- Council Tree officer
- East Sussex County Council Landscape Officer

6.3. Only Wivelsfield Parish Council have responded with, and maintained throughout the application process, a full objection to the Appeal Scheme.

6.4. The issues raised will be addressed in evidence.

6.5. Numerous public consultation responses have been received both in favour and objection to the Appeal Scheme. Whilst not an exhaustive list, common themes from comments made in support can be summarised as follows:

- There is a need for more homes in Lewes
- There is a need for more Affordable Housing
- The provision of Green Space is welcomed
- The development will be good for the area
- The provision of school expansion land is welcomed
- The development will benefit local people
- The development will give young people the opportunity to get on the property ladder

6.6. Again, not an exhaustive list but common themes from the public comments received in objection to the Appeal Scheme pertain to:

- Loss of countryside
- Contrary to the Development Plan
- Flood risk and drainage
- Ecological impacts
- Highways impacts
- Out of character
- Wider infrastructure Pressures (Schools, Doctors, Dentists etc...)
- Unsustainable location
- Overdevelopment
- Noise impacts
- Utility pressures (sewerage)

6.7. The issues raised by interested parties have been addressed by the various statutory consultee responses (e.g. County Highways, LLFA and EA). In addition, the impact of the Appeal Scheme upon local services and facilities will be mitigated through the package of measures to be secured through the S.106 agreement and through the financial sum to be secured through CIL.

6.8. The Appellant will address issues raised by interested parties as necessary in evidence, but do not consider that any of them would constitute reasons for dismissing the Appeal.

7. Planning Obligations & Conditions

Planning Obligations

7.1. The Appellant will negotiate with the Council an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure developer contributions to address the following:

- Affordable Housing provision on the Appeal Site
- Transfer of the School Land to the County Education Authority
- Financial contributions towards sports and recreational facilities
- Financial contributions towards new public transport infrastructure
- Local highway improvements

Planning Obligations

7.2. The Appellant will work with the Council to agree a suitable list of conditions in advance of the inquiry.

8. Planning Balance

General

- 8.1. In all cases, the Appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. However, as set out above, the 'most important policies' for determination of the application are out of date.
- 8.2. Additionally, the NPPF is a material consideration; and paragraph 11(d) together with footnote 8 directs that as there is not a five-year supply of housing land in Lewes, the tilted planning balance is engaged.
- 8.3. In *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin) the High Court considered the meaning of the phrase "the policies which are most important for determining the application are out-of-date" in paragraph 11(d) of the NPPF (paragraphs 56 and 58 in particular).
- 8.4. In this case, and based upon the Court's reasoning, the basket of "most important policies" for determination of this application are indeed out of date.
- 8.5. The most important policies applicable to this appeal are those related to the spatial strategy and settlement boundaries. Overall, these are out of date by virtue of being based upon a significantly lower housing requirement, and the substantial ongoing shortage of housing supply.
- 8.6. Policies related to landscape attract reduced weight as they are in turn derived from the Planning Boundaries and approach to countryside protection. As per *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord Carnwath said [63] the Inspector was "clearly entitled" to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out-of-date housing requirements. There are obvious parallels with the situation arising here in Lewes.

- 8.7. In any event, irrespective of whether or not the basket of policies most applicable to the application is out of date, it is clear that there is a very substantial housing supply shortfall in Lewes, and an absence of a five-year supply. As such, the NPPF directs that the tilted balance is engaged.
- 8.8. The Appeal Scheme falls to be determined under the presumption set out at paragraph 11(d)(ii). In the circumstances, there are no strong reasons that would justify the refusal of planning permission when applying the consideration at footnote 7 of the NPPF.
- 8.9. As such, there is no clear reason for refusal on the basis of any footnote 7 matters.
- 8.10. As such, the question for the decision maker is whether the adverse impacts of granting planning permission “significantly and demonstrably” outweigh the benefits when assessed against the NPPF as a whole (paragraph 11(d)(ii) NPPF) and in particular, having regard to NPPF policy on sustainable locations, the efficient use of land, design quality and affordable housing need. Each of these considerations lends support to this proposal.
- 8.11. Paragraph 11(d)(i) of the NPPF is not engaged as and there are no footnote 7 designations that represent a strong reason to refuse the application such that the presumption in favour of sustainable development applies.
- 8.12. Accordingly, although there is a degree of conflict with Spatial Policy 2 of the JCS, Policy DM1 of the LPP2, Policy 1 of the WNP, and Policy DS1 of the DSWNP; the weight to be attached to these policies is limited because the Council cannot demonstrate a five-year housing land supply.
- 8.13. Moreover, the “most important policies” are out-of-date for the purposes of paragraph 11(d) of the NPPF, and as there are no strong reasons for refusal in respect of footnote 7 matters, permission should be granted.

Analysis

Conflict With Development Plan Settlement Boundaries

- 8.14. The Appeal Site is located beyond, but adjacent to, the settlement boundary of Wivelsfield Green. As such, there is conflict with Policy DM1 of LPP2 which seeks to restrict development to within the settlement boundaries defined by this policy.
- 8.15. However, the level of growth these settlement boundaries were intended to facilitate does not correspond to housing needs derived from the standard method. This has resulted in the Council's current, and longstanding, inability to demonstrate a five-year housing land supply.
- 8.16. Footnote 8 of the NPPF is clear that where a Council cannot demonstrate a five-year housing land supply, the policies most important for the delivery of housing are out of date. This includes policies such as DM1 that define settlement boundaries.
- 8.17. The Council, in their current Regulation 18 Local Plan consultation, propose a number of allocations beyond current settlement boundaries. This in itself is acknowledgement that current settlement boundaries must be breached in order to facilitate the District's housing needs.
- 8.18. It is the Appellant's view that only **limited weight** can be applied to the conflict with Policy DM1 of the LPP2.

Localised Change in landscape Character & Visual Impacts

- 8.19. The Appeal Scheme will result in some localised changes in landscape character and visual impacts.
- 8.20. The Appeal Site is not located within an area designated at the national or local level for its landscape value. It therefore is not a valued landscape with regard to paragraph 187 of the NPPF.

- 8.21. The part of the Appeal Site proposed to facilitate residential development is well enclosed by surrounding built form and landscape features such that the proposed homes will be hardly perceivable in the wider landscape context.
- 8.22. The supporting LVIA confirms that the surrounding landscape has sufficient capacity to accommodate the Appeal Scheme.
- 8.23. Additionally, the case of Hopkins Homes Ltd v SSCLG [2017] UKSC 37 makes clear that reduced weight is to be given to restrictive policies, that includes those pertaining to landscape matters, where they are derived from settlement boundaries that do not cater for an area's full objectively assessed housing needs.
- 8.24. For these reasons, only **limited weight** is attributed to the minor landscape harm arising from the Appeal Scheme.

Loss of Agricultural Land

- 8.25. The Appeal Scheme will result in the loss of agricultural land. However, as evidenced within the supporting Agricultural Land Classification and Soil Resources Report, the Appeal Site is comprised of Subgrade 3b and grade 4 agricultural land.
- 8.26. Annex 2 of the NPPF defines best and most versatile agricultural land (BMVL) as land comprised of subgrade 3a and above. It is clear that the Appeal Site does not comprise BMVL. As such, there is no conflict with LPP2 Policy DM19 and paragraph 187 b) of the NPPF.
- 8.27. In these circumstances, the loss of low-quality agricultural land carries only **limited weight** in the planning balance.

Benefits of the Appeal Scheme

- 8.28. Turning to the benefits of the Appeal Scheme, the Proposal will deliver up to 150 dwellings to help meet identified needs.
- 8.29. Additionally, the Proposal will generate employment during the construction phase and in the operational phase will be associated with local spending by future residents. This includes 'first occupation expenditure' by future residents, on new furniture and household goods associated with moving in to a new home.
- 8.30. There will be increased house building in an area where there is demand for new housing; this in turn drives economic growth further and faster. 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 plan and at the right time to support growth.
- 8.31. The Proposal supports the social role of sustainable development, in helping to support strong, vibrant and healthy communities, including through the provision of housing supply to meet identified needs.
- 8.32. The future residents will reside in a sustainable location, within easy walking distance of local facilities including the local primary school. This supports healthy lifestyles which children can walk to school, and fewer private vehicle movements generate less vehicle and carbon emissions. As shown on the Indicative Framework Plan, the Proposal delivers on the community's aspiration for a permanent Local Green Space in the centre of the village; a 9ha area of publicly accessible open space is provided in the east of the Site, providing an open natural outlook for the primary school in perpetuity and a recreational resource for the community.
- 8.33. The Site is also made more accessible, boosting the PRoW network and delivers children's play space. These features also support healthy, sustainable lifestyles.

- 8.34. The 0.5ha of land in the eastern part of the Site is to be provided as additional land for the primary school or as additional community open space.
- 8.35. The Site is not located on land which is designated for its landscape value; the majority of trees and hedgerow will be retained, with additional planting undertaken. Additional blue and green infrastructure will be provided, including the change of use of lower grade agricultural land to green space with wildflower planting and additional hedgerow and trees.
- 8.36. The Proposal will deliver sustainable homes built to modern energy efficiency standards. The improvements to walking and cycling infrastructure will support active travel, therefore delivering additional environmental benefits as we transition to a low carbon economy.
- 8.37. The Proposal achieves in excess of the required 10% net gain on the Site itself, without any recourse to off-site offset credits.
- 8.38. The Proposal will not have any adverse effects on ecological receptors, subject to the securing of the recommended mitigation.

Harms and Benefits

- 8.39. The table below summarises the 'harms' and benefits arising from the Appeal Scheme.

Harms
Conflict with Development Plan Planning Boundaries and Landscape policy
Localised change in landscape character/ visual impact
Loss of agricultural land resource (not BMV)
Benefits
Provision of up to 90 market homes
Provision of up to 60 affordable homes
Provision of development in a sustainable location, which supports healthy walkable lifestyles
Delivery of 9ha of recreational local green space, children's play and improved PROW network.
Economic benefits – Creation of jobs during the construction phase and increased spend during the operational phase
Environmental benefits including 10% BNG
The 0.5ha proposed as additional educational land or community open space

- 8.40. When carrying out the planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, the adverse impacts are not significantly, nor demonstrably, outweighed by these benefits.
- 8.41. By contrast, the benefits significantly outweigh the limited adverse impacts, and planning permission should therefore be granted.
- 8.42. There is no “strong reason” for refusing the Appeal Scheme under paragraph 11(d)(i) to the NPPF. It is therefore necessary to turn to the tilted balance under paragraph 11(d)(ii).
- 8.43. Applying this test, the identified adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (quite the opposite). As such, the Appeal Scheme benefits from the presumption in favour of sustainable development
- 8.44. The Appellant therefore consider that the Appeal should be allowed.

9. Justification for a Planning Inquiry

9.1. In accordance with the provisions set out in the PINS Guidance 'Criteria for determining the procedure for planning, enforcement, advertisement, and discontinuance notice appeals' (April 2022) (as amended and updated, most recently in August 2024), an Inquiry will be the most appropriate procedure in this instance because:

- There is a need for the evidence on landscaping, flood risk, transport & highways, arboriculture, ecology, and the application of planning policy, the housing land supply position and planning balance, to be tested through formal questioning by an advocate.
- The issues are complex; and
- The Appeal has generated substantial local interest, sufficient to warrant an inquiry.

9.2. As this Appeal is made against the Council's failure to determine this application within the statutory timeframe, the full case to be advanced by the Council is not yet known to the Appellant.

9.3. In response to the Council's reasons for refusal and in addressing the third-party comments upon the Application, ahead of knowing the full case to be made by the parties, the issues to be assessed in the determination of the Appeal could be complex and evidence may need to be presented by professional witnesses in relation to the following matters/disciplines:

- The application of local and national policy.
- The landscape and visual impacts of the Appeal Scheme.
- The acceptability of the Appeal Scheme in design/masterplanning terms.
- The acceptability of the Appeal Scheme in highway/locational terms.
- The acceptability of the Appeal Scheme in flood risk/drainage terms.
- The impacts of the Scheme in relation to the setting of designated heritage assets.
- The impact of the Scheme in relation to biodiversity/ecological considerations.
- The extent and materiality of the shortfall in the five-year housing land supply position having regard to the overall planning balance.
- The need for and benefits of affordable housing.
- The judgment to be taken in carrying out the overall planning balance.

- 9.4. The Appellant may need to call up to 6 witnesses to deal with the issues above.
- 9.5. The Appellant reserves the right to review its position on this following receipt of the LPA's Statement of Case.
- 9.6. There is significant local public interest in the Application, with numerous letters received in support and objection to the Appeal Scheme. As such, it is envisaged that the Appeal is likely to require **6 days** for the evidence to be considered in full.
- 9.7. Based upon statutory consultation responses received, material facts and matters of opinion are in dispute on a wide range of technical issues, such that evidence will need to be tested through formal questioning by an advocate.
- 9.8. Finally, legal submissions will need to be made in relation to a range of matters, including the application of the NPPF including the tilted balance of paragraph 11(d), the section 38(6) test.

Documents to be Referred to in Evidence (Not Exhaustive)

- Officer Report: LW/21/0867
- Officer's Report and Minutes: LW/23/0752
- Appeal Decision APP/P1425/W/22/3305946 - Ditchling Road, Wivelsfield
- Appeal Decision APP/P1425/W/22/3300691 - Nolands Farm, Plumpton
- Appeal Decision APP/P1425/W/22/3298993- Broyle Gate Farm, Ringmer,
- Appeal Decision APP/P1425/W/22/3299370 - South Road Wivelsfield Green
- Appeal Decisions APP/P1425/W/21/3288519 and APP/P1425/W/22/3299056 - Sutton Road Seaford
- Appeal Decision APP/P1425/W/22/3308331 - Averys Nursery, Uckfield Road, Ringmer,
- Appeal Decision APP/P1425/W/22/3299940 - Chamberlains Lane, (land south of Lewes Road/Laughton Road) Ringmer,
- Appeal Decision APP/P1425/W/22/3300813 - Telephone Exchange, Newick,
- Appeal Decision APP/P1425/W/23/3315253 - Bennetts Car Park Falmer
- Appeal Decisions APP/P1425/W/23/3314192 and APP/P1425/W/23/3315235 - Harrisons Lane Ringmer
-
- Appeal Decision APP/P1425/W/23/3316217 - Barcombe High Street
- Appeal Decision APP/P1425/W/23/3315202 - Seaford Constitutional Club, Crouch Lane, Seaford
- Appeal Decision APP/P1425/W/22/3313204 - Bishops Close, Ringmer
- Appeal Decision APP/P1425/W/23/3322864 - Land West of A275, South Chailey
- Appeal Decision APP/P1425/W/23/3319706 - Land South of the Broyle, Ringmer
- Appeal Decision APP/P1425/W/23/3318089 - Round House Road, Ringmer
- Appeal Decision APP/P1425/W/23/3323308 - Barcombe Mills
- Appeal Decision APP/P1425/W/23/3330879 - Chagley Corner, Land west of Oxbottom Lane, Station Road, Newick
- Appeal Decision APP/P1425/W/24/3351850 - Site north of Slugwash Garens, Slugwash Lane
- Appeal Decision APP/P1425/W/24/3348808 - Land adjacent to Moors Cottage, Slugwash Lane.
- Housing and Economic Land Availability Reports
- Housing Needs Assessment reports
- Landscape Character Assessment
- Local Plan Update Evidence Base Reports
- Statutory Consultee Responses for LW/24/0820

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