

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78
THE TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (AS AMENDED)

Appeal by Taylor Wimpey Strategic Land

Outline Planning Application 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

Land south of Green Road, Wivelsfield Green

Statement of Case on behalf of Lewes District Council

PINS Reference: 6005671

LPA Reference: LW/24/0820

24 April 2026

INTRODUCTION

1. This statement of case (“SOC”) relates to an appeal by Taylor Wimpey UK Limited (“the Appellant”) against non-determination of an outline planning application 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 (“the Appeal Scheme”).
2. Lewes District Council (“the LPA”) resists the grant of planning permission in this appeal for the reasons set out in this SOC.

THE APPEAL SITE

3. The Appeal Site is located to the south of Green Road in Wivelsfield Green and covers 20.89ha. It presently comprises agricultural land to the east and grassland to the west. It adjoins Wivelsfield Primary School directly to the east. The village of Wivelsfield Green lies further to the east of the Appeal Site. To the northwest, there are residential dwellings along Green Road. The Appeal Site is located beyond the settlement boundary of Wivelsfield Green.

PLANNING HISTORY

4. The only historical planning applications associated with the site are the following:
5. E/56/0268 – an outline application for an unspecified amount of residential development on one parcel of land in the north-western corner of the westernmost field on the appeal site and three parcels of land within what is now the LGS, one flanking Green Road, one at the junction between Green Road and South Road and one flanking Hundred Acre Lane. The application was refused.
6. E/65/1119 – an outline application for an unspecified amount of residential development which related solely to the north-western field within the wider appeal site. The application was refused.

THE LEGAL AND POLICY FRAMEWORK

7. The LPA will set out the full legal and policy framework in its proofs of evidence. It summarises the position here.
8. Decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 s.38(6)). The development plan includes a made neighbourhood plan (the 2004 Act s.38(3)(c)). The LPA acknowledges that there is a lack of a 5-year housing land supply (“5YHLS”).

9. When NPPF paragraph 11(d) applies (as it does in this case by reason of the lack of a 5YHLS), planning permission should be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (with reference to policies in footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (with reference to various policies in footnote 9 to which particular regard should be had).

10. The Development Plan in this appeal includes the following:

- Lewes District Council Local Plan Part 1: Joint Core Strategy 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”);
- Ditchling, Streat and Westmeston Neighbourhood Plan April 2018 (“DSWNP”).

11. The Local Plan policies which are relevant on these facts include:

- SP1
- SP2 (Distribution of Housing)
- CP1 (Affordable Housing)
- CP2
- CP4
- CP7
- CP8
- CP10
- CP11
- CP12 (Flood Risk)
- CP13
- CP14 (Renewable Energy)
- DM1
- DM14 (Multifunctional Green Sapce)
- DM15 (Outdoor Play Space)
- DM16 (Children’s Playing Space)
- DM19
- DM24
- DM25
- DM27
- DM35

12. And from the WNP:

- 1
- 3
- 5 (Design)
- 6
- 7
- 8

13. And from the DSWNP:

- DS1
- HSG1
- HSG2
- HSG5
- CONS2
- CONS6
- CONS9
- CONS12
- CONS13

14. The NPPF paragraphs which are relevant on these facts include:

- 11
- 12
- 39
- 65
- 66
- 83
- 88
- 96
- 98
- 105
- 109
- 110
- 135
- 153
- 156
- 173
- 174
- 175
- 187
- 188
- 193

BENEFITS OF THE APPEAL SCHEME

15. The LPA acknowledges that the Appeal Scheme would bring the following benefits:

- Contribution to housing supply given the LPA's lack of a 5YHLS.
- Contribution to affordable housing.

- Creation of public open green space.
- Provision of land for school / community use.
- Economic benefits.
- BNG.

HARMS OF THE APPEAL SCHEME

16. The LPA considers that the Appeal Scheme would give rise to the following harms:

- Conflict with the spatial strategy through development outside of the settlement boundary of Wivelsfield Green.
- Conflict with local and national policies directing development to sustainable locations.
- Harm to landscape character and countryside setting.
- Loss of agricultural land.
- Conflict with policies as a result of development on local green space ("LGS").

Spatial Strategy

17. The Appeal Scheme conflicts with the spatial strategy set out in LPP1 in that it would be located outside of the settlement boundary of Wivelsfield Green and would involve a significant amount of new housing in a settlement that is at the second lowest level in the settlement hierarchy. The Appeal Scheme conflicts with the following policies:

- Policy DM1 in LPP2.
- WNP Policy 1.
- DWSNP DS1.

Sustainability of Location

18. Wivelsfield Green has very few facilities and services and poor levels of accessibility to higher order settlements. There are few facilities and services and poor employment opportunities. While LPP1 classified Wivelsfield Green as a "service village", the Settlement Hierarchy Review Update 2025 ("SHRU 2025") recommends that this classification be downgraded.

19. The appraisal in the SHRU 2025 explains that "*The nearest railway station is at Plumpton Green, 2.6 miles to the south-east, situated on the East Coastway Line which connects*

Eastbourne and Lewes to the Brighton Main Line and London. Wivelsfield Railway Station (located in Burgess Hill) lies 2.8 miles to the west, and Haywards Heath is 3.8 miles to the north-west; both stations provide services to London and Brighton. Throughout the day, Plumpton Green offers hourly services, while Wivelsfield provides services four times an hour, and Haywards Heath hosts services every 5-10 minutes. The north-western edge of the village is served by a daily bus service to Haywards Heath, Burgess Hill, Hassocks, Brighton, Three Bridges, and Crawley. This is supplemented by an infrequent service to South Chailey..”

“Wivelsfield Green was classified as a ‘Service Village’ in the SSS (2023).

However, due to limited accessibility in terms of sustainable transport connectivity – and the increased weighting given to sustainable transport in this study – the revised classification places the settlement in a lower tier.”

20. NPPF paragraph 109 makes clear that a ‘vision led’ approach to transport planning should be embraced as a means to deliver sustainable development. This includes an objective of identifying and pursuing opportunities to promote walking, cycling and public transport use.
21. NPPF paragraph 110 sets out how the vision led objectives would be supported. It states that 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.
22. The proposed development of 150 dwellings is considered significant in the context of NPPF paragraph 110. While this goes on to acknowledge that 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 and paragraph 83 identifies how expansion of existing rural settlements can enhance and maintain the vitality of rural communities, it is considered that the SHRU 2024 demonstrates there are a number of rural settlements that are inherently more sustainable than Wivelsfield Green and, therefore, the vision led approach suggests rural expansion should be focussed on these settlements.
23. The Appeal Scheme therefore conflicts with the following policies:
 - NPPF 83, 109, 110.
 - LLP1 SP1, CP2, CP13.
 - WDP Policy 1.

Landscape Harms

24. The majority of the Appeal Scheme would be located in an interconnected group of five pasture fields. The Appellant's LVIA accepts that the Appeal Scheme will give rise to adverse landscape effects, which include at least some with the potential to be major adverse. The LPA considers that there would indeed be major adverse landscape impacts arising as the result of the Appeal Scheme. In the context of a site which is partly designated as LGS, this is clearly an important consideration in this appeal.

25. As summarised by the LPA's Landscape Consultant

"The proposed development would be of a scale which would significantly detract from the character and scale of the village. The rural setting of the village would be lost to an extensive suburban extension."

26. The Appeal Scheme conflicts with the following policies:

- NPPF 135, 153, 187.
- LLP1 CP10.
- LLP2 DM25, DM27.
- WDP Policy 6.
- DWSNP Policies CONS2, CONS6

Development on Local Green Space

27. The proposed development would be accessed by way of a new road taken from Green Road which would cross LGS. As confirmed in NPPF paragraph 108, development in LGS should be consistent with national policy for Green Belts. LGS is also listed as an area/asset of importance in footnote 7 of the NPPF. The harm to the LGS by reason of this Appeal Scheme constitutes a strong reason for refusing permission under NPPF paragraph 11(d)(i).

28. The following comments made by the LPA's Landscape Consultant are pertinent in this regard:

"the applicant's agent suggests that the omission of residential development from the 'gap' between Wivelsfield and Wivelsfield Green is respectful of the existing settlement pattern, and maintains distinct identities of the separate areas of settlement. However, it does not acknowledge that the proposed access road through this 'gap' would in itself be development, and would be at odds with this ethos of leaving the area as un-developed

open space. Whilst the road has not been designed with built-form alongside, it would nevertheless be perceived as a suburban feature, contrary to its baseline context of agricultural features and introducing vehicular movement which would erode the stillness and tranquillity of the existing scenic qualities.”

29. The Appeal Scheme conflicts with the following policies:

- NPPF 108, 154.
- LLP1 CP8.
- LLP2 DM27.
- WDP Policy 7.

PLANNING BALANCE

30. The LPA will demonstrate at inquiry that planning permission should be refused. The eastern portion of the Appeal Site is designated as LGS. The Appeal Scheme would introduce urbanising elements into that LGS – including by reason of the access road through that LGS – and NPPF paragraph 11(d)(i) is therefore engaged. Further, in any event, the harms which the Appeal Scheme would cause significantly and demonstrably outweigh the benefits.

PLANNING CONDITIONS AND SECTION 106 AGREEMENT

31. The LPA will work with the Appellant toward producing an agreed (insofar as possible) list of conditions and section 106 agreement.