



woolf bond
planning

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 (AS AMENDED)**

**LAND SOUTH OF GREEN ROAD, WIVELSFIELD GREEN, EAST
SUSSEX RH17 7QL**

Appeal against the failure of Lewes District Council to determine an outline planning application (with all matters reserved except for means of access) 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.

PROOF OF EVIDENCE RELATING TO TOWN PLANNING MATTERS

**Prepared by:
Brigid Taylor MSc LLb MRTPI MIEnvS PISEP**

**On behalf of:
Taylor Wimpey UK Ltd**

**Taylor
Wimpey**

PINS Ref: 6005671

**LPA Ref: LW/24/0820
WBP Ref: 7779**

June 2026



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WB1 EFM Education Report, Land at Wivelsfield Green (May 2026)

QUALIFICATIONS AND EXPERIENCE

Brigid Taylor will say:

I hold a Master of Science degree in Spatial Planning and Development (with distinction), a Bachelor of Science degree (Ecology) and a Bachelor of Laws degree. I am a Chartered Member of Royal Town Planning Institute, a Practitioner Member of the Institute Sustainability and Environment Professionals and a Full Member of the Institute of Environmental Science. I am also a qualified solicitor having practised in planning and environmental law (but currently non-practising).

I am a Director of Woolf Bond Planning Ltd – Chartered Town Planning Consultants. I have been engaged in the planning and development industry for over 20 years and in that time have acted for major house builders, development companies, estates and private individuals. Major housebuilder clients include Taylor Wimpey ("the Appellant"), Croudace Homes, Elivia Homes and Dandara.

I am an expert planning witness, having appeared at numerous S.78 inquiries, Hearings and Local Plan Examinations.

I am well versed in the planning policy position in Lewes, including the emerging Local Plan process, as well as numerous schemes that have been determined by the Council and at Appeal.

I acted in relation to the Planning Application, and I have visited the Appeal Site and its surroundings on numerous occasions. I have examined the relevant plans and documents for the purpose of the Appeal.

The evidence which I have prepared and provide for the appeal is true and has been prepared, and is given, in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1. INTRODUCTION AND EXECUTIVE SUMMARY

The Scope My Evidence

- 1.1. This Appeal is made by Taylor Wimpey UK Ltd (the “Appellant”) against the failure of Lewes District Council (“LDC”) to determine an outline planning application (“the Application”) (LPA Ref: LW/24/0820) for development of land south of Green Road, Wivelsfield Green, East Sussex RH17 7QL (“the Appeal Site”).
- 1.2. The Appeal Scheme is in outline and proposes 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”). Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 1.3. My evidence addresses the s38(6) planning balance, and considers the acceptability of the Appeal Scheme in the context of the overarching planning policy context, drawing upon the evidence from the expert witnesses on the topic-specific considerations I reference below.
- 1.4. This is a case where the Application was informed by a considered pre-application engagement process with the Local Planning Authority (“LPA”) and Statutory Consultees. Dialogue continued throughout the Application process. Changes were also made to the Scheme during the Application process in response to the comments received. The collaborative approach to the Appeal Scheme design reflects the requirements at paragraphs 40 to 47 of the NPPF.
- 1.5. Although the Appeal Site falls beyond the settlement policy boundary for Wivelsfield Green, as defined in the adopted Joint Core Strategy (2016) (**CD7.1**) and the Site Allocations and Development Management Policies DPD (2020) (**CD7.2**), the settlement boundaries were not drawn to meet current housing needs. It is my position that the development plan is manifestly out of date for a number of reasons. Some of these reasons include (i) the failure of the Development Plan to meet identified housing needs, resulting in a need to breach the settlement boundaries in order to meet those needs; (ii) the demonstrable lack of a five year supply of deliverable housing land; and (iii) the fact the current settlement boundaries were devised to

address a level of housing need which bears little relationship to needs as they presently stand. The Development Plan is based upon woefully out of date evidence and pre-dates the current nationally-set methodology for assessment of Local Housing Need.

1.6. Following receipt of LDC's Statement of Case ("SoC") (**CD4.1**) and as set out in the Inspector's post Case Management Conference ("CMC") note of 30 April 2026 (**CD18.1**), the main issues to be determined in this appeal were stated as follows:

- i. Whether the appeal site is a sustainable location for development, having regard to local and national policies;
- ii. The effect of the proposed development on the character and appearance of the area; and,
- iii. The planning balance, including local green space, and the weight to be attached to any conflict with development plan policies.

1.7. In respect of item i above, the Council has subsequently confirmed that it is now agreed the Appeal Site is a sustainable location for development and that this issue will not be pursued as a putative reason for refusal (see Planning Statement of Common Ground "SoCG" **CD6.1**). This evidence was largely prepared prior to confirmation of the Council's position and therefore does include discussion on this point where relevant. In short, the Appellant's position is that it acknowledges the Site is located in the countryside, outside the settlement boundary, but considers the location (adjoining a settlement with a range of services and facilities to meet day to day needs, and within a short walk to the local primary school) means it is a sustainable location in which to address housing needs, which position accords with the approach at paragraphs 110 and 115 of the NPPF.

1.8. Item ii above remains a live issue between the parties and is the subject of evidence produced by others (Mr James Atkin on behalf of the Appellant – **CD9.2**).

1.9. In respect of item iii above, I have assessed the matter of LGS as an issue in its own right, the findings of which have informed my overall planning balance.

- 1.10. The limited scope of issues remaining to be determined via this appeal demonstrates the outcome of the proactive approach taken towards collaborative working with officers and statutory consultees, with no substantial technical issues arising.
- 1.11. The Appeal Scheme was amended during the course of the Application in order to address the implications of changes to the flood risk mapping published subsequent to submission of the Application (**CD2.10 – CD2.22**). The changes made addressed the requirements of the Local Lead Flood Authority ("LLFA") (**CD3.19**). There was no objection to the Appeal Scheme by East Sussex Highways officers (**CD3.27 and CD3.28**), Natural England (**CD3.6-CD3.8**), East Sussex County Archaeologist (**CD3.15-CD3.16**), LDC's contaminated land officer (**CD3.21**), Sussex Police (**CD3.10**), East Sussex County Public Right of Way ("PRoW") officer (**CD3.9**), LDC CIL officer (**CD3.1-3.2**), East Sussex Fire and Rescue(**CD3.5**) , East Sussex Education officer (**CD3.21-22**) or the LLFA (**CD3.19**).
- 1.12. At the outset, I conclude that the Appeal Scheme should be allowed through this Appeal process, for the following reasons:
- (i) The most important policies for determination of the appeal are out of date, and the decision falls to be undertaken in accordance with paragraph 11(d) of the NPPF;
 - (ii) There are no NPPF footnote 7 considerations that represent any strong reason(s) for refusal for the purposes of paragraph 11(d)(i) NPPF;
 - (iii) The adverse impacts of allowing this proposal would not significantly and demonstrably outweigh the benefits, for the purposes of paragraph 11(d)(ii) NPPF;
 - (iv) It is agreed between the parties that the Appeal Scheme is in a sustainable location and will deliver 40% affordable housing. The Appeal Scheme makes an effective use of land, and can secure a well-designed place at reserved matters stage.
- 1.13. Between the Appeal Application being submitted and the Appeal being lodged, the Government published a draft NPPF for consultation (Dec 2025) (**CD8.6**), accompanied by a Ministerial Statement (**CD12.1**).

- 1.14. The consultation draft NPPF reaffirms the Government's commitment to addressing the national housing crisis. It also sets out continued support for the development of sustainably located sites.
- 1.15. As I explain in section 2 below, the Appeal Site is in a sustainable location, within walking distance from local services and facilities. The point is agreed between the parties (Planning SoCG **CD6.1**).
- 1.16. As the draft NPPF it is a consultation document, it carries only limited weight. I will doubtless need to return to this matter during the inquiry, whether in oral submissions and/or in the form of a joint note to be prepared by the parties, should that be requested by the Inspector.

Accompanying Evidence

- 1.17. Evidence has been prepared by the following witnesses on behalf of the Appellant:
- Mr James Stacey– Affordable Housing (**CD9.4**)
 - Mr James Atkin – Landscape Character and Visual Impacts (including character/openness of the Local Green Space (**CD9.2**))
 - Mr Ian Dimbylow – Highways (**CD9.3**)
- 1.18. I have adopted the findings and conclusions of the witnesses for the Appellant in coming to my judgement as to the overall merits of the Appeal Scheme.

Statements of Common Ground

- 1.19. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant, LDC and East Sussex County Council ("ESCC") as the Local Highway Authority ("LHA") have sought, where possible, to agree a position on relevant matters.
- 1.20. The Planning Statement of Common Ground ("SoCG") agreed between the Appellant and LDC is at **CD6.1**
- 1.21. The Highways SoCG is at **CD6.3**. This has been agreed between the Appellant and ESCC Highways.

- 1.22. The Landscape SoCG is at **CDX**. This has been agreed between the Appellant and LDC.
- 1.23. Additional topic-based SoCGs are the subject of discussion between the Appellant and LDC.

Areas of Agreement

- 1.24. As explained in section 5 of the Planning SoCG (**CD6.1**), the matters now agreed between the Appellant and LDC are extensive, comprising the following:
- i. It is accepted that the Council is not able to demonstrate a five-year supply of deliverable housing land against the Standard Method
 - ii. The development plan policies for the supply of housing, including the settlement boundaries in the Core Strategy are out of date.
 - iii. It is agreed that the current settlement boundaries need to be breached if the housing requirement is to be met.
 - iv. It is agreed that paragraph 11(d) of the NPPF is engaged (on the basis that the most important policies for determination of the Appeal are out of date).
 - v. It is agreed that the Appeal Site is in a sustainable location for new development.
 - vi. The Appeal Scheme, with the proposed mitigation, is acceptable in ecological terms. The Biodiversity Net Gain requirements are satisfied.
 - vii. The parties agree that the Appeal Scheme maintains an appropriate buffer to the Ancient Woodland, as confirmed in Natural England's consultation response, and that there will be no deterioration of irreplaceable habitat.

- viii. It is agreed that the Appeal Scheme can be made safe from flooding for its lifetime.
 - ix. The Appeal Site is not classified as 'Best and Most Versatile Agricultural Land and accordingly there is no conflict with Policy DM19 and the loss of agricultural land (to publicly accessible open space) is afforded very limited weight in the planning balance.
 - x. There Education Authority has shown its support for the land being made available, should it be necessary to serve housing growth in the local area. (See **WB1** appended to this Proof for the Appellant's evidence on the need for that land).
 - xi. The proposed 16.5ha of public open space is significantly in excess of that required by any applicable policy within the Development Plan.
 - xii. It is agreed that no buildings are proposed on the Local Green Space and that the only built development proposed in that area is the access road.
 - xiii. It is accepted that the provision of up to 150 dwellings from the Appeal Scheme including 40% affordable housing is a benefit, to be afforded, at the least, substantial weight in the planning balance.
- 1.25. As confirmed in the Highways SoCG (**CD6.3**), the Appeal Scheme accords with paragraphs 110, 115 and 116 of the NPPF. It is also agreed that the Scheme will provide safe and suitable access. Importantly, there is no objection to the Scheme from the LHA in highway (including locational sustainability) and safety terms.

Areas of Disagreement

- 1.26. As set out in LDC's SoC (**CD4.1**), the issues that remain in dispute between the Appellant and LDC are particularly narrow, relating only to the following considerations:

- i. The extent of harm to landscape character and countryside setting, and the weight to be afforded to this;
 - ii. The weight to be afforded to the conflict with the spatial strategy (due to the Site's location outside the settlement boundary of Wivelsfield Green) (notwithstanding the subsequent agreement between the parties that the location is a sustainable location for development);
 - iii. Whether the proposals are consistent with national and local policy for Local Green Space;
 - iv. The weight to be afforded to the Appeal Scheme's benefits in the planning balance;
 - v. Whether or not there is any 'strong reason for refusal' pursuant to NPPF footnote 7 and paragraph 11(d)(i); and
 - vi. Whether there are harms which "significantly and demonstrably" outweigh the benefits for the purposes of NPPF paragraph 11(d)(ii).
- 1.27. As identified above, the Council has confirmed, shortly prior to the exchange of evidence, that it will not pursue locational sustainability as a reason for refusal. As such, this issue is agreed between the parties. This evidence was largely finalised prior to confirmation on this point and therefore does include some discussion on this point. The Appellant's highways evidence (CD9.3 section 3) sets out the locational merits of the Appeal Scheme.

Third Party Representations

- 1.28. Notwithstanding the extensive list of matters that have been agreed between the Appellant and LDC (as well as ESCC Highways Authority on highways), interested parties have written to the Inspectorate to make comments on the Appeal Scheme, including detailed representations by Wivelsfield Parish Council. The following issues are raised (and addressed as appropriate in the Appellant's evidence, **CD9.1-CD9.4**):
- Principle

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- Landscape character
- Heritage
- Sustainability
- Drainage
- Highways
- Design and need
- Biodiversity
- Green Space

2. THE CONTEXT OF LEWES AND THE APPEAL SITE

General

- 2.1. This section of my evidence explains the planning context in Lewes as it relates to the consideration of the merits of the Appeal Scheme at a macro (spatial) and micro (Site-specific) level.

Lewes District

- 2.2. As recorded in the Foreword to LDC's recent Regulation 18 Emerging Local Plan consultation (conducted in December 2025) (**CD13.14**) Lewes is a constrained district, with approximately 56% of its area having National Park status: "We have had to make difficult choices. The national requirement for new homes is significant, and the availability of suitable land within our district is constrained, not least by the beautiful South Downs National Park which covers over half of our geographic area."
- 2.3. Figure 2 in that document (reproduced as Figure 1, below) illustrates the context of Lewes District, showing the large extent of land (shaded green) which is within the South Downs National Park, and the limited extent of land beyond the National Park in which Lewes' identified housing needs can be addressed.
- 2.4. There are two distinct areas in which Lewes can address its housing needs, as identified by the Council in that consultation document. The first is the coastal area including the towns of Seaford, Newhaven, Peacehaven and Telscombe. However, as expressly recognised by the Council (at paragraph 7.2 of **CD13.14**) that area is "tightly sandwiched between the English Channel and South Downs National Park. Accordingly, options for growth are very limited and largely involve infilling, and increased density on brownfield sites.
- 2.5. The second area, and that in which this Appeal Site is located, is the countryside and villages situated to the north of the National Park. The villages with settlement boundaries are outlined

red in Figure 1 below which is an extract of LDC's Regulation 18 Local Plan consultation. That figure has been used as opposed to the equivalent figure in the adopted Development Plan as it clearly identifies the various villages in the north of the district (in the area beyond the National Park), many of which have been subject to recent appeal decisions to be discussed in the course of this inquiry.



Figure 1 Extract of LDC Regulation 18 Phase 2 Consultation Document (December 2025)

2.6. The Appeal Site, in Wivelsfield Green, is situated in the north-west of Lewes District. Notably, the

larger settlement in this area (Ringmer) is itself within the setting of the National Park, which also poses a constraint to growth (as detailed at paragraph 2.9 of the Planning Statement (**CD1.4**) submitted with the Application, and borne out in a number of appeal decisions as listed at footnote 3 of the Planning Statement).

2.7. As a result, settlements further down the settlement hierarchy have in recent years been the subject of recent appeal decisions allowing development beyond settlement boundaries in order to address the district's pressing housing need (paragraph 2.10 and footnote 4 to the Planning Statement **CD1.4**). This accords with the NPPF's (**CD8.1**) recognition (at paragraph 82-83) that housing in rural areas can enhance and maintain the vitality of rural communities and allow villages to grow and thrive and support local services. Moreover, at paragraph 110 it recognises that whilst development should be focused on locations which are or can be made sustainable, it should be taken into account that sustainable transport solutions will vary between urban and rural areas.

2.8. It is clear, in the context of Lewes District and its particular constraints (namely, the coastal location of the larger towns, and limits therein on either northward or southward expansion, and the South Downs National Park), that the villages within the countryside north of the South Downs are the primary opportunity to address identified housing needs. Whilst the scale of the villages means they may not be as sustainable as larger towns accommodating growth in other Council's administrative areas, they do, in this case, represent the most sustainable locations in which significant growth can be accommodated in Lewes district without impacting on more sensitive landscapes.

Lewes Development Plan Status Likelihood of Addressing Identified Housing Needs

Current Development Plan

2.9. The Joint Core Strategy ("CS") was adopted in May 2016 (**CD7.1**) and provides for 5,494 dwellings in the 20 year period 2010 – 2030, in the part of the District beyond the National Park. This equates to 275 dwellings per annum (dpa). The settlement boundaries in the CS reflect that level of growth.

- 2.10. A Detailed Policies DPD was subsequently adopted in 2020 (**CD7.2**). However, that did not review the spatial strategy and/or the housing requirement. Similarly, the two Neighbourhood Plans (**CD7.3** and **CD7.4**) which cover parts of the Appeal Site are linked to CS housing requirements rather than making any provision for any updated assessment of housing needs in each respective neighbourhood area.
- 2.11. LDC agree that the settlement boundaries are out of date and they need to be breached if the housing requirement is to be met. Separately, the Council agrees it is not able to demonstrate a five-year supply of deliverable housing land.
- 2.12. The current housing need for Lewes, derived from the application of the standard method, is 687 dpa (including the necessary 5% buffer). This substantially exceeds the 275dpa housing requirement identified and planned for in the Core Strategy.
- 2.13. The absence of an up-to-date Local Plan means there have been serious failings to plan for necessary growth in Lewes district. There is an acute affordable housing need (**CD9.4**), as well as a demonstrable shortfall in the Council's five year supply of deliverable housing land (Planning SoCG **CD6.1**). The Council is only able to show a 2.77 years' supply of deliverable housing land (on their analysis). There is a critically acute shortage of homes.
- 2.14. This situation is not new. As section 4 of my evidence explains, there has been a persistent under-supply since at least May 2021.

Emerging Local Plan

- 2.15. Whilst work has begun on the preparation of a new Local Plan, the Council's revised Local Development Scheme (February 2026) (**CD13.12**) 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.
- 2.16. Moreover, the Emerging Plan does not propose to meet identified housing needs in full when

calculated via the Standard Method. It sets out a plan to deliver only 8570 homes against an identified need (using the standard method) for 15,000 new homes. This points is agreed between the parties (Planning SoCG **CD6.1**).

- 2.17. LDC's Policy and Performance Advisory Committee met on 27 November 2025 to consider the consultation on the Regulation 18 (Phase 2) draft Local Plan (which was subsequently carried out from December 2025.) The report to that committee (**CD13.9** at paragraph 1.6) makes no attempt to hide this fact, stating up front: "we must be clear that this figure falls short of the government's calculated need." It goes on, at paragraph 1.8 to attempt to justify this under-provision as follows:

"In short, without major change in government policy and significant financial commitment, it is unreasonable for government to expect the Local Plan to meet this top-down national formula target which ignores our reality. Our position is that we have positively prepared a plan that has a more realistic acknowledgement of the constraints [that operate in our plan area]. "

- 2.18. The MHCLG Statement 'Building the homes we need' (**CDXX**) that was published alongside the new NPPF in (December 2024) sets out the Government's agenda to increase house building in the right places. The Appeal Site satisfies that requirement.

- 2.19. The following extracts from the 'Building the homes we need' Statement (**CD12.2**) are plainly applicable in the Lewes context:

"This Government has inherited an acute and entrenched housing crisis. The average new home is out of reach for the average worker, housing costs consume a third of private renters' income, and the number of children in temporary accommodation now stands at a historic high of nearly 160,000. Yet just 220,000 new homes were built last year and the number of homes granted planning permission has fallen to its lowest in a decade."

"Rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. This is necessary if we are to see the scale of delivery we need to meet our commitment to 1.5 million homes. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth."

Wivelsfield Green and its position within the Settlement Hierarchy

- 2.20. Wivelsfield Green is one of the more sustainable settlements within Lewes district in which housing needs can be met. As identified in Mr Dimbylow's evidence (**CD 9.3** at paragraph 3.59) the Appeal Site is in the top 20% of district in terms of transport connectivity, based on DfT's Connectivity Tool analysis). The Council now accept (as recorded in the Planning SoCG **CD6.1**) that the Site is sustainably located. As that position was confirmed shortly prior to exchange of evidence, my proof continues to set out the following information regarding the approach to this settlement in the Council's evidence base.
- 2.21. In section 4 of this proof I set out a summary of the Council's approach to this settlement over time in its analysis of the services, facilities and public transport provision in the district's various settlements.
- 2.22. Having been identified as a 'service village' for the past 10+ years (**CD13.2** and **CD13.3**) LDC have recently (December 2024) issued a new Settlement Hierarchy Review Update report (**CD13.7**) which would reclassify Wivelsfield Green (and other settlements) as a 'village' rather than 'service village'. I note however that the level of service provision has not changed, only the Council's approach to it the methodology adopted. It is curious to note that the latest **CD13.7** analysis omits any reference to the village hall within Wivelsfield Green, resulting in an 'under-assessment' of that settlement's services (and, therefore, its position in the hierarchy). That report has not been subject to detailed scrutiny (having been prepared in connection with the emerging plan which has not yet reached examination) but this omission has been pointed out by the Appellant in its representations to the Regulation 18 consultation.
- 2.23. I now move on from the above analysis of macro (spatial) context to and micro (Site-specific) level analysis of the Appeal Site in its context.

The Appeal Site

- 2.24. Given the constrained nature of Lewes District, it is important to maximise development opportunities such as that afforded by the Appeal Site, which is in one of the more sustainable settlements in the District which is not constrained by particular landscape sensitivities associated with the National Park.
- 2.25. As set out in the Transport SoCG (**CD6.3**), and in particular section 3 of that document, the locational merits of the Appeal Site are agreed with the Highway Authority. Furthermore Lewes District Council have recently confirmed that they are no longer pursuing locational sustainability as a reason for refusal (Planning SoCG **CD6.1**). Therefore, it is agreed between the parties that the Appeal Site is a sustainable location for development.
- 2.26. Figure 2, below, shows the range of local facilities which are within 10 minutes' walk of the centre of the Site, including a convenience store, post office, pub and primary school. Footways are provided on Green Road providing safe pedestrian access. The Appellant's evidence (Ian Dimbylow) is that the Site has a good standard of walking accessibility and a reasonable level of bus service to key destinations.

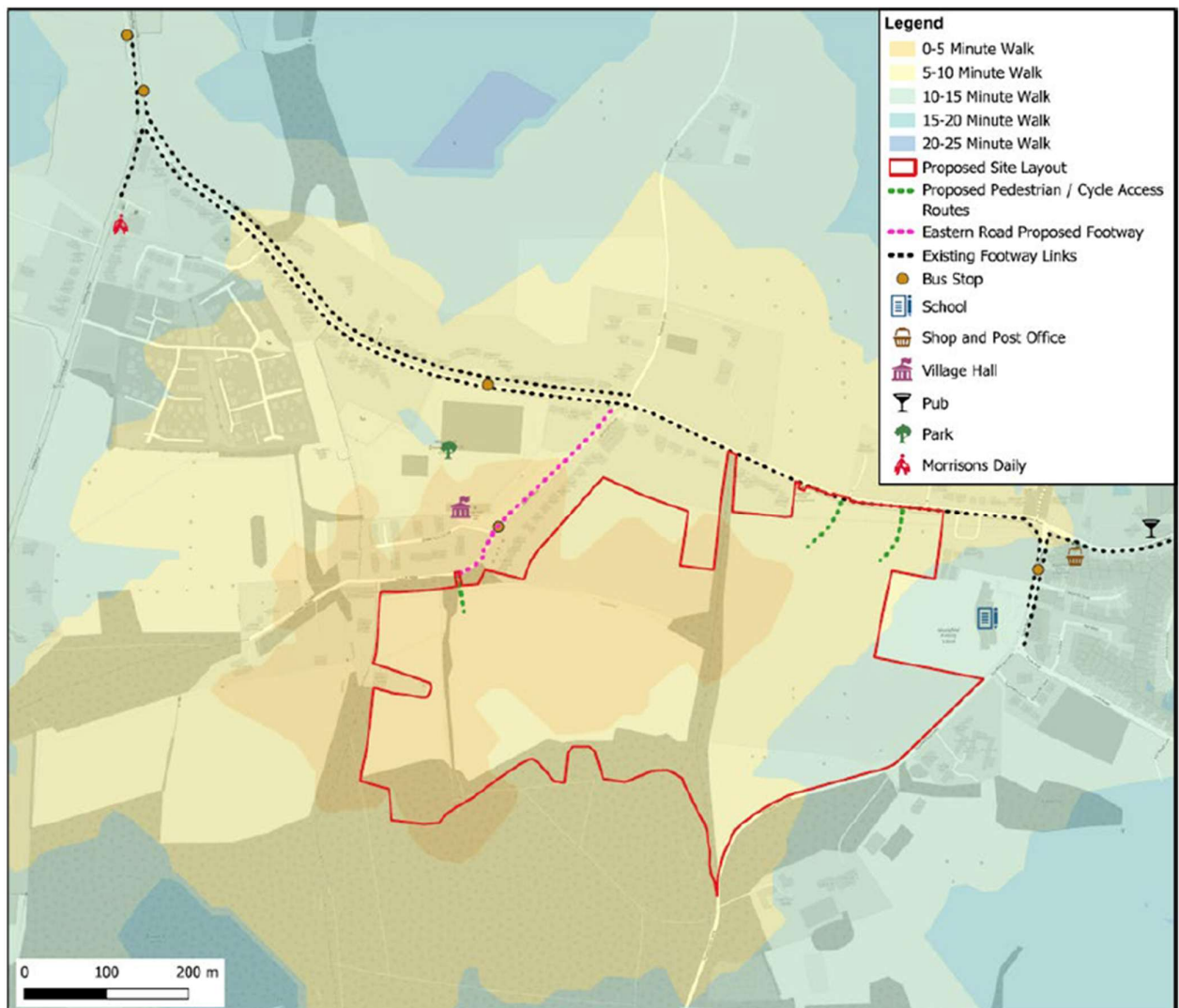


Figure 2 Pedestrian isochrones and access to local facilities (Extract of Fig 3.1 of Highways Proof CD9.3)

- 2.27. I adopt the conclusions of Mr Ian Dimblylow, who concludes that the Appeal Site is well located in relation to the village of Wivelsfield Green, within walking and cycle distance of day to day facilities such as a shop and a school. Based on the DfT Connectivity analysis undertaken by Mr Dimblylow the Site is one of the higher scoring areas in the district, in terms of base level accessibility (Paragraph 3.59 and 3.65 of **CD9.3**).
- 2.28. This accords with other decisions taken in the immediate locality including the following where the location was considered suitable for large residential developments:

- i. APP/P1425/W/22/3299370 – South Road, Wivelsfield Green (an appeal re: LW/21/0754) – 45 dwelling scheme approved (September 2022) (**CD10.10**)
- ii. APP/P1425/W/22/3305946 – Ditchling Road, Wivelsfield Green (an appeal re: LW/21/0729) – 96 dwellings approved on appeal (February 2023) (**CD10.8**).

That rationale remains valid and up to date for this Appeal Scheme.

3. THE DEVELOPMENT PLAN

GENERAL

- 3.1. This section of my evidence summarises the Development Plan position, against which the acceptability of the Appeal Scheme falls to be determined.
- 3.2. It should be read alongside the agreement reached with LDC in the Planning SoCG (**CD6.1**) which confirms agreement between the parties that the Development Plan policies for the supply of housing are out of date and that paragraph 11(d) of the NPPF is engaged. It is agreed between the parties that the Development Plan's settlement boundaries are out of date and that they need to be breached if the housing requirement is to be met.

THE SECTION 38(6) TEST

- 3.3. 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) statutory planning balance.

THE DEVELOPMENT PLAN

General

- 3.4. For the purposes of s38(6), the Development Plan comprises the following adopted plans.
- i. Lewes District Council Local Plan Part 1: Joint Core Strategy ("JCS") (May 2016); ("LPP1") (**CD7.1**)
 - ii. Lewes District Council Local Plan Part 2: Site Allocations and Development Management Policies (February 2020); ("LPP2") (**CD7.2**)
 - iii. Wivelsfield Neighbourhood Plan (February 2016); ("WNP") (**CD7.3**) and
 - iv. Ditchling, Streat and Westmeston Neighbourhood Plan (2018) ("DSWNP"). (**CD7.5**)

- 3.5. A plan showing the boundary of the two separate neighbourhood areas, relative to the Appeal Site, is provided in Figure 1.1 of the Design and Access Statement submitted with the Application (CD1.6).
- 3.6. The Core Strategy (“CS”) was adopted in May 2016 and sets out the overarching strategy in seeking to meet development needs in the period 2010 to 2030. **(CD7.1)**
- 3.7. In **Figure 3** below, I have provided and extract from the adopted Proposals Map showing the Appeal Site’s context. Notably the settlement of Wivelsfield Green is comprised of two separate areas covered by individual settlement boundaries (dark blue). The Appeal Site lies centrally between these two parts of the settlement but would cause no coalescence due to the maintenance of open undeveloped character in the LGS designated area (shown coloured green).

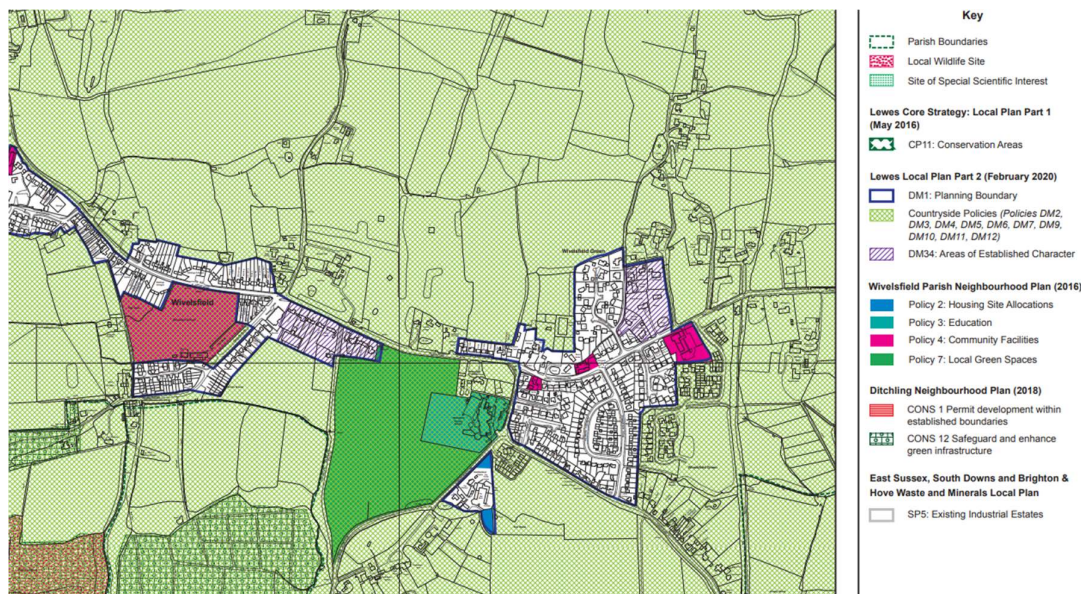
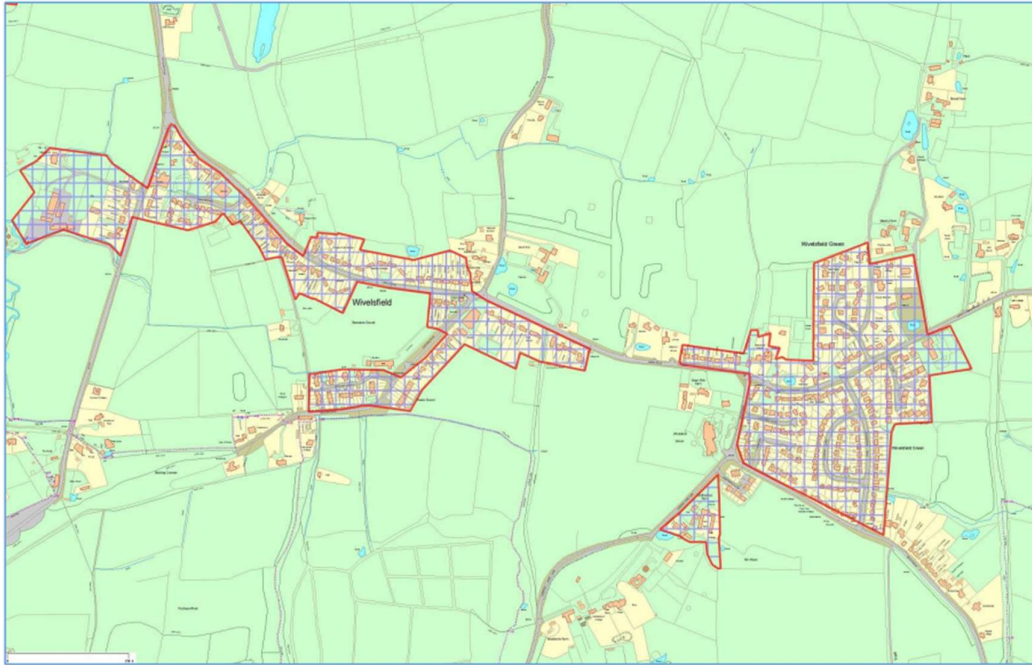


Figure 3 Extract of LDC Planning Policy Map – Wivelsfield Green Inset

- 3.8. The Development Boundary (settlement boundary) shown on the WNP policy map **(CD7.3)** makes clear that the Planning Boundary is not fully contiguous with the extent of built form on the ground, particularly on Green Road in the area between the two separate boundaries and to the east of the Site, at the end of Eastern Road (Figure 4, below). Despite lying outside the settlement boundary, the Site is clearly located very centrally within the settlement and is in a sustainable location. As noted at paragraph 5.34 of the WNP **(CD7.3)**, when discussing the justification for

designation of land as Local Green Space, it is noted that the eastern part of this application Site is **“an integral part of the Parish”**. This demonstrates that this Site’s location, between the two individual settlement boundaries of Wivelsfield Green, is in fact a very central location within the settlement.



Plan H: WNP Policies Map – Revised Development Boundaries

Figure 4 Planning Boundaries for Wivelsfield Green as shown on the WNP Policy Map

3.9. The applicable Development Plan policies are listed below.

3.10. My policy schedule adopts the following ‘rules’:

- a. The policies I consider to be ‘most important’ (for the purpose of paragraph 11(d) of the NPPF) are highlighted in bold.
- b. The policies marked with an asterisk are those against which I conder there is a conflict.
- c. The policies underlined are those where the Council alleges conflict in their Statement of Case **(CD4.1)**

Local Plan Part 1: Joint Core Strategy 2010-2030

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)

Local Plan Part 2: Site Allocations and Development Management policies (February 2020):

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 2012032 (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)*

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)

Development Plan Compliance

Location of Development/ Spatial Strategy

- 3.11. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary for Wivelsfield Green as defined on the Local Plan Proposals Map. Accordingly, it is located in the countryside. As such, the Appeal Scheme is contrary to Policies SP2 of the CS, DM1 of LPP2 (and therefore also Policy 1 WNP and DS1 DSWNP both of which hang off DM1) as it is located outside the defined settlement boundary for Wivelsfield Green.
- 3.12. However, the settlement boundaries were based on the CS spatial strategy, that was adopted 10 years ago, and based on an evidence base covering the period from 2010. The settlement boundaries do not purport to (nor could they) meet current housing needs. The Council accepts

(as set out in paragraph 4.6 of Planning SoCG **CD6.1**) that it will be necessary to breach current settlement boundaries in order to address identified housing needs.

- 3.13. Accordingly, the settlement boundaries serve to frustrate attempts to meet identified housing needs. In the circumstances, it is clear that the spatial strategy and the associated settlement boundaries are inconsistent with the NPPF's objectives of seeking to significantly boost housing supply. Accordingly, I attach only limited weight to the conflict with the spatial strategy and location outside (but adjacent to) the settlement boundary.
- 3.14. By contrast, the Council afford moderate weight to this conflict (as set out in the Planning SoCG at **CD6.1**), despite acceptance by them that (i) the settlement boundaries need to be breached in order to address identified housing need and (ii) that the Appeal Site is a sustainable location for development. The purpose of the settlement boundaries, when created, was to direct development to sustainable locations. The Appeal Scheme therefore accords with the intention of the spatial strategy. As such, I consider that the 'limited weight' which I have applied is more appropriate. I would also note that officers who recommended approval of the scheme to the north of Green Road (opposite this Appeal Site) afforded only limited weight to the harm to the spatial strategy in that instance (see paragraph 1.13 of **CD11.1** and **CD11.2** for the associated site plan showing the location relative to the Appeal Site). As such, the 'moderate' weight being afforded to the conflict with the spatial strategy in this Appeal is inconsistent with officer's conclusions on another site in the immediate vicinity.

Landscape

- 3.15. Policy CP10 of the CS requires all development proposals to "conserve and enhance" the natural environment of the District. Development of the Appeal Site in the manner proposed would conflict with this policy requirement as it would not conserve or enhance the natural environment, which matter is addressed in Mr Atkin's landscape evidence (**CD9.2**).
- 3.16. The Appeal Scheme results in the development of a greenfield site, and accordingly there will inevitably be change. As such, the Appeal Scheme would conflict with Policy CP10 which seeks to conserve and enhance landscape character.

- 3.17. However, I attach only moderate weight to this conflict/ the landscape harm (based on the conclusions in the evidence of Mr Atkin at **CD9.2**) because the Council's landscape policy is not consistent with the Framework.
- 3.18. Paragraph 187 of the NPPF does not afford blanket protection to all landscapes. Paragraph 187 (a) seeks to "protect and enhance" valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). By contrast, paragraph 187(b) is the relevant policy where those specific sensitivities do not arise. It requires "recognition" of the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, but falls short of requiring 'protection and enhancement'.
- 3.19. It is clear that Policy CP10 is inconsistent with the NPPF in this regard, as it seeks "conservation and enhancement" of the natural environment in its entirety. Paragraph 232 of the NPPF provides that "due weight should be given to [existing Development Plan policies], according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)". On that basis, I afford moderate weight to CP10 of the Development Plan as it is significantly more restrictive than the NPPF in so far as landscape/ countryside protection is concerned.
- 3.20. As Lord Carnwath found in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord [63] (**CD17.4**) "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 Lewes District.

Agricultural Land

- 3.21. Policy DM19 of LPP2 sets out local policy for protection of agricultural land. It relates only to the irreversible loss of land falling within grades 1-3a (that is to say, 'Best and Most Versatile Agricultural Land' ("BMV"). The Appeal Site is agreed not to comprise BMV and as such, this policy poses no constraint to the Appeal Scheme. The Development Plan does not resist the loss of non

BMV agricultural land.

Local Green Space

- 3.22. Policy 7 of the WNP designates the eastern part of the Appeal Site as Local Green Space (“LGS”) (see Figure 5 below). The proposal does not conflict with this policy, as it maintains this part of the Appeal Site as an open green space and preserves the visual gap on this stretch of Green Road (which were the primary reasons for designation of the land as LGS.) Furthermore, the proposal introduces public access for recreational use (where there are no such rights presently) and therefore delivers enhancement to the LGS.



Figure 5 Local Green Space Designation (Policy 7 WNP)

- 3.23. The supporting text to the policy (**CD7.3**) provide the justification for the designation of this LGS, with reference to the Local Green Spaces Study undertaken in connection with the WNP’s preparation. (**CD13.4**).
- 3.24. Notably the inspector who examined the WNP (**CD13.3**) was of the view that none of the proposed LGS areas (including the one within the Appeal Site) were of particular beauty or tranquility. However, he accepted that the LGS in question was ‘attractive’ and provided a visual gap. Based

on my analysis of CD13.4 and CD13.3 and the WNP itself (CD7.3) my understanding is that the LGS within the Appeal Site was designated because:

- i. it played a role as a 'break in the ribbon development' along Green Road
- ii. it had a rural character, providing 'rural values' for the primary school pupils;
- iii. its landscape character was a 'fitting background' to the war memorial;
- iv. It afforded long views from the school and road across the LGS; and
- v. It contributed to sense of place as a frame for Wivelsfield Green.

3.25. As such, it was not the case that the LGS had any particular landscape qualities that elevated it to 'valued landscape' status; rather, it offered an undeveloped open character.

3.26. The Appeal Scheme proposes no new buildings within the LGS area and so the break from ribbon development will be retained. Views across the LGS will also be retained. When looking across the LGS from the school, the proposed housing development on the western part of the Appeal Site will be behind the existing vegetation along the bridleway (which runs north-south through the Appeal Site). The primary school will continue to have views across an undeveloped parcel of land. It is proposed to use of the land as publicly accessible open space (where no public access rights exist presently). The LGS will retain an open undeveloped character and preserve views. Whilst it will not be actively cultivated for agriculture it will retain a rural character as undeveloped countryside land.

3.27. It is proposed that the access road to the new housing site pass through the LGS area. NPPF Green Belt policy allows for local transport infrastructure – which is addressed in section 4 of my evidence. The detailed design of that internal access road will follow at reserved matters stage but it is anticipated that the road can be landscaped and screened with hedgerow as detailed in the evidence of Mr Atkin (**CD9.2**).

3.28. Additionally, a parcel of land to the south of the Primary School, which is within the Appeal Site, is proposed for 'education/ community use' (annotated with a pink star on the Parameter Plan CD2.4). The Appeal Scheme does not propose any built form or other development on that part of the LGS. Notably Policy 3 of WNP allows for expansion of the School with new buildings on its

current site (Plan K of the WNP) which is not designated as LGS. Therefore, the school would be able to expand within its current curtilage and then could make use of this additional LGS provided by this Appel Scheme for use for sport/ recreation of the pupils (to replace land lost within the existing school site). The school could expand its facilities without needing to introduce any new built form into the LGS. Provision of land for sport/recreation of school pupils or the community remains a benefit of the Appeal Scheme.

Conditions and Planning Obligation

- 3.29. The Appeal Scheme accords with the remaining development management policies from the Development Plan including in relation to the provision of housing, affordable housing, infrastructure and services, character and design (reserved matters), ecology, drainage, heritage and highway safety.
- 3.30. The legal agreement that is in preparation between the appeal parties (Appellant, LDC and ESCC), will secure the necessary planning obligations and address infrastructure requirements.

Summary of Development Plan Compliance

- 3.31. In summarising my position in relation to the conflict I have identified between the Appeal Scheme and the Development Plan, I consider that the settlement boundary and landscape policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan.
- 3.32. Section 4 of my evidence considers the material considerations that justify the grant of planning permission otherwise than in accordance with the Development Plan.

4. OTHER MATERIAL CONSIDERATIONS AND ASSESSMENT OF THE MAIN ISSUES

General

- 4.1. Notwithstanding my conclusion in Section 3 above, that the Appeal Scheme is in conflict with the Development Plan (as a whole), I consider that there are a number of material considerations that justify the grant of planning permission. These are identified in this section, where I also undertake an assessment of the Main Issues (having regard to both Development Plan policy *and* these other material considerations which in some cases justify a departure from the Development Plan).
- 4.2. I identify these material considerations under the following sub-headings:
- a. NPPF and PPG
 - b. Consultation draft NPPF (December 2025)
 - c. Five Year Housing Land Supply Position
 - d. Acceptance of the need to breach settlement boundaries to meet identified needs in full
 - e. The Emerging Local Plan (and its evidence base) and failure to plan for identified needs
 - f. Wivelsfield Green's position in the settlement hierarchy
 - g. Affordable Housing Needs
 - h. Recent appeal decisions in Lewes
 - i. Recent local decisions made by LDC
 - j. Economic Growth
 - k. Planning Obligations
- 4.3. I then go on to summarise my position on the Main Issues for this Appeal (as identified by the Inspector in **CD18.1**) (listed below) before carrying out my planning balance in Section 5:
- o Locational Sustainability
 - o Landscape Character/ Visual Impact
 - o Local Green Space

a. National Planning Policy Framework (“NPPF”) and Planning Practice Guidance (“PPG”)

4.4. The current NPPF (**CD8.1**), the accompanying Planning Practice Guidance (“PPG”) (**CD8.2-8.4**) and recent Ministerial Statements (**CD12.1-2**) are material considerations of particular standing in the determination of the Appeal Scheme.

4.5. I do not seek to repeat the content here, save to add that the documents set the Government’s clear and unambiguous direction to boost the supply of housing in sustainable locations. However, I refer to relevant paragraphs from these documents where relevant to my assessment.

b. The Consultation National Planning Policy Framework (Dec 2025)

4.6. The Government published for consultation a draft NPPF in December 2025 (**CD8.6**). It reaffirms the Government’s commitment to addressing the National housing crisis. It also sets out continued support for the development of suitably located sites.

4.7. As the Ministerial Statement (**CD12.1**) published alongside the consultation draft NPPF states, *“England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation.”*

4.8. The Government’s proposed amendments to the NPPF may be published before this appeal is determined. The consultation draft proposed amendment of the test for development in the Green Belt (Proposed Policy GB7). If published as per the consultation draft, the new test for local transport infrastructure within LGS would require that such development ‘minimises impacts on openness’ (as opposed to ‘preserving openness’) which allows for a greater degree of change. This would be material. I also consider the Government’s proposal to make such change to be a material consideration in the interim.

c. Five Year Housing Land Supply Position

- 4.9. Paragraph 61 of the NPPF sets out the Government's objective of significantly boosting the supply of homes, explaining the importance of ensuring a sufficient supply of housing land.
- 4.10. As paragraph 62 explains, the standard method is to be used to calculate the minimum number of homes needed.
- 4.11. Paragraph 78 sets out a requirement LPAs to identify a five year supply of deliverable housing land against their local housing need (derived from the standard method) where the strategic policies are more than five years old (as is the case in LDC). A 5% buffer is required (based on the most recent HDT results).
- 4.12. The most recent published assessment of housing land supply by Lewes District relates to the five year period from April 2023 to March 2028¹. This indicated that in comparison to the Council's derived housing requirement², a 3.02 years provision exists which is a shortfall of 1,251 dwellings.
- 4.13. However, whilst the Council's locally derived housing target was derived from the projected household growth in the 2018 based household projections, the guidance was updated on 20th February 2019 to mandate that only the 2014 based household projections should be used³. As the earlier five year land supply assessments published by the Council since the Part 1 Local Plan (Joint Core Strategy) reached the fifth anniversary of its adoption had been derived from 2014 based projections, the table below provides the comparisons on the appraisals using the guidance on the derivation of Local Housing Need applicable from 20th February 2019 through to 11th December 2024.
- 4.14. Upon publication of the current NPPF on 12th December 2024, the associated guidance for the

¹ Published May 2023

² Adjusting the Standard Method derived housing requirement (2018 based household projections as input) based upon the proportion of dwellings in the district which are outside of the South Downs National Park (77%). The Council's assessed annual need was for 380 dwellings.

³ "Housing and Economic Development Needs" chapter, ID ref 2a-004-20190220 and 2a-005-20190220.

- derivation of Local Housing Need was revised. As at 6th May 2026, adhering to the specified methodology for the determination of Local Housing Need for the wider district, this results in an overall annual figure of 851 dwellings⁴.
- 4.15. The application of the Council's methodology to distribute this need for the non-South Downs National Park element of the district (77%) results in a refined target of 655 dwellings annually⁵. This is consequently 275 dwellings annually above that in the 2023 based land supply assessment (an increase of 72%).
- 4.16. The parties are agreed that the Council is not able to demonstrate a five year supply of deliverable housing land (**CD6.1** Planning SoCG). The Council accepts that the current housing requirement, derived from the Standard Method, is 687 dwellings per annum which they agree substantially exceeds the 275 dwelling per annum figure which underpins the Development Plan. It is agreed between the parties that there is a shortfall of 1535 dwellings in the five year period, equating to only 2.77 years' housing land supply. (**CD6.1** section 4).
- 4.17. It is also agreed that the settlement boundaries are out of date as they need to be reached if the housing requirement is to be met. It is agreed that the presumption in favour of sustainable development at paragraph 11(d) of the NPPF is engaged on that basis.
- 4.18. The Council has been unable to demonstrate the necessary 5 year supply of housing land since at least May 2021. This is a persistent issue in Lewes District.
- 4.19. The shortfall in the supply of deliverable housing land, and its persistence, are important material considerations in assessing the merits of the Appeal Scheme.
- 4.20. Indeed, as Lord Gill observed in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 (CD12.3) at [83] (**CD17.4**)

"If a planning authority that was in default of the requirement of a five-years supply were to continue

⁴ Dwelling stock data as issued on 22nd May 2025 (update to be issued on 21st May 2026) and the median workplace based affordability ratios released on 26th March 2026

⁵ 851 x 0.77

to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated"

- 4.21. I consider this conclusion is applicable in the Lewes context. The clear failure of the Council to maintain the minimum of a five year supply of housing land together with a clear indication that LDC does not seek to fully address this in its emerging LP.
- 4.22. It is only through the approval of schemes like that advanced through the Appeal will there be any chance that the consistently dire performance of the Council will be addressed. It is for this reason that substantial weight is to be attributed to the benefits of housing on the Appeal Site.

d. Acceptance of the need to breach settlement boundaries to meet identified needs in full

- 4.23. Based upon my review of the evidence for this inquiry, I am of the opinion that the housing need identified under the standard method cannot currently be met without breaching identified settlement boundaries. The Council accepts this point in the Planning SoCG (CD6.1).
- 4.24. In recently approved appeal ref APP/P1425/W/25/3370668 (Land to the South of Allington Road, Newick) (29 April 2026), (**CD10.1**) the Inspector's planning balance records LDC's acknowledgment that settlement boundaries may need to be breached to meet housing need:

"47. The Council cannot provide a five year housing land supply and has acknowledged that the planning settlement boundaries may need to be breached in order to help meet local housing need. As such, policies which restrict development outside of these boundaries are of limited weight, although remain relevant in regard to protecting the character of the countryside. Paragraph 11d of the Framework indicates that in such circumstances, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."

4.25. It is my evidence that the adverse impacts of granting permission cannot be said to 'demonstrably', let alone 'significantly', outweigh the many benefits. In the circumstances, planning permission should be granted.

e. The Emerging Local Plan (and its evidence base) and failure to plan for identified needs

4.26. In section 2 above I set out details of the emerging Local Plan and LDC's approach to identifying housing needs. In short, LDC apparently views the Government's 'top down' targets as being unrealistic and has decided to pursue a plan which does not meet those needs in full. In fact, it would deliver at best (assuming deliverability of all allocated sites has been robustly assessed) 8750 homes against a requirement for 15,000. The Planning SoCG (**CD6.1**) records the Council's acceptance that the emerging plan does not propose to meet identified needs in full.

4.27. Cabinet met on 11 December 2025, and approved the public consultation on LDC's Regulation 18 spatial strategy/ Local Plan. The cabinet report is at **CD13.9**. That report referred to the fact that the Council does not plan to deliver on the 'Government mandated formula need of approximately 15,000 homes', (Executive Summary).

4.28. At **CD13.15** is a news item published on LDC's own website on this issue. <https://www.lewes-eastbourne.gov.uk/article/4835/Government-housing-targets-councils-are-being-set-up-to-fail> Therein the leader of the Council expresses her clear view that LDC should not be required to comply with the nationally set housing targets, stating:

"The government housing targets have as much to do with reality as the Loch Ness Monster..."

"The targets are nothing short of a cynical Westminster exercise in political theatre...."

4.29. Furthermore, she urged the public to express their own views on the Government's housing targets, stating:

"The public consultation is a vital opportunity for residents to expose the absurdity of these targets, and I hope as many people as possible will make their views known."

- 4.30. The Leader's quotes suggest there is limited prospect of a plan being pursued at higher levels of growth in the short- medium term. This is material to the approach to this Appeal Scheme in so far as it can bring forward additional growth to meet identified needs, partly assisting in making up the shortfall (the 6250 required homes which LDC are not planning to deliver in their emerging LP.

f. Wivelsfield Green's position in the settlement hierarchy

- 4.31. LDC have carried out various studies on its rural settlements and the level of services and facilities within each. LDC's approach to Wivelsfield Green has changed recently (in terms of its position in the hierarchy) but the actual access to services and facilities remains unchanged. That is to say, it is LDC's methodological approach which has changed rather than any real-world change on the ground.

Rural Settlement Study and CS (2016)

- 4.32. In the Rural Settlement Study (2013) (**CD13.2**) – Wivelsfield Green was identified as a 'Service Village' (alongside Barcombe Cross and Plumpton Green, amongst others). Page 109 of the report identified the services and facilities in Wivelsfield Green, its proximity to railway stations, level of bus service (noting the bus service was 'frequent') and relatively close proximity to both Haywards Heath and Burgess Hill (higher order settlements which are in the administrative area of Mid Sussex rather than Lewes).
- 4.33. As noted at paragraph 6.5 of the CS (2016) (**CD7.1**), this 2013 study (**CD13.2**) informed the Settlement Hierarchy in the adopted Development Plan. In terms of settlements within Lewes district itself, Wivelsfield Green was identified as a 'service village (second highest in the tier), with only Newick and Ringmer sitting above it in the settlement hierarchy).

- 4.34. The Appeal Site is situated approximately 3 miles from each of Haywards Heath and Burgess Hill. The CS recognised proximity of these other larger centres beyond the administrative boundary. Table 2 of the CS identifies Haywards Heath as a regional centre, with significant levels of employment and that it “exerts a strong influence on the northern part of [Lewes] district” (in which the Appeal Site is situated). Similarly, Burgess Hill is identified as a District Centre, with a range of shops, services and employment opportunities. Burgess Hill is identified (in Table 2 of the CS) as having an influence on the “north-western part of the district” (in which this Appeal site is situated).

Settlement Services Review and Hierarchy Review (July 2023)

- 4.35. In connection with its emerging local plan LDC prepared a Settlement Services review (**CD13.2**) and Settlement Hierarchy Review (**CD13.3**) in July 2023. Wivelsfield was again classified as a ‘Service Village’ (alongside other settlements such as Barcome Cross, Plumpton Green and South Chailey). As per the CS approach, these Service Villages were third in the hierarchy behind the coastal district centres, and the Rural Service Centres of Newick and Ringmer.
- 4.36. As per the detail at page 15 of the Hierarchy Review report (**CD13.3**), Service villages all have at least 3 key services including convenience store, at least an infrequent bus or rail service, and at least 3 secondary facilities/ services. As can be seen from the table at page 17 of the report, the only settlements in the non-coastal area considered to have a ‘frequent’ bus service were Ringmer (which as noted above is in the setting of the national park) and Broyleside (on the outskirts of Ringmer). All the other villages in the rural area outside the National Park were found to have ‘infrequent’ bus service.

Settlement Hierarchy Review Update (December 2024)

- 4.37. In December 2024 LDC produced a further Settlement Hierarchy Review Update (**CD13.7**) which adopted a new methodology placing more weighting on sustainable transport (walking and wheeling in particular). Notably this report has not yet been subject to detailed scrutiny via the Examination in Public process. Moreover, I note that it contains errors and omissions which have

been identified on behalf of the Appellant in representations on the Regulation 18 stage consultation. The village hall has been omitted from the services audit for Wivelsfield Green in Appendix 1 to that report (scoring 70 points rather than 80). The report classifies Wivelsfield Green as a 'Village' rather than 'Service Village'. Notably however, it remains on a par with other locations where new housing has been approved, such as Broyle Side⁶, South Chailey⁷ and Barcombe Cross⁸. Plumpton Green has moved up alongside Newick (in recognition of its position on the mainline railway between Eastbourne and London, providing access to higher order settlements outside the district.

- 4.38. Therefore, little has in fact changed in the 2024 update; the level of services and facilities in Wivelsfield Green remains the same; its status remains on par with the other rural settlements mentioned (in terms of its position in the hierarchy) despite the name change (from 'service village to village). The only difference of substance is that one settlement (Plumpton Green) has benefitted from increased recognition of its railway access therefore being elevated above the other rural settlements which do not have walkable access to a railway station.

g. Affordable Housing Needs

- 4.39. Paragraph 61 of the NPPF sets out the Government's objective of seeking to ensure a sufficient supply of housing land to meet the need of groups with specific housing requirements.
- 4.40. Mr Stacey addresses affordable housing need and supply in his evidence (**CD9.4**). I repeat some of his findings for context:
- i. The Council's 2023 Local Housing Needs Assessment identified an ongoing need for 290 new affordable homes per annum between 2020 and 2040 (in the area outside the National Park).
 - ii. Delivery rates in the past 15 years have equated to just 77 gross affordable dwellings per annum, equivalent to 27% of the total number of net housing completions.

⁶ 70 dwellings allowed in Broyle Side in February 2024 (APP/P1425/W/23/3319706) (CD10.3)

⁷ 56 dwellings allowed in Chailey South in December 2023 (APP/P1425/W/23/3322864) (CD10.5)

⁸ 70 dwellings allowed in Barcombe Cross in December 2023 (APP/P1425/W/23/3323308) (CD10.4)

- iii. The proposed development is for up to 150 dwellings, of which 40% (up to 60 homes) are to be provided on-site as affordable housing. This level of provision is policy compliant.
 - iv. Based upon the acute need for affordable housing in Lewes he considers that very substantial weight should be afforded to the delivery of 60 affordable homes via this scheme.
- 4.41. In the recent Newick Appeal decision (Land to the south of Allington Road) (CD10.1) the Inspector afforded substantial weight to the benefit of new housing including affordable housing. The Council's own officers, in recommending approval of the scheme north of Green Road (April 2026) (**CD11.1**) recommended that the delivery of 32 affordable dwellings (fewer than this Appeal Scheme) be afforded significant positive weight in the planning balance.
- 4.42. I conclude, based on the evidence and conclusions of Mr Stavey, that the affordable housing provision attracts very substantial weight in the planning balance.

h. Recent Appeal Decisions in Lewes

- 4.43. Recent appeal decisions in Lewes also support the need to breach settlement boundaries to addressing housing needs but also highlight that some other sustainable locations in Lewes are constrained by their location within the National Park:
- Land south of Allington Road, Newick (APP/P1425/W/25/3370668) – 27 dwellings allowed (April 2026) (**CD10.1**)
 - Merlins, Uckfield Road, Ringmer (APP/P1425/W/25/3368895) dismissed (Jan 2026) (**CD10.2**)
 - Land South of the Broyle APP/P1425/W/23/3319706 – 70 dwellings allowed (Feb 2024) (**CD10.3**)
 - Barcombe Mills (APP/P1425/W/23/3314192 and APP/P1425/W/23/3315235 and APP/P1425/W/23/3323308; - 70 dwellings allowed (Dec 2023) (**CD10.4**)
 - Land West of A275, South Chailey APP/P1425/W/23/3322864 – 56 dwellings allowed (Dec 2023) (**CD10.5**)
 - Harrisons Lane Ringmer APP/P1425/W/22/3300691 and APP/P1425/W/23/3315235 (200 dwellings/75 dwellings dismissed due to impact on setting of National Park (June 2023) (**CD10.6**)

- Chamberlains Lane (Land south of Lewes Road/Laughton Road) Ringmer APP/P1425/W/22/3299940 – 68 dwellings, dismissed due to impact on setting of SDNP (Feb 2023) (**CD10.7**)
- Ditchling Road, Wivelsfield APP/P1425/W/22/3305946 – 96 dwellings allowed (Feb 2023) (**CD10.8**)
- Nolands Farm, Plumpton APP/P1425/W/22/3300691 – 86 dwellings allowed (Dec 2022) (**CD10.9**)
- South Road, Wivelsfield Green; APP/P1425/W/22/3299370 – 45 dwellings allowed (Sept 2022) (**CD10.11**)

i. Recent Local Decisions in Lewes

- LW/25/0442 - Land north of Green Road, Wivelsfield Green (recommended or approval but refused by Planning Committee) (**CD11.1 – 11.4**)
- LW/24/0760 - Howells Bank Farm, Broyle Lane, Ringmer (recommended for approval, deferred by Planning Committee (**CD11.5 – 11.8**))

j. Economic Growth

- 4.44. Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth.
- 4.45. The Appeal Scheme generates a series of local and District-wide economic benefits, including (i) construction of the scheme, and the range of employment generated as a result, and (ii) the ongoing expenditure from the households purchasing and occupying the new homes.
- 4.46. The principal economic benefits arising from the scheme are summarised below:
- (i) Increased house building in an area where there is both need and 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) Based upon a multiplier of 3.4 jobs per new home⁹, up to 150 dwellings are estimated to create approximately 510 new jobs.
- (iii) Increased expenditure in the local area will support local FTE jobs.
- (iv) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £692,190¹⁰. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
- (v) In terms of household expenditure, data from the ONS Family Expenditure Survey 2023-24¹¹ shows that the 'average UK household spend' is £573.30 per week (Table A33) (or £29,893.50 per year), whereas in South East England it is 15.5% higher than the UK average (Table A33). This means average weekly spend per household is £662.00 (or £34,519 per annum). For the Appeal proposal, the total gross expenditure is estimated to be around £5.2million 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 Lewes District including those local to the Appeal Site. The expenditure per household will include a proportion of that spent on areas including food & non-alcoholic drinks (£69.70 per week); alcoholic drinks (£12.30 per week); recreation and culture (£82.20 per week), household goods and services (£40.80) and miscellaneous goods and services i.e. hairdressing & beauty treatments (£51.00 per week).¹² Given the current economic challenges facing the UK these are notable economic benefits.

4.47. 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 150 on the Appeal Site fully accords with 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.

4.48. As recorded in the Planning SoCG (**CD6.1**), the economic benefits from the Appeal Scheme are agreed to attract moderate weight.

⁹ See page 8 of the Homes Builders Federation "Economic Footprint of UK Housebuilding" (Sept 2024) - https://www.hbf.co.uk/documents/13965/The_Economic_Footprint_of_Home_Building_in_England_and_Wales_report_-_September_2024_v.pdf

¹⁰ 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 – Updated at March 2026 via Bank of England Inflation Calculator to £7,691 per dwelling, applied to the 60% market homes proposed.

¹¹ Family spending workbook 3: expenditure by region - Office for National Statistics (ons.gov.uk).

¹² Figures based upon South East Regional data in Table A33

Summary of My Position on the Main Issues

Locational Sustainability

- 4.49. Section 9 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, including through limiting the need to travel and offering a genuine choice of transport modes. This is expanded upon at paragraphs 110 and 115.
- 4.50. As I have summarised in section two above, the locational merits of the Appeal Site are agreed between the parties to this appeal. Furthermore the evidence of Mr Dimblylow (**CD9.3**) sets out the locational merits of the Appeal Site and notes the location as being in the top 20% in the district in terms of transport sustainability. Additionally, the site is walkable to day to day needs and the primary school.
- 4.51. I have identified a conflict with the Development Plan in respect of the Site's location adjacent to – but outside – the settlement boundary of Wivelsfield Green. However, that conflict is afforded limited weight due to the fact that those boundaries are based on the CS's out-of-date strategy for addressing housing needs and also the fact that the Site is agreed to be sustainably located, even if positioned beyond the settlement boundary (noting that the aim of that policy was to direct development to sustainable locations).
- 4.52. Current housing needs significantly exceed the rate of which housing is currently being planned for and there is limited prospect of LDC bringing forward proposals to address this in the short to medium term. As per the analysis set out in section 2, LDC consider the Government's mandated targets to be unrealistic and arbitrary and are not proposing to meet those needs in full in their emerging plan (as confirmed in the Planning SoCG **CD6.1**). Rather, they are working on a plan to deliver 8,750 homes (falling far short of the 15,000 homes required over the plan period. The settlement boundaries were aimed at delivering development in sustainable locations – and the parties are agreed that this Appeal Site, outside a settlement boundary, is a sustainable location. As such, the policy intent is met.

- 4.53. On that basis, and on account of (i) the out-of-date spatial strategy; (ii) the fact that the settlement boundaries derive from that strategy and (iii) limited action by LDC to address housing needs in full; I afford limited weight to the Appeal Site's location outside the settlement boundary of Wivelsfield Green.
- 4.54. As set out in the evidence of Mr I Dimbylow (**CD9.3**) the Appeal Site is sustainability located, within walking and wheeling distance of a number of series and facilities including convenience store, post office, pub and primary school. As such, the Site is agreed to be a suitable location for development in accordance with NPPF paragraph 110.
- 4.55. In section 2 I set out analysis of Wivelsfield Green's position within the settlement hierarchy, noting that it has until recently been considered a 'service village' before being downgraded in the December 2024 report (which contains important errors and omissions in its assessment of Wivelsfield Green's facilities). Wivelsfield Green remains one of the more sustainable locations in which growth can be accommodated in Lewes District.

Landscape/ Character and Appearance

- 4.56. I have identified a conflict with Policy CP10 but noted that that policy is inconsistent with the NPPF in so far as it requires 'conservation and enhancement' of the landscape (rather than 'recognition of the intrinsic.
- 4.57. Paragraph 187(a) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). The Council's case does not suggest that the Site is a 'valued landscape'. As such, the higher protection afforded by paragraph 187(a) NPPF is not applicable. Rather, 187(b) applies.

Landscape Character

- 4.58. As Mr Atkin explains in his evidence, the Appeal Site is not identified in the Development Plan for its

landscape quality. Moreover Mr Atkin does not consider the Appeal Site to comprise a valued landscape. The Council have also confirmed that they do not consider the site to have 'valued landscape' status.

4.59. As Mr Atkin's evidence sets out, whilst the Appeal Scheme will give rise to changes to perceived character of the landscape at a site level, the impacts are not significant overall. The landscape impacts would be localised in extent and only experienced within the Appeal Site itself, or from locations immediately adjacent to it. His evidence is that the Appeal Site, whilst holding from local value, is otherwise a relatively ordinary reflection of local character. His evidence is that the Appeal Site does not display attributes that make it out of the ordinary, and the impacts of the Appeal Scheme are limited in scale and extent.

4.60. I adopt Mr Atkins findings, in concluding that the effects on landscape character will be limited and localised.

LGS

4.61. Section 6.7 of Mr Atkin's evidence considers the effects of the Appeal Scheme in relation to 'the LGS area. In section 6.3 he gives evidence on the character of Green Road and concludes that the open outlook across the Appeal Site (in the gap between the two settlement boundaries) has a role in appreciation the separation of the two distinct parts of the settlement but does not necessarily equate to a rural character. I adopt Mr Atkins' findings that the LGS plays a role as an open break between development but that the stretch of Green Road from which is it experienced is not tranquil or rural in character.

Local Green Space

4.62. I have identified that the Appeal Scheme complies with Policy 7 of WNP, which designates part of the Site as LGS. The policy refers to the NPPF, in terms of what can and cannot occur with the designated space.

4.63. The NPPF provides at paragraph 108 that proposals for development within LGS should be managed as per NPPF policy for the Green Belt. Accordingly, section 13 NPPF applies to the LGS part of the Site. Inappropriate development is by definition harmful in a LGS and should not be approved except in very special circumstances (NPPF 153). Paragraph 154 sets out exceptions where development is 'not inappropriate' in the Green Belt. Of particular relevance here are the following:

- 154(b) – facilities including buildings for outdoor sport or outdoor recreation
- 154(h)(ii) – engineering operations;
- 154(h)(iii) – local transport infrastructure which can demonstrate a requirement for a Green Belt location.

4.64. In all of the above examples it is also necessary to preserve the openness of the Green Belt and not to conflict with the purposes of including land within it. As I have indicated above, the consultation draft NPPF (**CD8.6**) proposes to change this test to 'minimise impacts on openness' which allows for more change.

4.65. The Appeal Scheme is submitted in outline. There is a parameter plan (**CD2.4**) which would fix the scope of the Reserved Matter applications. It shows that the LGS would be used predominantly as green space (with public access) but could accommodate the internal access road from Green Road to the new housing area. It also identifies with a pink star and area of land which could be made available for Wivelsfield Primary School or for community use. No development is proposed in that area.



Figure 6 Extract of Parameter Plan CD2.4

- 4.66. All of the above would preserve openness and not conflict with the purposes of Green Belt designation. Openness can be preserved despite some change on the ground. The Court of Appeal decision in *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC* [2018] EWCA (Civ) 489 (**CD17.3**) discussed the concept of 'preservation' in this regard, finding that preservation does not mean 'no change' but rather 'no harm' (paragraph 39).
- 4.67. It is clear from the drafting of the NPPF that not all development in the Green Belt is treated equally. Certain 'other forms of development' listed in 154(h) are not inappropriate so long as they preserve openness and do not conflict with GB purposes. By contrast, extensions to existing buildings (154(c)) must not be a disproportionate addition, requiring detailed volumetric analysis to assess impacts on Green Belt openness.
- 4.68. If it were not possible to carry out those 'Other' forms of development listed in paragraph 154(h)

without preserving openness, then such an exception would not have been created in the NPPF .This was a point made by Lord Carnworth in the Supreme Court decision *Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council* [2020] UKSC 3: (**CD17.2**)

"The concept of "openness" in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: "to prevent urban sprawl by keeping land permanently open ...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land."

4.69. Thus, in the present case, the proposal proposes a local road (accessing only this LGS and development site, with no 'through traffic'. There is a clear need for this road to be located within the LGS, as set out in the evidence of Mr Dimbylow (paragraph 4.2 at **CD9.3**). The road would have be screened by additional landscaping at reserved matters/ detailed design stage, as set out in the evidence of Mr Atkin (**CD9.2**). A limited number of vehicles would utilise this local road, as set out in the trip generation analysis in section 6 of the Transport Assessment **CD1.10** (which ESCC Highways have agreed as being acceptable), Table 6.1 of the TA at CD1.10 confirms that the Appeal Scheme would generate up to 68 vehicle trips in the morning peak hour and 76 in the evening peak hour. It is not considered that this is a level of traffic would render this 'local transport road' as being one which does not 'preserve openness' – given that the Government clearly anticipated that local transport infrastructure is capable of preserving openness. (hence including in 154(h) and its predecessor in the NPPF).

4.70. Nor is there any impact on the purposes of Green Belt, noting that this road will not lead to any

'urban sprawl' in an open area of countryside. By definition this LGS is local in character and extent (which is a requirement of designation) (see NPPF 107(c) NPPF which requires the LGS be "local in character and is not an extensive tract of land." It was not designated for reasons related to NPPF paragraph 143 (the purposes of Green Belt). The LGS does not serve a purpose in checking unrestricted sprawl of large built-up areas; it does not prevent neighbouring towns from merging; it does not preserve the setting of any historic town or assist in urban regeneration. The LGS designation does assist in safeguarding the country from encroachment but this proposal does not conflict with that purpose. The land will retain an open undeveloped character.

- 4.71. If the Inspector does not agree, and considers that the proposal does not comply with the NPPF paragraph 154 exception, then substantial weight would need to be given to that "Green Belt" harm in the planning balance. However, the NPPF is clear (at paragraph 153) that if potential harm arising (including both the harm to Green Belt/LGS and any other harms) is clearly outweighed by the scheme benefits, the paragraph 153 test is passed. In such circumstances the NPPF would support development as being 'appropriate' and the development would be consistent with national policy for Green Belt (and therefore, LGS). It is my evidence that the 153 test is passed as there are benefits that clearly outweigh any harm to the LGS (in terms of openness) and landscape harm. The designation of LGS is not directly related to Green Belt purposes. That is to say, whilst LGS are to be protected as per Green Belt, they do not in fact serve those same paragraph 143 NPPF purposes. LGS is by definition local in nature rather than part of any larger more strategic network of open land. Therefore, the only harm arising, for the purposes of the balance under 153 of the framework, if it is engaged, is the impact to openness (if indeed the Inspector were to find such harm arises) and the other landscape harm and conflict with the spatial strategy which has been identified. These collective harms are outweighed by the significant benefits of housing delivery, affordable housing, (in a location which is agreed to be sustainable), land for education/ community use (which the education authority accepts will be necessary to meet growth – see Education report at WB1 appended to this proof), economic, social and environmental benefits and indeed, the proposal to make that LGS area available for public access and recreation (which is not presently the case). For reasons I come back to at the end of this proof, in addressing paragraph 11(d), there is no strong reason for refusal on LGS grounds, and the tilted balance of 11(d)(ii) is engaged. It is my evidence that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when

assessed the NPPF taken as a whole, having particular regard to the key policies referenced in Paragraph 11(d)(ii).

Planning Obligations

- 4.72. Matters of detail, including in relation to the likely financial contributions are to be agreed as part of the preparation of a legal agreement.
- 4.73. Subject to meeting the necessary tests at paragraph 58 of the NPPF, it is considered that the following (which list is not exhaustive as the S106 remains in progress at the time of settling my evidence) will be provided for in a legal agreement:
- Affordable Housing (40% on site – up to 60 dwellings)
 - On-site public open space provision (including the LGS)
 - Sustainable Transport/ Travel Plan.
- 4.74. Lewes District is a CIL Charging Authority and financial contributions will also be secured at the reserved matters stage once the amount of proposed floorspace is fixed.

5. PLANNING BALANCE: SUMMARY AND CONCLUSION

The Appeal Scheme

- 5.1. The Appeal Scheme proposes an outline application for up to 150 residential dwellings (including 40% affordable housing), with associated works, parking, landscaping, publicly accessible open space, land for education or community use, with access from Green Road and Eastern Road (all matters reserved except for access).

Development Plan

- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the statutory requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 5.3. In this instance, the location of the Appeal Site beyond the settlement boundary for Wivelsfield Green as defined in the Joint Core Strategy (2016), means the Appeal Scheme is in conflict with the development plan as a whole on account of its conflict with Policies SP2 and CP10 of the CS, DM1 of LPP2, Policy 1 of WNP and Policy DS1 of DSWNP.
- 5.4. However, I attach reduced weight to the conflicts with these policies because, for the reason I have explained, they are not consistent with the Framework. I afford limited weight to the conflict with the spatial strategy and moderate weight to the landscape harm.
- 5.5. LDC accept (as recorded in the recent Newick Appeal decision (**CD10.1**)) that the settlement boundaries need to be breached in order to address identified housing needs in full. Such acceptance is also confirmed in the Planning SoCG (**CD6.1**).

Material Considerations

- 5.6. The Council is not able to demonstrate a five-year supply of deliverable housing land.
- 5.7. The Council and Appellant agree there is only 2.77 years' housing land supply in the five year period.
- 5.8. As such, it is common ground between the Council and Appellant that the Council is not meeting the requirements at paragraphs 61 or 78 of the NPPF. In the circumstances, the presumption at 11(d) of the NPPF is engaged.
- 5.9. As I have explained, it is my position that the Appeal Scheme falls to be determined under paragraph 11(d)(ii) of the NPPF. This is based on my assessment that there are no NPPF footnote 7 strong reasons for refusal. The proposals in respect of the LGS part of the Site are not 'inappropriate development' by virtue of paragraph 154 NPPF. Even if this were not accepted, there are benefits that clearly outweigh all harms including LGS and any other harm (landscape). Accordingly the NPPF paragraph 153 test is passed. The substantial package of Scheme benefits arising (including the accepted housing shortfall and contribution made by this Scheme towards housing needs) clearly outweighs any harm to the LGS together with the conflict with the spatial strategy and the landscape harm which is considered to arise.
- 5.10. As 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, the tilted balance of paragraph 11(d)(ii) is engaged. I conclude that the adverse impacts of granting planning permission, comprising (i) conflict with the spatial strategy and (ii) localised landscape harm do not come anywhere close to "significantly and demonstrably" outweighing the benefits, when assessed against the policies in the NPPF 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.
- 5.11. The benefits from the Appeal Scheme 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.

5.12. The Appeal Site is agreed to be sustainably located, within a reasonable walking distance from Wivelsfield Primary School and the other services and facilities of Wivelsfield Green. The Appeal Scheme will contribute to meeting the substantial need for market and affordable housing in the current five year period.

5.13. Informed by my considerations in section 5 above, the weighting I give to the adverse impacts and benefits arising from the Appeal Scheme are summarised in **Table 4** below.

Table 4: Harms and Benefits

Harms	Weight
Conflict with the Spatial Strategy (beyond SPB)	Limited
Landscape and visual harm	Moderate
Loss of non BMV Agricultural Land	Very Limited (agreed weighting in Planning SoCG CD6.1)
Harm/suburbanisation of PRoW	Very Limited
Benefits	Weight
Provision of up to 90 market homes	Very Substantial
Provision of up to 60 affordable homes	Very Substantial
Delivery of Publicly Accessible Local Green Space	Moderate
Land for education/ community use	Moderate (agreed weighting in Planning SoCG CD6.1)
Economic Benefits (job creation and local expenditure)	Moderate (agreed weighting in Planning SoCG CD6.1)
Biodiversity Net Gain	Moderate (agreed weighting in Planning SoCG CD6.1)
Delivery of sustainably located homes	Moderate (agreed weighting in Planning SoCG CD6.1)

5.14. When carrying out my planning balance in the context of the presumption in favour of sustainable development at paragraph 11(d)(ii) of the NPPF, I conclude that **these benefits are not significantly and demonstrably outweighed by the adverse impacts**, having particular regard (as directed by paragraph 11(d)(ii)) to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

5.15. The parties are agreed that this is a sustainable location for development and that the Scheme delivers up to 60 affordable homes set against an acute need for the same. It is also agreed that the scheme is in outline, with only the means of access and the principle of development to be determined. As per the Planning SoCG appearance, landscaping, layout and scale are reserved for subsequent determination. As such, design matters will be dealt with at that stage. Based on the parameters put forward at this stage it is clear that a well-designed scheme can come forward at reserved matters stage.

5.16. As recorded in the Planning SoCG (**CD6.1**) the Council accepts that the delivery of housing and affordable housing attracts substantial positive weight.

5.17. The key difference between the parties, in terms of the planning balance is:

(i) conflict with the spatial strategy: the Council affords this moderate weight despite applying lesser weight on a site in close proximity (**CD11.1**), and accepting that the spatial strategy is out of date and that settlement boundaries need to be breached in order to address housing needs (**CD6.1**). They afford substantial weight to the delivery of housing, recognising the great importance of the need to address the housing shortfall and that the only way to do so is to breach settlement boundaries. I consider that the limited weight which I have afforded to this conflict is more appropriate in the circumstances.

(ii) landscape harm: the Council affords this substantial weight, whereas I afford moderate weight based upon the conclusions of Mr Atkin's evidence. The Council also separately affords additional moderate weight to harm to the character of the village.

(iii) Local Green Space: I consider the delivery of publicly accessible green space to be a scheme benefit of moderate weight whereas the Council affords this only limited positive weight, and also affords substantial negative weight to the internal access road passing through the LGS. The detailed design of the access road has not yet been developed and as explained in the evidence of Mr Atkin it is expected that the road can be screened with hedgerow planting. The LGS will retain an open undeveloped character. Local transport infrastructure such as a road of this nature

is identified by the government as an exception which is capable of preserving openness. Based on the evidence I conclude that openness will be preserved. As such I conclude that no harm arises and that the Appeal proposal is appropriate in this location.

5.18. For the reasons set out above it is my evidence to this inquiry that the Appeal should be allowed.
