

LAND SOUTH OF GREEN ROAD, WIVELSFIELD GREEN

Appellant's Opening and List of Appearances

Appearances

1. **Zack Simons KC** and **Poppy Kemp** instructed by **Brigid Taylor** of Woolf Bond Planning on behalf of **Taylor Wimpey UK Ltd** will call:
 - (i) **Ian Dimbylow** MEng CEng MICE MCIHT, Director at i-Transport (highways, transport and locational sustainability).
 - (ii) **James Atkin** BSc Hons Dip LM CMLI, Director at G+L Landscape Architects (landscape and visual matters, including character and appearance and Local Green Space).
 - (iii) **Brigid Taylor** MSc LLB MRTPI MEnvS PISEP, Director at Woolf Bond Planning Ltd (planning policy and the balance).

Opening



Wivelsfield Green in the foreground, the appeal site, then Burgess Hill beyond.

1. This part of Sussex has been failed by the planning system.
2. Years go by, national policies come and go. But through it all, this Council kept its head buried firmly in the sand. For too long, Lewes district has been frozen in aspic.
3. 56% of the district comprises the South Downs National Park – a landscape of the utmost importance both in policy and law. The High Weald National Landscape (formerly AONB) is immediately to its north, and of course it is bounded to the south by the English Channel.
4. Opportunities for growth in this district are limited. And they are particularly limited in sustainable locations which are unaffected by any high-level environmental designations, flood risk or coastal erosion.



5. Given that constrained geography, the position is clear: if this Council is to come anywhere *near* meeting its needs (and in particular its needs for housing), greenfield land on the edge of sustainable settlements outside the National Park designation will have to be released.

That is not a preference. That is an inevitability. There is no other option. The Council has recognised that fact for several years, it has repeatedly been acknowledged by planning inspectors, it is the premise of the Council's IPSHD strategy and it is agreed as part of this appeal.

6. Which is why, for all the documents before you, sir, the decisive question in this appeal is simple:

Do the scheme's harms significantly and demonstrably outweigh its benefits?

That is the test posed both by §11(d)(ii) NPPF and by the policy at §6.3 of the Lewes Local Plan. It is the determinative policy test for this appeal.

7. To answer that question, the starting point the collapse of the "plan-led" system in Lewes. The 2016 Local Plan (Joint Core Strategy) is now a decade old. Its preparation began well before even the adoption of the first NPPF in 2012. The plan is both technically out-of-date (i.e. by footnote 8 and §11(d) NPPF) and substantively out-of-date: it was designed to accommodate a housing requirement of just 275 dwellings per annum – a fraction of Lewes' actual needs. The standard method now requires 687 homes every year outside the South Downs National Park, rising to approximately 853 dpa for the district as a whole.
8. The Council's attempts to replace the old plan have stalled. After a high-level Issues and Options consultation in 2021 there had been almost no progress. A Regulation 18 consultation has now taken place in December 2025, but it is fundamentally flawed: it suggests meeting just over half of the Council's actual housing needs. Needs which this Council's leader has described variously as an "*absurdity*", as "*a cynical Westminster exercise in*

political theatre”, and as having “*as much to do with reality as the Loch Ness Monster*”.¹ The Council is not taking its plan-making responsibilities seriously. The plan-led system has not merely stalled; it has been abandoned as a mechanism for meeting this district’s housing needs.

9. A Regulation 19 consultation was promised this summer, but has not been delivered. The Council’s revised Local Development Scheme (February 2026) does not envisage a new Local Plan being adopted until winter 2027 at the earliest (which is, as we will see, highly optimistic – particularly in light of local government reorganisation in Sussex meaning that this Council will not exist from 2028).
10. Any *delivery* pursuant to an adopted plan in this area is many years away.
11. This breakdown in the plan-led system in Lewes has had real consequences for real people. Year after year, this Council has not come anywhere *remotely* close to meeting its real needs – including needs for market and affordable housing.
12. The Council accepts it cannot meet (and has not been able to meet for many years) the minimum requirement in the Framework of demonstrating a five-year supply of housing land. The shortfall is severe and it is chronic: the parties agree that the Council can demonstrate a supply of only 2.77 years – a shortfall of 1,535 dwellings over the next five years alone.
13. For affordable housing, the position is starker still. The 2023 Local Housing Needs Assessment identifies a need for 290 new affordable homes per annum outside the South Downs National Park. In the first five years of the LHNA period (2020/21 to 2024/25), only 658 gross affordable homes were delivered against a need for 1,450 – a shortfall of 792

¹ Ms Taylor’s proof, pp. 35-36.

affordable homes. Only 45% of needs were met. That is “nothing short of a social disaster”, to use Mr Stacey’s words.

14. When the backlog is factored in, need increases to 448 affordable homes per annum. The Council’s own corporate target is just 125 affordable homes per annum (2024–2028), yet in 2024/25 it delivered only 40 – a shortfall of 85 against even that modest ambition. The Housing Register stood at 748 households as at 31 March 2025 – a 17% increase on the previous year (which was itself a 22% increase on the year before that). 78 households were in temporary accommodation on 31 March 2024, with 53% having children. The Council spent £995,000 on temporary accommodation in 2024/25. These are real families, in real need, now.
15. The parties agree that there is an acute need for affordable housing in this district, and that the situation is only worsening with time. The picture is bleak. Lewes’ local planning system is failing in its most basic task. And those failures are having dire social, economic and environmental consequences: families unable to afford somewhere to live, unsustainable solutions with people being forced to find a home further away from where they work, shop and socialise. Economic growth which simply is not and cannot happen without sensible population growth. When it comes to this scale of failure to deliver housing, justice delayed is justice denied.
16. Indeed, the gravity of the Council’s planning failures is now formally recognised: the Council has been designated under section 62A and 62B of the Town and Country Planning Act 1990 for its poor decision-making on major applications and the number of appeals allowed. That designation is itself an indictment of the local planning system in this area.

17. Deliverable, sustainably located sites where growth can happen without impacting valued or designated landscapes are at a premium in this district. And that takes us to the appeal site at Green Road in Wivelsfield Green:



- (i) Wivelsfield Green is recognised in the adopted Local Plan as a sustainable settlement with a range of services and facilities. The parties agree that this site is a sustainable location for development. The site is within walking and cycling distance of a primary school, convenience store, post office, village hall and pub. Wivelsfield Railway Station is within a 15-minute cycle ride. The DfT Connectivity Tool places the site in the top 20% in the district for transport connectivity.
- (ii) There are no technical objections from any statutory consultee: no objection from the highways authority (East Sussex County Council), from Natural England, the County Archaeologist, the Lead Local Flood Authority, Sussex Police, the Public Rights of Way officer, Fire and Rescue Service, or the education authority. The site is wholly within

Flood Risk Zone 1. There are no statutory or local landscape designations. It is not within a Conservation Area and no listed buildings or scheduled monuments are affected. The site is not in a valued landscape – that is agreed.

18. In consequence, this is exactly the kind of site the Council is going to need to come anywhere close to meeting its needs and following the approach set out in its interim policy statement.
19. The Council now agrees that the site is in a sustainable location. It raises no highway concern. What remains is: (i) the extent of harm to landscape character and the countryside setting; (ii) the weight to be given to conflict with the spatial strategy; (iii) whether the proposals are consistent with policy for Local Green Space; and (iv) the balance.
20. On landscape, Mr Atkin will explain that the site is not in a valued landscape (a matter which the Council agree) and that any harm to landscape character is limited and localised. The development is sensitively designed: nearly 80% of the site is retained as green infrastructure. What is proposed is not just a broad mix of housing, but significant areas of open space, a community orchard, formal and informal recreational areas, amenity spaces and extensive tree planting. The scheme as a whole will sit comfortably within the wider landscape context without material harm to the character and appearance of the wider area.
21. The eastern part of the site includes designated Local Green Space. But no residential development is proposed on the LGS. Only the access road passes through a discreet portion, and adjacent to the existing edge of the settlement. The LGS will retain its open, undeveloped character. ESCC Education supports the 0.5-hectare land reservation for potential expansion of Wivelsfield Primary School. As Ms Taylor explains, the scheme is consistent with LGS policy and, in any event, even if the balance in §153 of the NPPF were engaged, it supports the grant of permission.

22. There are no technical constraints to the scheme coming forward well within five years – in relation to flooding, drainage, ecology, heritage, air quality, highways or anything else. The scheme will deliver up to 150 much-needed homes, including 40% affordable housing – up to 60 affordable homes – together with land for education or community use, public open space and biodiversity net gain. The benefits are not disputed; only their weight.
23. In the end, our case is straightforward: the adverse impacts do not outweigh – let alone significantly or demonstrably outweigh – the substantial benefits this scheme will deliver. The benefits of our scheme are profound. The imperative to bring them forward is compelling. Permission should be granted applying the balance at §11(d)(ii) NPPF and §6.3 of the Lewes Local Plan.
24. For those reasons, which we will develop in our evidence and in closing, we will ask you to allow the appeal.

ZACK SIMONS KC

POPPY KEMP

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