

# Review of Cuckfield Neighbourhood Plan



October 2017

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## Introduction

Tony Fullwood Associates were commissioned to conduct a review of the Cuckfield Neighbourhood Plan on 2 August 2017.

The brief was to assess the effectiveness of each of the Neighbourhood Plan policies against the targets included in Plan the using data provided by the Parish Council. In addition, the brief called for an overview of the effectiveness of the Neighbourhood Plan from adoption and in the light of an emerging Local Plan.

The Neighbourhood Plan period is 2011 – 2031 and this review provides monitoring data for the period 2011 – 2017 (April). Nevertheless, the Neighbourhood Plan was ‘made’ (formally adopted) by Mid Sussex District Council on 24 September 2014. The weight given to the Neighbourhood Plan in decision making was reduced prior to this date. For this reason, this monitor reflects the more limited status of the document prior to September 2014.

This report assesses the effectiveness of individual policies and indicates whether the monitoring target has been achieved as follows:

+	Monitoring Target Achieved
-	Monitoring Target Not Achieved
0	Insufficient data

The report also contains a recommendation on whether to review each policy.

The report concludes with an overview of the effectiveness of the Neighbourhood Plan from adoption and in the light of an emerging Local Plan.

## Policy CNP1 - Design of New Development and Conservation

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP1	Performance of new housing against Building for Life criteria	0	Parish Council will only assess for major developments.
	The area of the Parish covered by Conservation Areas	+	There has been no reduction in the extent of Conservation Areas due to insensitive development.
	The number of listed buildings within the Parish	+	There has been no loss of listed buildings in the Parish
	Number of trees, hedges, ponds affected by development	+	Generally there has been no loss of mature native trees, hedges or ponds within development sites. There will be a limited loss of trees at the Ardingly Road housing site but an improvement to the pond.

### Commentary

It is difficult to provide monitoring indicators which accurately reflect all aspects of this policy. There has been no adverse impact on the quantity of heritage assets within the Parish. Trees, hedgerows and ponds have generally been protected.

An appeal decision at 1 Woodbine Close, Cuckfield (Appeal Ref: APP/D3830/W/15/3139320) against refusal to allow the provision of a parallel parking bay in the side garden with a dropped kerb for access was dismissed by the Inspector referring to Policy CNP1 *which seeks development which responds to the distinctive character and reflects the identity of the local context*. The Inspector considered that *the proposed development would remove part of the soft, green buffer between the shared space and the house, and weaken the integrity of the spatially ordered street scene by introducing on-plot parking in the zone between the shared space and the house. This would undermine the attractiveness of the street scene, and would be at odds with the character of the rest of the development area*.

An appeal decision at Longacre Farm, Ardingly Road, Cuckfield (Appeal Ref: D3830/W/15/3017336) against refusal to allow the erection of a detached two storey, three bedroom dwelling was dismissed by the Inspector referring to Policy CNP1 which seeks development *that reflects the identity of the local context of Cuckfield*. The Inspector considered that *due to its size and siting in relatively close vicinity to existing buildings and the neighbouring fields, the proposal would represent a cramped and overly intensive form of development that would harm the site's rural character and landscape setting...For this reason I conclude that the proposal would have an unacceptable effect on the character and appearance of the area*.

The wording of Policy CNP1 proved appropriate in these cases and full weight was attached to the policy.

Recommendation: no need to review Policy CNP1.

## Policy CNP 2 – Protection of Open Space within the Built Up Area

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP2	Number of hectares of Important Open Space lost due to development.	+	No Important Open Space has been lost to development.

### Commentary

There has been no loss of the designated Important Open Space within the Built Up Area Boundary and this target has been met.

Recommendation: no need to review Policy CNP2.

## Policy CNP 3 - Preventing Coalescence between Cuckfield and Haywards Heath

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP3	Number of buildings developed outside the BUAB between Cuckfield and Haywards Heath.	-	4 dwellings permitted at Broad Street on appeal and other garden sites granted permission.

### Commentary

The target is that no new buildings should be built outside the BUAB as defined in the Neighbourhood Plan between Cuckfield and Haywards Heath.

The cases below illustrate the impact of the policy.

#### **Erection of 20 no. dwellings (APP/D3830/W/15/3038217)**

The Inspector concluded:

*I recognise the site does provide a significant green finger up to the developed edge of the village extending between Cuckfield and Haywards Heath and that the scheme would occupy undeveloped land and would thereby bring built development within the site itself closer to Haywards Heath to the east... Nevertheless, the scheme would not generally intrude beyond the existing closest point of Cuckfield to Haywards Heath which lies to the north but would instead broadly follow the sweep of the rear property boundaries of those existing dwellings. Accordingly, I do not consider the scheme would materially harm the overall relationship between the two settlements by increasing their physical proximity... I accept the scheme would undoubtedly lead to some loss of openness and would increase density within the curtilage of the appeal site itself, and I have had regard to those matters in my consideration of character and appearance. Nevertheless, given the particular physical disposition of the appeal site and its relationship to the closest part of Haywards Heath as described, I do not find the scheme would contribute to a materially greater physical coalescence of the two settlements.*

Nevertheless, the appeal was dismissed.

#### **Erection of four detached houses with garages (APP/D3830/W/15/3129329)**

The inspector again dismissed the points concerning coalescence and, given the substantial extent of rear gardens, considered the scheme would only incur a limited impression of development in views from Haywards Heath, and the limited intensity of development would not present a particularly solid frontage in main views from Broad Street. This appeal was allowed.

### **Riseholme Tylers Green Cuckfield**

An outline application with all matters reserved for the erection of three detached houses (DM/16/3795) was permitted by Mid Sussex District Council. Houses were sited within the curtilage of an existing dwelling abutting built development.

The Parish Council recommended to the District Council that the application be refused and quoted Neighbourhood Plan CNP3 Preventing coalescence between Cuckfield and Haywards Heath.

The Committee report considered CNP3 - Preventing Coalescence a relevant policy which was not out of date under paragraph 49 of the NPPF following the Supreme Court ruling. Nevertheless, the weight to be given to this and other policies is considered to be reduced in the context of the lack of a 5 year housing land supply. Indeed, the Council could not demonstrate an agreed 3 year supply of housing land which would have brought into play the Ministerial Statement of 12 December 2016 and ensured that the Neighbourhood Plan policy was not out of date. The precedent of the adjoining proposed dwellings granted on appeal was a factor.

### **Tyes, Tylers Green, Cuckfield**

Outline planning consent was granted by MSDC with all matters reserved for the erection of a detached dwelling (DM/16/0758). The house is sited within the curtilage of an existing dwelling. Parish Council objected partly on CNP 3 b) *by virtue of its contribution towards coalescence between Cuckfield and Haywards Heath and thus increasing density of development within.*

The delegated report states: *it is noted at this stage that this application site is situated between adjacent development, within an existing garden in a well enclosed setting, and so would not result in an intrusion into open countryside. The proposal would add development within the gap, however this does not necessarily equate to a reduction in the gap which would contribute to coalescence or reduce settlement identity... Given the site's characteristics and the presence of adjacent development, it is not considered that the proposal would reduce the separate identities of Cuckfield and Haywards Heath in a materially harmful manner. The proposal would not extend either settlement towards the other; rather it would slightly increase the density of intervening development. This does not imply with coalescence of the two settlements and no clear conflict is therefore found with the aspiration of policy CNP3.* Council cannot currently demonstrate a five-year housing land supply for the District. Pre Ministerial Statement and therefore CNP3 considered out of date.

### **Chownesmead Cottage, Chownes Mead Lane**

14/03764/FUL - Demolition of an existing dwelling and erection of a replacement dwelling with associated landscaping. Cuckfield Parish Council considered that the application conformed with CNP3 a) giving a more 'open feel' to the gap between Cuckfield and Haywards Heath. The Policy was not listed as one of the relevant policies in the officer's delegated report

DM/15/3119 - Resubmission of approved application 14/03764/FUL (for erection of replacement dwelling) to include detached garage and repositioning of dwelling away from mature trees. Cuckfield Parish Council registered no objections.

DM/17/0577 - Cuckfield Parish Council comment to erection of leisure wing and tennis court and extension of residential curtilage: *The proposed building was felt to be very large, and was outside the built up area boundary as defined within the Neighbourhood Plan.* No reference was made in the Parish Council comment to Policy CNP3 and the Policy was not listed as one of the relevant policies in the officer's delegated report.

### **Pentland Farm, Haywards Heath**

Pentland Farm is a large site between Cuckfield and Haywards Heath granted outline planning consent for up to 210 dwellings on appeal in January 2015. The site sits outside the Cuckfield Neighbourhood Plan area and therefore Policy CNP3 had no locus on the application. It does not appear from the District Council's report that Cuckfield Parish Council objected to the proposal. Nevertheless the coalescence between Haywards Heath and Cuckfield was given consideration by the Inspector. The Inspector considered that the proposal would result in some erosion of the strategic gap between Haywards Heath and Cuckfield but that the site was towards the northern end of the gap, where it is at its widest and that there would still be an undeveloped gap of about 1km at this point. He considered that due to the intervening trees and woodland there would be no views of development on the appeal site from the eastern edge of Cuckfield. The Council's lack of a five year supply of housing was also given considerable weight in this decision.

### **Conclusion from Case History**

In the absence of a five year housing land supply and a liberal interpretation of the policy, it has not been possible for this policy to meet its objective and the Neighbourhood Plan monitoring target has not been met.

In terms of the Broad Street appeals (which resulted in the loss of most of a greenfield gap at the road frontage) the Inspector found that neither proposal would materially harm the overall relationship between the two settlements by increasing their physical proximity. The Inspector seemed to be suggesting that because the scheme did not abut Cuckfield (and by inference left a gap) and projected no further back from the road than existing development that the development would not materially harm the overall relationship between the two settlements by increasing their physical proximity. He also had regard to the unbuilt gap which would remain behind the permitted 4 dwellings and the visual permeability of the lower density linear development. The precedent of this appeal was a factor in the consideration of subsequent applications.

Infill sites between Cuckfield and Haywards Heath, whilst inevitably increasing the density of development, do not necessarily increase coalescence or reduce the identity of the two settlements and have not all been opposed by Cuckfield Parish Council. In this respect the monitoring target of **no** new buildings outside the Built Up Area Boundary between Cuckfield and Haywards Heath is unrealistic.

Recommendation:

The Parish Council should, in cooperation with Haywards Heath Town Council, revisit the purpose of this policy and consider whether there is undeveloped land between Cuckfield and Haywards Heath which is helping prevent coalescence. If this is the case this Policy should not be reviewed.

I do not recommend reviewing the Built Up Area Boundary in this location as the Inspector for the Broad Street appeal seemed to give some support to the remaining narrow street frontage gap immediately south of the designated Boundary.



## Policy CNP 4 – Protect and Enhance Biodiversity

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP4	Condition of nature reserve buffer zones within Plan area.	+	Parish Council considers there has been no deterioration in the condition of these buffer zones.
	Data from Sussex Biodiversity Records.	+	Parish Council considers there has been no loss of species rich hedgerow and no deterioration in the quality of the biodiversity in the Parish. The number of hectares of re-created priority habitats is set to increase.
	Sustainable Drainage	+	The Ardingly Road development has a SUDs scheme. The SUDs scheme at Bylanes is not working.
	Amount of species rich grassland and number of trees, hedges, ponds affected by development.	+	Ardingly Road pond improvements.

### Commentary

The Parish Council report no deterioration in the condition of nature reserve buffer zones; no loss of species rich hedgerows and no deterioration in the quality of the biodiversity in the Parish. The number of hectares of re-created priority habitats is set to increase with land transferred to the Parish Council as part of the Ardingly Road and Bylanes developments.

Both the Ardingly Road and Bylanes housing developments development have a SuDS scheme. Whilst the latter is not working, this is an enforcement issue rather than a deficiency in the Neighbourhood Plan policy.

The amount of species rich grassland and number of trees, hedgerows, ponds affected by development has changed little. Most developments have protected existing trees and hedgerows whilst the pond at Ardingly Road has benefited from improvements.

Recommendation: no need to review Policy CNP4.

## Policy CNP 5 - Protect and Enhance the Countryside

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP5	Landscape value and sensitivity in land parcels identified in the Landscape Character Assessment.	-	There will be deterioration in an area of substantial landscape sensitivity as defined in the Landscape Character Assessment from new development at Broad Street.
	External views	-	Partial loss of identified views at Courtmead Road (single dwelling approved) and Broad Street (4 dwellings approved). Views at Ardingly Road and Bylanes to be protected in the long term by transferring land to Parish Council.

### Commentary

The target for this monitoring indicator is for there to be no deterioration in areas of major or substantial landscape value or sensitivity as defined in the Landscape Character Assessment from new development outside the Built Up Area Boundary.

To date, the Neighbourhood Plan has generally been successful at deterring development in the countryside beyond the Built Up Area Boundary defined in the Neighbourhood Plan. The Policy has a number of distinct components which are assessed separately below:

#### ***Impact on areas having major or substantial landscape value or sensitivity***

This criterion has been tested in two appeals at Broad Street where a site formed part of an area of substantial landscape sensitivity:

#### **Erection of 20 no. dwellings (APP/D3830/W/15/3038217)**

The Inspector found that the appeal site contributes to a distinctly open, rural setting to the east of Broad Street, albeit enclosed behind the hedgerow.

*I find the scheme would introduce a harmful change in the character and appearance of the site from an open rural setting to a highly urbanised one, and one jarring in its physical form with the existing immediate pattern of built development. Accordingly, the development would be contrary to...Policies CNP1 and CNP5 of the NP.*

## **Erection of four detached houses with garages (APP/D3830/W/15/3129329)**

The Inspector still concluded that this smaller development would be harmful to the character and appearance of the appeal site

*Notwithstanding sensitive aspects of the design, and the relatively open form and character of the site reflecting its low density, I still find that the proposed development would be harmful to the character and appearance of the appeal site and the surrounding area. In particular, the scheme would still involve some loss of countryside and its associated intrinsic rural character.*

In these cases, weight was given to the absence of a five year supply of housing land which meant that Policy CNP5 was considered out of date.

### ***Impact on the landscape setting***

An appeal decision at Longacre Farm, Ardingly Road, Cuckfield (Appeal Ref: D3830/W/15/3017336) against refusal to allow the erection of a detached two storey, three bedroom dwelling was dismissed by the Inspector referring to Policy CNP5 (c) which seeks development that *does not have an adverse impact on the landscape setting of Cuckfield*. The proposal was located just beyond the built up area boundary of Cuckfield on a site which the Inspector considered had a rural character and setting. The Inspector considered that *due to its size and siting in relatively close vicinity to existing buildings and the neighbouring fields, the proposal would represent a cramped and overly intensive form of development that would harm the site's rural character and landscape setting...For this reason I conclude that the proposal would have an unacceptable effect on the character and appearance of the area.*

### ***Impact on External Views***

In relation to external views, there will be a partial loss of identified views at Courtmead Road (View 10) - where a single dwelling has been approved - and Broad Street (View 9) where 4 dwellings have been approved.

In the case of Courtmead Road, the decision was exceptional as the District Council granted itself planning permission on land which it owned, despite High Court challenges. The Council accepted that some harm may arise from this proposal as a result of the loss of panoramic views out of and across the site to the south but considered the views into/across the site were only one component of the Conservation Area as a whole. Significant weight was given to the absence of a five year supply of housing land. Importantly, the decision was made before the Neighbourhood Plan was made (adopted) and, as there were objections to this policy, it carried limited weight at the time the decision was made.

In the case of Broad Street, the Neighbourhood Plan had been made (adopted) at the time the appeals into development comprising 4 dwellings and 20 dwellings.

### **Erection of 20 no. dwellings (APP/D3830/W/15/3038217)**

The Inspector noted Map 5 of the Neighbourhood Plan defines external views from Cuckfield and that this includes View 9 which identifies the outlook east from the site entrance in Broad Street. For this appeal this part of the policy was effective in helping to defeat this larger development:

*The illustrative drawings indicate that the proposed built form would be likely to constrain the margins of the existing view southwards from the entrance, but the immediate outlook directly east from the entrance would be similar to that existing. Nevertheless, views south would be interrupted and the existing overall perception of countryside immediately adjacent to the Broad Street frontage would be lost to the physical presence of the development. In environmental terms, however, the scheme would incur loss of ...some open public views across the site.*

### **Erection of four detached houses with garages (APP/D3830/W/15/3129329)**

Weight was given to the absence of a five year supply of housing land which meant that Policy CNP 5 was considered out of date. Nevertheless, the approved application precisely maintained the cone of vision identified in the Neighbourhood Plan as a distinctive view (View 9; Map 5). In addition the Inspector considered

*The limited intensity and extent of built form would also mean that some higher level views east from Broad Street would be retained between the frontages of the four dwellings.*

In this case, the Neighbourhood Plan provided a precise constraint which was respected by the approved scheme.



It should also be noted that the views at Ardingly Road (View 5) and Bylanes (View 3) will be protected in the long term through the transfer of land to the Parish Council as part of the development of adjoining land.

## **Mid Sussex District Plan**

Mid Sussex District Council are proposing a number of modifications to their submitted Local Plan in an attempt to make their Local Plan sound. As one of the main modifications, the District Council proposes to support the growth of settlements where this meets identified local housing, employment and community needs outside defined built-up area boundaries where the proposed development is for fewer than 10 dwellings and the site adjoins is contiguous with an existing built up area of settlement. If this proposed change becomes part of the District Plan, the purpose of the Built Up Area Boundary at Cuckfield or any other settlement in the District would be severely diminished and it would be more difficult for Policy CNP5 to be effective in restricting development in the countryside.

### Recommendation:

As with all constraining policies, Policy CNP5 has been less effective as the local planning authority has not been able to demonstrate a 5 year housing land supply as was the case of the permission for 4 dwellings at Broad Street.

Nevertheless, most parts of the policy have proven effective with the precise viewing cone defining development approved at Broad Street and the setting of Cuckfield upheld.

There is a case for showing the areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity on the Proposals Map as they may illustrate these constraints more clearly for those using the plan, particularly District Planning Officers determining planning appeals.

The Parish Council should respond to the proposed modifications to the District Plan during the formal consultation period.

## Policy CNP 6 - Housing Allocations

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP6	Number of new dwellings delivered within the Parish area during the Plan period (net)	+	See more detailed table below
	Number of new dwellings delivered on allocated housing sites within the Plan period (net)	+	Horsgare House and The Manor House under construction; 11 Manor Drive has planning consent.

### Annual Completions During Plan Period

Completions in plan period 1st April 2011 to 1st April 2012	Completions in plan period 1st April 2012 to 1st April 2013	Completions in plan period 1st April 2013 to 1st April 2014	Completions in plan period 1st April 2014 to 1st April 2015	Completions in plan period 1st April 2015 to 1st April 2016*	Completions in plan period 1st April 2016 to 1st April 2017	TOTAL 2011 – 2017 (net dwellings)
27	23	3	35	21	4	115

### Completions on Neighbourhood Plan Housing Allocations

Neighbourhood Plan Allocation	Site	Estimated Capacity	Achieved Capacity	Residual capacity
Policy CNP6a	Former Court Meadow School	10	0	10
Policy CNP6b	Horsgate House	TBD	30 <sup>1</sup>	0
Policy CNP6c	The Manor House	15	4 <sup>2</sup>	5
Policy CNP6d	11 Manor Drive	3	3 <sup>3</sup>	0
<b>TOTAL</b>			<b>37</b>	<b>15</b>

<sup>1</sup> Under construction

<sup>2</sup> Planning permission granted

<sup>3</sup> Planning permission granted

## Commentary

Good progress is being made towards the Neighbourhood Plan target of at least 130 dwellings during the Plan period to 2031 with 115 dwellings completed by April 2017.

At April 2017, there were a total of 32 extant planning permissions/ prior consents including The Manor House (4 dwellings) and 11 Manor Drive (3 dwellings) as well as 25 dwellings at Horsgate House which are under construction under prior notification. There is a stock of planning permissions for 21 dwellings on small windfall sites which will have a maximum implementation period of 3 years. This demonstrates that the cautious estimate of 10 additional dwellings through windfall sites over the Plan period will be exceeded.

There remains capacity at Courtmead School and The Manor House (the latter potentially through conversion) for 15 dwellings if both sites remain available.

The target of at least 130 dwellings will be met during the Plan period given progress to date; extant planning permissions and capacity on remaining housing allocations.

The target of delivering 9 dwellings on allocated sites will be met on the completion of The Manor House (4 dwellings); 11 Manor Drive (3 dwellings) as well as 25 dwellings at Horsgate House.

## Mid Sussex District Plan

The Mid Sussex District Plan Inspector has recently recommended an increase in the objectively assessed housing need for the district in the period to 3031 – the Neighbourhood Plan period. He has also sought clarification of the spatial strategy by establishing the approximate number of dwellings expected in each settlement or groups of settlements. The District Plan Inspector states:

*Up to now, neighbourhood plans have been produced without sufficient guidance of this sort and indeed without the knowledge of the OAN and housing requirement. Future plans, both neighbourhood plans and the Site Allocations Plan, must take account of both the housing requirement and the numbers of new homes expected in each settlement otherwise they could well be at variance with the District Plan's spatial strategy and be unsound themselves. The District Plan must state that all future rounds of planning at the level below the District Plan must take into account the District Plan's spatial strategy and the amounts of development it expects at particular settlements.*

In order to meet the Inspector's requirements, Mid Sussex District Council are proposing a number of modifications to their submitted Local Plan to make their Local Plan sound. The main modifications include:

- An increase in the minimum District housing requirement to 16,390 dwellings between 2014 – 2031 at an average of 876 dwellings per annum (dpa) until 2023/24 and thereafter an average of 1,090 dpa between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

- The need for additional site allocations to deliver a Minimum Residual requirement from 2017 onwards of 2,439 dwellings across the District by 2031, as allocated through future Neighbourhood Plans and the Site Allocations document. Copthorne, Crawley Down, Cuckfield, Hassocks and Keymer, Hurstpierpoint and Lindfield will together need to allocate an additional 838 dwellings.
- The minimum requirement for Cuckfield over the plan period 2014 - 2031 is proposed to be 200 dwellings. The minimum requirement to 2023/24 is 125 dwellings - with a stated 120 dwellings already completed; with planning permission or allocated in the Neighbourhood Plan. The District Council proposes allocations for an additional 200 dwellings at Cuckfield though it is noted that during the life of the plan it is likely that the settlement requirements will need to change. No strategic housing site(s) are identified at Cuckfield.
- The District Council indicate that the increased District Plan housing requirement to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.

A six week consultation period from 2 October to 13 November 2017 allows the Parish Council the opportunity to respond to the proposed modifications. The Parish Council's PHLAA indicated limited capacity for a significant increase in dwellings. The Parish Council will need to review the PHLAA to see whether any of the constraints restricting development could be overcome and respond to the District Council accordingly.

Should the modifications become part of the adopted District Plan, this will have implications for neighbourhood plans in the District including the Cuckfield Neighbourhood Plan. Whilst the proposed modification currently seeks further allocations for 200 dwellings at Cuckfield, the District Council indicate that the increased District Plan housing requirement to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply. Nevertheless, the District Council is committed to commencing preparation of a Site Allocations DPD in 2017 and for it to be adopted in 2020.

As the more recently adopted development plan, the District Plan will set the strategic housing target for Cuckfield, and the target set within the Neighbourhood Plan will be superseded. If a housing target increase is confirmed, the Parish Council will have a choice. The Parish Council could decide to review the made Cuckfield Neighbourhood Plan and reduce/ eliminate the number of sites that need to be found in the District Council's Site Allocations document. In this way, the Parish Council would take control of the location and scale of the sites to be allocated. If this were the decision, the Parish Council would have to commence an update of the Neighbourhood Plan in the short term in order to seek to influence the Site Allocations DPD. Given the existing evidence base and local knowledge, it is likely that a Neighbourhood Plan could proceed with greater speed than the District Plan. Alternatively, the Parish Council could decide not to review the Neighbourhood Plan and await the District Council's Site Allocations Development Plan. In this scenario, the District Plan and Site Allocations document would both supersede the Cuckfield Neighbourhood Plan.

Recommendation – The Parish Council should review their PHLAA.



The Parish Council should respond to the proposed modifications to the District Plan during the formal consultation period. Should an increased housing target up to 2031 be confirmed, the Parish Council will need to decide in the short term whether to review the Neighbourhood Plan to accommodate the new target or to defer to the District Council the role of allocating new sites in the Parish for housing development.

## Policy CNP 7 - Housing Development within the Built Up Area Boundary

### Commentary

There is no separate monitoring indicator which assesses the effectiveness of this criteria-based policy which assesses the suitability of proposals in relation to the context of the development site.

The Parish Council have conducted an audit of the Parish Council's interpretation of this policy with that of the District Council (who ultimately determine the planning application) – see table below:

Performance of CPC Planning committee on application recommendations	Total Applications	CPC No objection MSDC Approved	CPC Objection MSDC Refused	CPC Objection MSDC Approved	CPC No objection MSDC Refused	Difference in outcome
Residential Extensions	28	17	0	9	2	11
Detached Outbuildings/Garages	14	13	0	1	0	1
New House on Existing Plot	2	1	1	0	0	0
Number of extensions and dwelling applications reviewed by CPC	<b>44</b>	<b>31</b>	<b>1</b>	<b>10</b>	<b>2</b>	<b>12</b>

There has been agreement on the vast majority of cases. This proves the effectiveness of the policy in providing an appropriate framework within which:

- designers can prepare successful designs, and
- assessors of proposals can come to a clear and consistent view.

There has, nevertheless, been a significant minority of cases (almost all concerning residential extensions) on which the Parish Council has lodged an objection and which the District Council has approved. This is discussed under Policy CNP10 below.

Recommendation – Recommendation: no need to review Policy CNP7.

## Policy CNP 8 - Affordable housing

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP8	Number of new shared ownership dwellings delivered within the Parish area during the Plan period (net).	-	All new developments should have more than 50% shared ownership on all affordable schemes

### Commentary

The Neighbourhood Plan seeks to deliver 38 new additional affordable homes within the Plan period to help meet identified need.

17 affordable homes were delivered at Bylanes and 15 at Chatfield Road. The Former Court Meadow School allocation should generate a further 3 affordable dwellings.

Meeting the target has been adversely affected by the net loss of 5 affordable dwellings at Yew Tree Court, Glebe Rise.

There do not appear to be any further opportunities to achieve additional affordable housing at Cuckfield and therefore the target of 38 additional dwellings is likely to be missed.

In addition, the monitoring target seeks more than 50% shared ownership within affordable schemes. There has been a net loss of 5 shared ownership properties at Glebe Rise and no compensating additional shared ownership dwellings since the Neighbourhood Plan was made.

Recommendation: There is not a significant shortfall in meeting the affordable housing target. The Neighbourhood Plan already states that some of this demand will be met by the turnover of existing affordable stock. The Parish Council could investigate the level of turnover during the plan period to assess how much this has contributed to additional local supply. There is no need to review Policy CNP8.

## Policy CNP 9 – Small Scale Dwellings

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP9	Number of new development proposals of 5 dwellings or more (gross) delivered with some 1 or 2 bedroom dwellings.	0	Only one new development of 5 dwellings or more (gross) permitted at Delmon House London Road since the NP was made.

The Neighbourhood Plan target is for all new developments of 5 dwellings or more (gross) to include 1 or 2 bed dwellings.

It appears that the following developments exceeded the threshold:

- Bylanes
- Chatfield Road
- Ardingly Road
- Delmon House London Road

The developments were permitted before the NP was made.

The threshold of 5 dwellings means that there is insufficient evidence on which to test the policy. It would be inappropriate to lower the threshold as this is likely to be considered too inflexible and potentially unviable.

Recommendation: no need to review Policy CNP9 unless the Neighbourhood Plan is to be reviewed.

## Policy CNP 10 – Building Extensions Within and Outside the Built Up Area Boundary

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP10	Number of objections to residential extensions from the parish council.	-	See below

### Commentary

The Parish Council have conducted an audit of the Parish Council's interpretation of this policy with that of the District Council (who ultimately determine the planning application) – see table below:

Performance of CPC Planning committee on application recommendations	Total Applications	CPC No objection MSDC Approved	CPC Objection MSDC Refused	CPC Objection MSDC Approved	CPC No objection MSDC Refused	Difference in outcome
Residential Extensions	28	17	0	9	2	11

There has been a significant minority of cases (almost all concerning residential extensions) on which the Parish Council has lodged an objection and which the District Council has approved. There have been particular differences in relation to:

**a) The scale, height and form fitting unobtrusively with the existing building, or curtilage for new dwellings, and the character of the street scene**

Often the District Council cite the lack of uniformity within the street scene and the individuality of appearance of a dwelling within this wider context. In addition, if development is of limited scale, it is generally not considered to be harmfully obtrusive or inappropriate to the character of the area.

**d) Materials being compatible with the materials of the existing building**

Where a dwelling is not considered to have any particular architectural or historical character, the District Council has rejected the need for matching materials - particularly if a street no longer has a uniform appearance (DM/16/1265). Indeed, new materials have been considered to update the appearance and add interest to a property. In addition, the alterations that can be carried out to the façade of dwellings outside a Conservation Area under permitted development should also be acknowledged.

**e) The traditional boundary treatment of an area being retained and, where feasible, reinforced**

An already erected fence was considered by the Parish Council not to sit well in the street scene which is predominantly trees and hedging (DM/16/0815). Despite the traditional boundary treatment of an area not being retained or indeed reinforced, the District Council stated that the area did not benefit from any special character designation and it was not considered that the design, siting and scale of the fence causes significant or substantial harm to the character of the area and as such a reason to refuse the application could not be sustained. Nevertheless, in the case of an extension to a residential curtilage (DM/16/0559), the movement of the boundary fence was considered by the District Council to be detrimental to the character and appearance of the rural area.

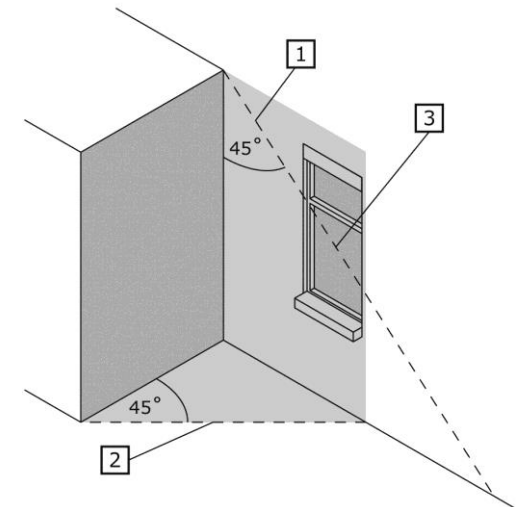
**f) The safeguarding of the privacy, daylight, sunlight and outlook of adjoining residents**

In terms of loss of privacy, there are two references to extensions being within the built up area and therefore a degree of overlooking is considered acceptable (DM/16/0520; DM/16/4373). The District Council sets out a number of detailed assessments of the spacing between proposed extensions and existing properties; proposed window locations and building orientation. If the spacing between development retains a suitable distance; windows are at a reasonable distance away and/ or obscure/ fixed and the orientation of buildings means there is not direct overlooking, the District Council has approved extensions.

In terms of daylight, the Building Research Establishment '45 degree rule' is a useful guide in testing the impact on neighbouring residential amenity and is often used to assess applications for extensions.<sup>4</sup>

This 'rule' has been applied by Mid Sussex District Council.

Checking the effect of proposed extensions on daylight.



Centre of adjacent windows should be outside the shadows

<sup>4</sup> 1 From the elevation of the wall in which the neighbour's window is placed, draw diagonally down at an angle of 45o away from the near top corner of the extension wall;  
2 Take the plan and draw diagonally back at an angle of 45o towards the window wall from the end of the extension;  
3 If the centre of a window to a habitable room of the next door property lies on or within these 45o lines, then the extension may well cause a significant reduction in the light received to the room

To some extent, the interpretation of this policy will inevitably be a subjective assessment and there is always the potential for some disagreement. Comments made on an application have in some cases led to revised proposals and an improved scheme. In addition, close scrutiny by the Parish Council ensures that close assessment is made of proposals by the District Council in accordance with the relevant policies of the Cuckfield Neighbourhood Plan.

Occasionally, the Parish Council has referenced Policy CNP7 in relation to residential extensions. Although the provisions of this policy are similar to that of Policy CNP10, CNP7 is intended to deal with new residential units such as infill development rather than extensions. It would therefore be advisable for residential extensions to be consistently considered under Policy CNP7 (as well as the overarching design Policy CNP1).

Recommendation – no need to review Policy CNP10. The Parish Council should continue to carefully scrutinise applications for residential extensions. Comments should be based on Policy CNP10 as well as the overarching design Policy CNP1.

## Policy CNP 11 – Cuckfield Village Centre

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP11	Number of business premises in the village centre in 2012	+	There has been no loss of business premises (Use Classes A1, A2, A3, A4, A5, B1, and C1) within the village centre

The target has been met.

Recommendation: no need to review Policy CNP11.

## Policy CNP 12 – Whitemans Green Neighbourhood Centre

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP12	Number of premises in the neighbourhood centre in 2012.	+	There has been loss of the existing shop or public house premises within the Whitemans Green neighbourhood centre.

The target has been met.

Recommendation: no need to review Policy CNP12.

## Policy CNP 13 - Shop Fronts and Advertisements

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP13	Number of traditional shop fronts in the village centre.	+	No traditional shop fronts have been lost in the village centre.

The target has been met.

Recommendation: no need to review Policy CNP13.



## Policy CNP 14 - Business Development in the Countryside

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP14	Disused floor space in buildings located outside the BUAB.	0	There has been no reduction in disused floor space in buildings located outside the BUAB

There has been no change in disused floor space in buildings located outside the BUAB.

Recommendation: no need to review Policy CNP14.

## Policy CNP 15 – Village Centre Car Park

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP15	Provision of village centre car park.	+	There has been no reduction in number of car parking spaces.

The target has been met.

Recommendation: no need to review Policy CNP15.

## Policy CNP 16 – Transport Impact of Development

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP16	Traffic accident frequency and severity within the Parish.	0	Parish Council are awaiting information from Police

Recommendation: Await traffic accident information.

## Policy CNP 17 –Amenity Open Space

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP17	Provision of Amenity Open Space west of Bylanes Close and south of Ardingly Road	+	Awaiting transfer of Ardingly Road and Bylanes.

The target will be met.

Recommendation: no need to review Policy CNP17.

## Policy CNP 18 – New School Buildings

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP18	Number of school buildings developed outside the BUAB.	+	There have been no new school buildings developed outside the BUAB.

The target has been met.

Recommendation: no need to review Policy CNP18.

## Policy CNP 19 - Retention of Community Buildings

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP19	Number of community buildings within the Parish at the start of the Plan period.	+	There has been no loss of community buildings within the Parish.

The target has been met.

Recommendation: no need to review Policy CNP19.

## Policy CNP 20 - Improved Community Buildings

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP20	Condition of playgroup and youth club building, London Lane.	+	Improvements made to kitchen 2017

The target has been met.

Recommendation: no need to review Policy CNP20.

## Policy CNP 21 - Securing Infrastructure

NP Policy	Neighbourhood Plan Monitoring Indicator	Outcome	Comment
CNP21	Infrastructure delivered through developer contributions, including S106 contributions and Community Infrastructure Levy.	+	Ardingly Road and London Road crossings have been achieved.

The Neighbourhood Plan identifies infrastructure requirements needed to support new development. These are:

- Traffic management measures including:
  - o London Lane build-outs to slow traffic and potentially deter larger vehicles from using this route
  - o Speed Reduction at Whitemans Green
  - o Crossings and Cycle Lane in Ardingly Road
  - o Pedestrian Crossing point in London Road
  - o Cycle Lane Improvements in Broad Street
  - o Improvements to the Parking and Bus Stops in Broad Street
  - o Improvements to the Roundabout at Whitemans Green
  - o Improvements to the pedestrian environment in the High Street

- Intensification of sports provision at Whitemans Green
- Resolution of car parking capacity in the Memorial Recreation ground and at Whitemans Green
- Additional Signage indicating historic village centre
- Expansion of Holy Trinity Primary School to a 2 form entry school
- Improvement of the playgroup and youth club building, London Lane
- Additional green infrastructure within new developments or adjoining areas

Two of the infrastructure requirements have been delivered and the Parish Council will pursue the remaining infrastructure improvements justified.

Recommendation: no need to review Policy CNP20.

## Conclusion

The Neighbourhood Plan has generally proved effective since it was made (adopted). Most targets have been met.

Where full weight was able to be attached to a Neighbourhood Plan policy, the policy has generally been supported by decisions of Mid Sussex District Council as well as at appeal.

Whilst there has been general agreement between the Parish and District Councils in relation to the design of development, there has been a significant minority of cases (almost all concerning residential extensions) on which the Parish Council has lodged an objection and which the District Council has approved. The interpretation by the District Council of Policy CNP10 (Building Extensions Within and Outside the Built Up Area Boundary) has sometimes taken into account different contextual factors, leading to a different recommendation from the Parish Council.

Of major significance in assessing the effectiveness of the Neighbourhood Plan has been the District Council's inability to demonstrate a 5 year housing land supply during the period since the Neighbourhood Plan's adoption. Indeed, the Council could not demonstrate a 3 year supply of housing land which would have brought into play the Ministerial Statement of 12 December 2016 and ensured that the Neighbourhood Plan policies relating to the supply of housing were not out of date. Paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This has weakened Neighbourhood Plan policies which seek to control the location and amount of housing development – in particular Policy CNP 3 (Preventing Coalescence between Cuckfield and Haywards Heath) and Policy CNP 5 (Protect and Enhance the Countryside). The criteria of these policies have been tested at appeal by Inspectors and found to be relevant – but have been undermined by the District Council's inability to demonstrate a sufficient housing land supply. This has led to the loss of an appeal for 4 dwellings outside the Built Up Area Boundary between Cuckfield and Haywards Heath, and other infill development in this area.

The strategic context for the Neighbourhood Plan is changing with the emergence of the Mid Sussex District Plan. The District Plan Inspector has recently recommended an increase in the objectively assessed housing need for the district in the period to 2031 – the Neighbourhood Plan period. In order to help meet this increased need, the District Council is currently proposing that an additional 211 dwellings be allocated at Cuckfield within the current Neighbourhood Plan period.

A six week consultation period from 2 October to 13 November 2017 allows the Parish Council the opportunity to respond to the proposed modifications. The Parish Council's PHLAA indicated limited capacity for a significant increase in dwellings. The Parish Council should review the PHLAA to see whether any of the constraints restricting development could be overcome and respond to the District Council accordingly during the formal consultation period.

Should an increased housing target up to 2031 be confirmed, the Parish Council will need to decide in the short term whether to review the Neighbourhood Plan to accommodate the new target and reduce/ eliminate the number of sites that need to be found in the District Council's Site Allocations document. In this way, the Parish Council would take control of the location and scale of the sites to be allocated. If this were

the decision, the Parish Council would have to commence an update of the Neighbourhood Plan in the short term in order to seek to influence the Site Allocations DPD. Given the existing evidence base and local knowledge, it is likely that a Neighbourhood Plan could proceed with greater speed than the District Plan. Alternatively, the Parish Council could decide not to review the Neighbourhood Plan and await the District Council's Site Allocations Development Plan. In this scenario, the District Plan and Site Allocations document would both supersede the Cuckfield Neighbourhood Plan on adoption.