DMH Stallard

Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN

Date	26 October 2026
Your ref	6015212
Our ref	417671/1-0808

Dear Sir or Madam

Appeal Ref: 6015212 – Land to the south of Lynwick Street, Rudgwick, RH12 3DJ (LPA ref: DC/26/0509)

We act for Cross Homes (Lewes) Ltd ("the Appellant") and write in response to the Council's Statement of Case dated 8 October 2026 and the five interested party representations submitted on this written-representations appeal. In accordance with the procedure, this letter addresses only those points not already answered in the Appellant's Appeal Statement. Where a point has been addressed, we identify the relevant paragraph and do not repeat it.

LPA's Statement of Case

At paragraphs 8.20–8.30 and 9.9 of its Statement of Case, the Council confirms that it does not resist the appeal on heritage or arboricultural grounds, that heritage harm is at the lower end of less than substantial and attracts only limited weight, and that tree protection, access design and mitigation can be secured at the Technical Details Consent ("TDC") stage. The appeal therefore turns on two issues only which are location and landscape character.

At paragraphs 6.6–6.7 of its Statement of Case, the Council accepts that it cannot demonstrate a five-year supply, that there is an evidenced unmet housing need, and that Policy HO7 requires substantial weight to be given to the benefits of new homes. At paragraph 8.1, it further accepts that the site is within reasonable reach of day-to-day services and that future occupiers would have the opportunity to use a range of travel modes.

3rd Floor, Origin One 108 High Street Crawley West Sussex RH10 1BD
Direct line 01293 605545 **Email** Daniel.Frisby@dmhstallard.com **Main line** 01293 605000 **Fax** 01293 246016

Offices in London, Gatwick, Guildford, Brighton, Horsham and Hassocks. **Website** www.dmhstallard.com

DMH Stallard LLP is a limited liability partnership registered in England and Wales (registered number OC338287). Its registered office is at The Portland Building, 27-28 Church Street, Brighton, East Sussex. BN1 1RB and it is authorised and regulated by the Solicitors Regulation Authority (ID. 490576). The term "partner" is used to refer to a member of DMH Stallard LLP or an employee or consultant with equivalent standing and qualifications. A list of our members, and of the non-members who are designated as partners, is open to inspection at our Brighton office.

Accredited LEXCEL PRACTICE MANAGEMENT STANDARD The Law Society

INVESTORS IN PEOPLE® We invest in people Gold

The Statement of Case repeatedly concludes that the benefits "do not outweigh" the harm (see paragraphs 5.19, 6.10 and 9.10). However, that is not the test to be applied in this case. Where development falls within Policy S5(1), it should be approved unless the benefits would be substantially outweighed by adverse effects. The Council has reversed the burden and omitted the word "substantially". On the correct test, the Council's own weightings at paragraphs 9.7 and 9.9 does not in our view justify refusal, it gives moderate weight to landscape harm and limited weight to heritage harm, against benefits that national policy requires to carry substantial weight.

Having accepted at paragraph 6.6 of its Statement of Case that Policy HO7 requires substantial weight, the Council goes on at paragraphs 9.3–9.4 to describe the benefit as "modest" and "limited by the scale of the proposal". A District with a 1.7-year supply and a Housing Delivery Test result of 62% cannot discount deliverable homes because each scheme is small. We also refer to (plan making) Policy HO6 which expressly recognises the contribution of small sites.

At paragraph 6.8 of its Statement of Case, the Council recites the Policy S5(1)(j) criteria but does not assess the site against them. Its conclusion at paragraph 6.9 that the site is unsuitable rests entirely on its position outside the BUAB and its unallocated status. Those features are common to every site to which Policy S5 applies. Policy S5(1)(j) exists precisely to provide for such sites where need is unmet. The relevant question, whether the site is well related to the settlement and of an accommodable scale. It is considered that whilst the site does not adjoin the BUAB, it is well related to Rudgwick within a linear pattern of existing development on Lynwick Street. The Council also accept that the site is within a reasonable distance from services within the settlement. Therefore as set out within our Appeal Statement the proposal complies with the requirements of Policy S5(1)(j).

At paragraph 9.5 of its Statement of Case, the Council affords significant weight to conflict with Policies 1, 2, 3, 4 and 26 and RNP1. Policy 4, as the Council itself describes it at paragraph 5.7, permits expansion only of allocated sites adjoining the settlement edge, so any unallocated site will conflict with it. In a District whose plan-led system has delivered a 1.7-year supply, policies whose effect is to restrict supply are out of date and their weight must be reduced accordingly. The Council's assertion that the plan-led approach would be undermined by up to four dwellings is not substantiated and no allocation or emerging strategy is shown to be prejudiced.

At paragraphs 7.3 and 9.6 of its Statement of Case, the Council relies on Place Services' view that the site forms part of a "valued" landscape. That characterisation is unsupported by any designation. The site lies within no national or local landscape designation, and Mr Harper's assessment, prepared in accordance with GLVIA3,

concludes that it is not a valued landscape owing to adjacent residential development, traffic and lighting. At paragraph 7.6, the Council also relies on the identification of a Significant effect at completion but omits that the same assessment shows the effect reducing to Minor to Moderate by Year 15, with the wider landscape character areas unchanged and the woodland, TPO trees and topography retained in full. The Council itself attributes only moderate weight to this harm at paragraph 9.7. Moreover, the qualities the Council identifies, namely the verdant frontage, mature trees and woodland enclosure, are precisely the features the indicative scheme retains, and which also contain the site visually.

We have maintained throughout determination of the Application that the Appellant would be happy to engage the Council in pre-application discussions with regards any future TDC which would seek to reduce any landscape impacts further having regard to the flexibility within the PiP approval process.

Interested Party 1

In response to point 1 of Interested Party 1's comments (page 1), conflict with the spatial strategy is acknowledged and its weight is addressed at paragraphs 6.1–6.6 and 8.4–8.9 of the Appeal Statement. Reference to paragraph 14 of the December 2024 Framework is now out of date. In any event, paragraph 14 of the 2024 Framework offered protection only to neighbourhood plans made within the preceding five years, a condition the Rudgwick Neighbourhood Plan (2021) is no longer capable of satisfying.

At point 2 of its comments (page 1), Interested Party 1 refers to the setting of a Conservation Area but identifies no Conservation Area whose setting would be affected, and none was referred to in the reasons for refusal. The only heritage asset of relevance, the Grade II listed Old Vicarage, is addressed at paragraphs 8.27–8.30 of the Appeal Statement. The Conservation Officer assessed any harm as at the low end of less than substantial, capable of mitigation through detailed design. The suggestion that the benefits are insignificant because of the schemes modest size is in out view contrary to Policy HO7 of the Framework, which require substantial weight to be given to homes meeting evidenced need.

Point 3 of Interested Party 1's comments (page 1) were previously addressed, the emerging Plan carries limited weight and no weight can attach to unexamined allocations. Need is assessed district-wide against a 1.7-year supply.

As to point 4 of Interested Party 1's comments (pages 1–2), the relationship to the BUAB is addressed at paragraphs 8.8–8.9 of our Appeal Statement. The early sift of a

site at plan-making stage, undertaken against the plan's own strategy, is not determinative of an appeal now governed by Policy S5(1)(j).

Interested Party 2

Points 1 and 3 of Interested Party 2's comments (page 2) were previously addressed at paragraphs 8.16–8.23 of the Appeal Statement, by reference to the Landscape and Visual Statement prepared by a Chartered Landscape Architect. Whether the dwellings are arranged as a close or a frontage is a matter of layout reserved to the TDC stage and something that the Appellant is happy to consider.

In response to point 2 of Interested Party 2's comments (page 2), the Transport Statement forecasts around three two-way vehicle trips in each peak hour and around 26 daily. That level of traffic is negligible on any measure. Lynwick Street is subject to a 30mph limit, the accident record within the vicinity of the site is low with no recorded incident on Lynwick Street near the site, and visibility splays of 2.4m x 43m compliant with Manual for Streets are achievable. West Sussex County Council, as Local Highway Authority, raised no objection. There is no evidential basis for a highway safety objection.

As to point 4 of Interested Party 2's comments (page 2), neighbour impacts, drainage, landscaping and design are matters for TDC, where the Council retains full control. Notably, the Flood Risk and SuDS Technical Note already demonstrates that drainage is capable of resolution, a matter the Officer's Report treated as neutral.

Interested Party 3

In response to Interested Party 3's comments on Table 4.2 and paragraphs 2.10 and 8.10 of the Appeal Statement (page 3), the Appellant accepts that the stated frequency of three services per hour on Route 63 is incorrect, and corrects it: the service operates approximately hourly in each direction, with no evening, Sunday or Bank Holiday service. The figure derived from Table 4.2 of the Transport Statement, which itself records differing frequencies by direction. We apologise for the error. It does not, however, alter the planning judgement. An hourly service to Horsham and Guildford from stops 280–300 metres from the site is a genuine public transport option for a village location, and Policy TR3(1)(e) of the Framework recognises that opportunities for sustainable travel in rural areas will necessarily differ from those in urban areas.

In response to Interested Party 3's comments on the comparator sites (pages 3–4), the comparators are cited for a narrow purpose: to show that the Council and an Inspector have accepted residential development at equal or greater distances from village

services. That point stands irrespective of whether each site adjoined the BUAB. The respondent's reliance on the emerging Plan's treatment of Lynwick Street carries limited weight for the reasons at paragraphs 5.20–5.21. Maybanks is addressed at paragraphs 8.11 and 8.13 and in the Planning Statement.

Interested Party 4

In response to point 1 of Interested Party 4's comments (page 4), the indicative layout is illustrative only, and layout is reserved to TDC. If the Inspector considers a frontage-led form preferable, that can be secured at TDC.

As to Interested Party 4's comments on paragraph 8.7 of the Appeal Statement (page 4), anecdotal evidence of individual properties on the market is not evidence of absence of need. Need is established by the Council's acknowledged 1.7-year supply and a Housing Delivery Test result of 62%, and Policy S5(1)(j) is engaged by that shortfall, not by the housing mix of a single street. Mix can be considered at TDC.

As Interested Party 4 notes (pages 4–5), the reference to "RUD/390" at paragraph 8.13 is a typographical error for RUD-1390, which is correctly identified elsewhere in the Appeal Statement.

In response to Interested Party 4's comments on the condition of the public right of way (pages 4–5), the Appellant does not contend that every resident would use the footpath for every journey, but that it would be an option for some trips meaning occupiers would not be wholly reliant on motoorvehicles. The bus stops, church, public house and Jubilee Hall lie within 280–450 metres of the site. RUD-1390 forms part of the Sussex Border Path and connects with the footway network on Church Street opposite The King's Head. Lynwick Street itself carries very low traffic volumes under a 30mph limit with a low accident record. The test under Policy S5(1)(j)(i) is whether the site is well related to the settlement, not whether every route meets urban footway standards. It is noted that the Council accepts that the site is within reasonable reach of a number of day-to-day services.

Interested Party 5

In response to the Parish Council's introductory submissions and point 1 of its comments (page 5), the Appellant's case is set out at paragraphs 6.5–6.6 and 8.8–8.9. In summary, the site is enclosed by residential development to the north and east, its principal services lie within 450 metres, and its scale of up to four dwellings can readily be accommodated by existing infrastructure.

DMH Stallard

As to point 3 of the Parish Council's comments (pages 5–6), see our response to Interested Party 4 on the condition of RUD-1390 and pedestrian access.

As to point 2 of the Parish Council's comments (page 5), see our response to Interested Party 2 on highway safety and traffic. The Highway Authority, as the statutory consultee with responsibility for highway safety, raised no objection, and compliant visibility splays are achievable.

In response to the Parish Council's comments on HDPF Policy 26 and the Sussex Topiary decision (page 6), the Appellant accepts that Policy 26 contains this requirement and that its summary at paragraph 5.8 was not comprehensive. The weight to be given to conflict with it must, however, reflect that it is one of the policies most important for determining the appeal, is out of date by reason of the supply position, and is inconsistent with the August 2026 Framework, which by Policy S5(1)(j) expressly provides for housing outside settlements where there is an evidenced unmet need.

As to the Parish Council's comments on factual errors (pages 6–7), the bus frequency is corrected in our response to Interested Party 3 on bus service frequency.

In response to the footnote to the Parish Council's comments (pages 6–7), the Appellant accepts that no properties on Lynwick Street fall within the defined BUAB, consistent with paragraph 8.8 of the Appeal Statement. Policy S5(1)(j)(i) requires development to be well related to an existing settlement, not to adjoin a defined boundary. It is our view that the site is well related to an existing settlement, adjoining dwellings associated with that settlement and being within reasonable walking distance to the settlements services and facilities.

Conclusions

Neither the Council's Statement of Case nor the interested party representations raise any matter capable of outweighing the substantial benefits of housing delivery in a District with a 1.7-year supply. The benefits of the proposal are not substantially outweighed by any adverse effects, and we respectfully invite the Inspector to allow the appeal in accordance with Policy S5(1)(j)(i).

Yours faithfully

[redacted]