



Mid Sussex District Council

Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

27 May 2025

Dear Andrew Watt,

DM/24/2957: SEVER EXISTING LAND TO RETAIN EXISTING PUBLIC HOUSE USE AND AREA OF PUB GARDEN AND ERECT A CONVENIENCE STORE AND 4 NO. APARTMENTS WITH ASSOCIATED WORKS, INCLUDING ALTERATIONS TO THE EXISTING VEHICULAR ACCESS AND CAR PARK (AMENDED PLANS AND RETAIL JUSTIFICATION RECEIVED 1 MAY 2025)

I am writing on behalf of Worth Parish Council. This letter provides a brief overview of the site and the proposal and then considers whether the application is in accordance with local and national policy. It concludes that the proposed development does not accord with the adopted development plan and should therefore be refused.

Worth Parish Council (WPC) therefore **object** to the proposed development.

The Site

The site is situated on the junction between Copthorne Bank and Brookhill Road, to the north of Copthorne.

It comprises the Prince Albert public house, which is two storeys tall and of render, a front seating area, side car park, rear garden and rear seating/play area.

It is bordered to the north by Copthorne Bank, to the east by the curtilages of the dwellings on Meadow Approach, to the south by Dawn Rise and to the west by Brookhill Road.

The site is within the built-up area of Copthorne, the Historic Core Character Area and an Important Community Facility designated in the Copthorne Neighbourhood Plan (CNP). The site is entirely within Flood Zone 1 and there are no designated heritage assets in proximity of the site.

Planning History

Several applications have been made for extensions and alterations to the pub since the 1980s. This includes TA/84/P/1115, 06/02073/FUL, 08/01522/FUL, DM/15/4045 and most recently DM/19/01314 which was approved for a 2 storey rear extension with external staircase to provide 8 letting rooms with new kitchen, disabled toilet and staff accommodation.

The Proposal

The proposed development seeks to subdivide the plot but retain the pub. The pub would be provided with a rear seating area and a pub garden. A new car park will be provided in place of the existing car park, with a bike shelter. The car park would serve the pub as well as a new retail unit with a back of house storage area.

The convenience store and storage area would be single storey and constructed of brickwork for the lower walls and vertical cladding panels for the upper walls. The storage area would have an entrance for deliveries on the north elevation and the retail unit would have a customer entrance on the north elevation with a fire escape on the east elevation.

A new access would be created to the southwest of the site with a new road running from this access to the southeast of the site. This new road would travel through a new 3 storey building which would accommodate 2 x 1-bedroom flats on the ground floor, a 1 x 2-bedroom flat on the first floor and a 1 x 2-bedroom flat on the second floor. The building would be constructed of brick for the lower all with render for the upper floor above. The third floor would be situated in the roof which would be constructed of pre-cast concrete tiles with Velux windows. Parts of the walls would also be constructed of hanging clay tiles. The road leads east to a new 6-bay car park, bike and bin stores which would serve the apartments. A small amount of soft landscaping would serve the apartments as well as pedestrian paving / coloured tarmac.

The retail unit would be surrounded by gravel as well as the car park to serve the retail unit and the pub.

Planning Policy

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 confirm that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

In this case, the adopted development plan consists of:

- Mid Sussex District Plan 2014-2031
- Site Allocations Document
- Neighbourhood Plans
- Local Plan (saved policies)
- Small Scale Housing Allocations Document

Policies contained within the NPPF (2024) are also material in the determination of the application.

The policies that are relevant for the consideration of the application from the Mid Sussex District Plan (MSDP) and Copthorne Neighbourhood Plan (CNP) are listed below:

Policy DP1: Sustainable Development seeks to meet the required 543 jobs per year across the plan period by encouraging high quality development of land and premises, support existing businesses, encourage inward investment and seek the provision of appropriate infrastructure to support business growth. New employment land and premises will be provided by allocating 25 hectares of land for a business park at Burgess Hill, allocating further sites, incorporating employment provision within large scale housing development and allowing small-scale economic development in the countryside.

Policy DP6: Settlement Hierarchy states that *‘development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale... and not cause harm to the character and function of the settlement’*. It then provides a settlement hierarchy based on categories. Copthorne is a Category 2 settlement.

Policy DP21: Transport requires development to support the objectives of the West Sussex Transport plan 2011-2026 and take account of several criteria.

Policy DP25: Community Facilities and Local Services supports the provision or improvement of community facilities and local services. It states that proposals which involve the loss of a community facility, including facilities where the loss would reduce the community’s ability to meet its day-to-day needs, will need to demonstrate that the use is no longer viable, or there is an existing duplicate facility in the locality which can accommodate the impact of the loss, or that a replacement facility will be provided in the locality.

Policy DP26: Character and Design requires development to be of a high standard of design that reflects the distinctive character or towns and villages by complying with several criteria.

Policy DP27: Dwelling Space Standards requires development to comply with the nationally described space standards (NDSS).

Policy DP29: Noise, Air and Light Pollution seeks to protect the amenities of existing and future residents against harmful noise, air and light pollution.

Policy DP37: Trees, Woodland and Hedgerows supports the protection and enhancement of trees, woodland and hedgerows and encourage new planting. Development that damages or leads to the loss of trees, hedgerow and woodland that contribute to the visual amenity or character of an area will not normally be permitted.

Policy DP38: Biodiversity requires development to protect and enhance protected sites, species and habitats.

Policy CNP1: General Development Requirements states that *‘Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area’*. It also requires development to avoid unreasonable harm to amenity, retain features such as shaws, hedgerows, ponds and brooks, protect and enhance public rights of way, maintained visual separation between Copthorne and other settlements and provides criteria for extensions to existing buildings.

Policy CNP2: Redevelopment and infill development within the defined built-up area supports the redevelopment and infill development within the defined built up area where it complies with 3 criteria relating to design, access and parking, and amenity.

Policy CNP4: Important Community Facilities identifies the community facilities in Copthorne. It states that development proposals that result in the loss of an Important Community Facility whether it be the actual facility or the use, should be refused unless it can be demonstrated that the use and building is no longer required. It also provides criteria for the relocation of community facilities.

Policy CNP12: CA4: Historic Core requires development to sustain or reinforce the positive aspects that make up the individual character and distinctiveness of the Character Area. It then discusses the 9 positive aspects. It then highlights that development may alter one of more positive aspects if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation. It requires development to utilise traditional tile hanging rather than weatherboarding and avoid increasing street clutter and the urbanisation of the Character Area.

Policy CNP14: Our Economy states that development proposals that would result in the loss of shops and retail premises within the built-up area will only be permitted in exceptional circumstances. Development that would result in the loss of employment floorspace/land will only be permitted if it can demonstrate that the on-going use of the premises or land for employment purposes is no longer viable.

Policy CNP15: Sustainable Transport requires development to promote sustainable transport within the Plan Area by complying with 4 criteria. It also requires for new development, all off road parking spaces to be ready for electric charging through the installation of electric car chargers or installation of cabling and ducting.

Policy CNP16: Car Parking states that development within the Built Up Area which proposes to remove off-road parking spaces will only be permitted where alternative provision is made in accordance with CNP16.3. It requires new development to provide parking in accordance with the latest WSCC guidance or for residential development, provision of on-plot / off-street car parking spaces in accordance with the stated standards.

Material Considerations

This section considers the proposed development against the most relevant local and national policies.

Principle of Development

The site is situated within the built-up area of Copthorne which is classed as a Category 2 settlement in the settlement hierarchy set out in Policy DP6. Category 2 settlements are defined as *'Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport'*.

Policy DP6 requires *'Any infill and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement'*.

As a rural village, smaller businesses should be actively supported wherever possible. In this case the Kwik Mart and Post Office are situated adjacent to the application site the Post Office being located within the Kwik Mart store. This convenience store already has pressure from the Copthorne Convenience Store (a Premier store), further east along Copthorne Bank, and the Morrisons Daily on Church Road. These are both larger businesses with chains across the country. The addition of the retail unit, which is set to be a Tesco, would put further pressure on the Kwik Mart and therefore the future of the Post Office; a much-needed village amenity. The impacts would be greater should the car park only be made available to customers of the retail unit and the pub as the Kwik Mart does not have a dedicated car park. The proposed development could undermine the function of Copthorne as a rural village by potentially forcing out smaller businesses and replacing them with larger chains which are more commonly found in towns. The proposed development could *'cause harm to the character and function of the settlement'* contrary to Policy DP6.

The site comprises a public house so is defined as a community facility in Policy DP25. It is also identified as an Important Community Facility in Policy CNP4. Policies DP25 and CNP4 seek to avoid the loss of community facilities, including those facilities where the loss would reduce the community's ability to meet its day-to-day needs. Additionally, Policy CNP14.2 states that *'Development proposals that would result in the loss of employment floorspace/land will not be permitted unless; it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable'*.

Whilst the proposed development does not result in the loss of the pub itself, much of the existing pub garden will be lost. The existing garden provides benches and play equipment for children and measures circa 1,131m². The proposed pub garden in contrast only measures circa 122m² which is a significant reduction. The Viability Study discusses the loss of the existing pub garden, and comments that *'In our opinion, this land together with the current beer garden is surplus to requirements of the public house and its overall size as it is'*. This is a subjective statement and has not been backed up with evidence. The proposed garden is in our opinion undersized for the needs of the pub. The Viability Study has therefore failed to adequately demonstrate that the existing pub garden is no longer viable contrary to policies DP15 and CNP4.

Policy CNP2 relates to redevelopment and infill development within the built-up area. It supports development that complies with 3 criteria. We take each in turn below.

Criterion (a) requires that *'The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it'*. In our opinion the proposal constitutes overdevelopment. We believe that the only realistic layout for 4 apartments is to have the driveway run through the apartment building. This type of layout is not seen anywhere on Brookhill Road and represents a design which is far more appropriate for denser settlements such as towns and cities and is not in keeping with the existing character of the area as a semi-rural village.

The proposed apartment building is also 3 storeys tall with the second floor situated within the roof. There are no other examples of dwellings or apartment buildings on Brookhill Road that have 3 storeys, particularly towards the junction with Copthorne Bank where the adjacent dwellings are bungalows. Moreover, the existing building line on Brookhill Road decreases in height with the downward slope. The proposed apartment building

would be circa 1.68m taller than the pub despite the fact that the ground level is lower which would fail to continue the consistent building line.

Regarding materials, the proposed apartments use a mixture of brick, render and hanging tiles. Whilst these materials are common along Brookhill Road, there are no examples of any of the dwellings using all 3 materials. As discussed later in this letter, the introduction of a new mix of materials will be harmful to the Historic Core Character Area. The proposed development would therefore appear incongruous with the existing character and street scene contrary to Policy CNP2(a).

Criterion (b) requires that *'Suitable access and on-site parking are provided without detriment to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, twittens, and other Rights of Way'*. Regarding parking for the apartments, the parking standards are set in West Sussex County Council's Guidance on Parking at New Developments. The site is within PBZ2 where 1-bed dwellings must provide 1.4 spaces and 2-bed dwellings must provide 1.7 spaces. The proposal includes 2 x 1-bed units and 2 x 2-bed units. This makes an overall requirement for 6.2 spaces which should be rounded to 7. The scheme provides 6 spaces and so falls short of the parking standards and is contrary to CNP2(b). The provision of sufficient off-street parking is incredibly important in Copthorne, particularly on Copthorne Bank and the surrounding roads where many cars park dangerously on the road.

Criterion (c) requires that it *'Does not cause unreasonable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight and sunlight'*.

Regarding noise, the Noise Impact Assessment highlights that *'for deliveries made within the typical delivery period as noted, the rating level is 8dB above the representative background sound level and there is therefore the possibility of an adverse noise impact'*. Deliveries could be carried out at any point of the day on any day of the week including as early as 7am. This could easily wake the occupants of the proposed dwellings and result in harmful impacts to their amenity.

The proposed plans of the apartments show that units A3 and A4 would have windows on the north elevations that face towards the pub garden. There is therefore potential for overlooking of the pub garden and harm to the amenities of those using it.

The provision of a three-storey building directly to the south of the pub garden will undoubtedly result in a significant reduction of the level of natural light received by the pub garden. Again, this would harm the amenities of those using the garden and would also harm the operation of the pub garden as it would result in cooler temperatures particularly during spring and autumn where the temperature is mild, but the sunlight is warm. This may impact on the viability of the pub.

Regarding external amenity space, Principle DG46 of the Mid Sussex Design Guide states that *'Communal gardens should be incorporated to the rear of apartment blocks to provide visual amenity as well as outdoor space for residents with soft landscaping prioritised over areas of hard standing'*. It also states that *'Ground floor homes in apartment blocks should normally have access to a well-defined, rear, private area that provides both 'defensible space' and good quality external amenity'*. The proposed development has some areas of soft landscaping around the apartment buildings, but this is not sufficient to constitute private or communal amenity spaces. The proposed development therefore fails to meet the requirements of Principle DG46.

The proposed development would cause unreasonable harm to the amenities of existing and future occupants contrary to Policy CNP2.1(c) by way of noise, overlooking, loss of light and failure to provide adequate amenity space for the occupants of the apartments.

The proposal fails to accord with policies DP6, DP25, CNP4, CNP2 and CNP14 and is not acceptable in principle.

Design & Impact on the Character of the Area

The area is semi-rural in nature, comprising a residential village with a small number of shops and services. Development is typically linear along Copthorne Bank, with a small number of cul-de-sacs spurring to the north

and south and the buildings on Copthorne Bank are typically 2 storeys and constructed of mostly brick and render. Development is also linear along Brookhill Road with is on a downwards slope where dwellings are single or two storeys, detached and a mixture of brick, render and some mock Tudor timber framing.

The proposed development would result in significantly greater built form than the existing arrangement and would result in the overdevelopment of the site. An apartment building like this is also not seen anywhere on Copthorne Bank or Brookhill Road and the arrangement with 4 apartments with the driveway running through it is not characteristic of a semi-rural village due to its heavy urban appearance. Moreover, the apartment building would be 3 storeys tall which is larger than the other properties on either road which are typically single or two storeys. As Copthorne Bank is on a downwards slope, there is a consistent building line that matches the slope. The proposed development would be taller than the existing pub and so would disrupt the building line, adversely impacting on the character of the area. The proposed apartments would be constructed using a mixture of brick, render and hanging tiles. There are no examples of properties along either Copthorne Bank or Brookhill Road which use this mixture of materials. All of these factors contribute to the development failing to be *'of a high quality design and layout'* and *'creates a sense of place while addressing the character and scale of the surrounding buildings and landscape'* contrary to Policy DP26.

Policy CNP12 of the CNP requires development to sustain or reinforce the positive aspects that make up the CA4 Character Area. The development would fail to meet criterion (b) as it does not sustain or reinforce the positive aspects through sensitive modern infill. The proposal will be overdevelopment and certainly not sensitive to its location. It would also fail to respect the 'village feel' highlighted in criterion (c) as the development would result in an intense urbanisation of the village through the apartment building. The development would therefore fail to comply with Policy CNP12 and subsequently Policy CNP1 which states that *'Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area'*.

Regarding amenity, as discussed, the Noise Impact Assessment demonstrates that occupants could be subject to adverse noise impacts from deliveries, particularly if they are carried out early in the morning or late at night. Units A3 and A4 also have windows on the north elevation that face towards the pub garden and would result in overlooking and loss of privacy. The proposed apartment building would also block a significant amount of light received by the pub garden which could harm the operations of the pub. The proposed development therefore has the potential to *'cause significant harm to the amenities of existing nearby and future occupants'* contrary to Policy DP26 and would *'cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby'* contrary to Policy CNP1.

Trees

The proposed site plan shows that 4 trees would be removed to facilitate the development. However, no arboricultural impact assessment has been submitted to identify the trees on site, what quality and category they are, and what the justification is for their removal. If any of the trees are Category A, then they should not be removed unless there are exceptional circumstances. The Council's validation requirements state that a tree report is required for:

- Applications where there are trees within 15m of the development
- Applications where trees are to be removed as part of the development

Both of these criteria are satisfied so we question why an arboricultural impact assessment has not been submitted. The development therefore fails to demonstrate compliance with Policy DP37 which states that *'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted'*.

Biodiversity Net Gain

A Biodiversity Net Gain Report has been submitted which discusses that the proposed development would result in a 90.08% net loss in habitat value and a 0% net gain in linear value. It states that *'The minimum target of 10% has not been achieved, therefore consideration for habitat creation and/or enhanced either on-site or*

off-site will be required, or credits will need to be purchased to meet the net gain requirements for BNG' and the estimated cost for credits would be £113,560.

The guidance provided from DEFRA¹ states that the purchase of credits must be a last resort and is last in the BNG hierarchy. It also states that *'Developers wanting to buy statutory credits must prove why they cannot meet BNG using on-site and off-site options'*. Whilst the report has calculated the baseline value and the impact of the development, it has not demonstrated that every avenue has been explored to maximise onsite gains through landscaping. It also does not demonstrate why off-site gains cannot be achieved on land outside of the applicant's ownership elsewhere. It therefore does not adequately explain why the applicant cannot meet BNG using on-site and off-site options contrary to DEFRA's advice.

We therefore ask for an explanation as to why further on-site gains, or off-site gains cannot be accommodated.

Parking

As stated in the Transport Statement, the parking standards require 26 car parking spaces for the convenience store and 16 car parking spaces for the pub. This makes an overall requirement of 42 car parking spaces. The scheme only provides a 23 shared-space car park and therefore falls significantly short of the standards for the convenience store and pub.

Regarding the residential units, the site is within PBZ2 which requires 1.4 spaces for a 1-bedroom unit and 1.7 spaces for a 2-bedroom unit. The proposal is for 2 x 1-bedroom units and 2 x 2-bedroom units. This provides an overall requirement of 6.2 spaces which can be rounded up to 7 spaces. The site layout shows that the units would only be provided with 6 spaces and so again falls short against the standards.

The central locations of Copthorne are already under significant pressure from on-street parking and falling short of the standards for the pub, convenience store and residential units has the potential to put even further pressure on these areas which could have an unacceptable impact on congestion and safety. The scheme therefore provides an unacceptable level of parking contrary to policies DP21 and CNP16.

Policy CNP15.2 states that *'For all new development, all off road parking spaces must be ready for electric charging'* either through the installation of electric car charges, or the installation of cabling or ducting between the consumer unit and the location designed for the installation of a car charged in the future. The site plan provides no evidence that this will be done.

Conclusion

The proposal fails to respect the character of the village as a Category 2 settlement in the hierarchy as it would put unacceptable pressure on local independent businesses and the post office and undermine the function of Copthorne as a rural village contrary to Policy DP6.

The submitted viability study states that the pub garden is surplus to requirements, without any evidence to support this, and therefore its loss is acceptable. We disagree with this assessment; the study fails to demonstrate why the existing pub garden is no longer viable contrary to policies DP15 and CNP4.

The development would be incongruous with the existing character and street scene due to its density, scale, height and materials, it would fail to provide adequate levels of parking, would cause unreasonable harm to the amenity of future and existing occupants through potential for overlooking and loss of natural light to the pub garden, and would result in an unacceptable level of private or communal amenity space for the occupants of the apartments contrary to Principle DG46 of the Mid Sussex Design Guide and Policy CNP2.

The proposal fails to accord with policies DP6, CP25, CNP4, CNP2 and CNP14 and so is not acceptable in principle.

The development is of a poor quality of design, with an inappropriate urban appearance. It is 3 storeys tall and so taller than the other buildings on Copthorne Bank or Brookhill Road which interrupts the consistent building line down the slope on Brookhill Road. It would also use an unacceptable mixture of materials for the apartments. It would therefore fail to complement the character of the area and the Character Area contrary to

¹ <https://www.gov.uk/guidance/statutory-biodiversity-credits>

policies CNP26, CNP12 and CNP1. The proposal would also cause unacceptable harm to the amenities of existing and future occupants contrary to policies DP26 and CNP1.

The development would result in the removal of 4 trees, but no arboricultural impact assessment has been submitted, despite required by the validation requirements, and so we do not know the value of these trees and whether their removal is acceptable contrary to Policy DP37.

The BNG Assessment states that the proposal would result in a 90.08% net loss in habitat value and 0% net gain in linear value. It states that 10% on-site or off-site cannot be achieved and so credits will need to be purchased. DEFRA advise that the applicant must demonstrate why on-site or off-site net gain cannot be achieved in accordance with the hierarchy. No justification has been provided by the applicant that all avenues for on-site or off-site net gain have been explored.

The development fails to comply with the parking standards required for the convenience store, pub or the residential units and the applicant has not demonstrated that all parking spaces will be provided with electric car charges or cabling or ducting contrary to policies DP21, CNP15 and CNP16.

The proposal fails to accord with the development plan and there are no material considerations which indicate that a decision should be made contrary to the development plan, therefore we ask that planning permission is refused for the proposed development.