

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1770	Case Officer:	Rachel Richardson
Application Type:	Change of Use Application		
Proposal:	Retrospective application for the creation of a new residential unit to be used as short term holidays lets.		
Site:	Annexe, 38 Fairway, Copthorne, West Sussex, RH10 3QA, , ,		
Validation Date	9 Sep 2025	Overall Expiry Date:	1 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Jan 2026
Target Date:	4 Nov 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	16 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1770

**Annexe, 38 Fairway, Copthorne, West Sussex, RH10 3QA, ,
Retrospective application for the creation of a new residential unit to be used as short term
holidays lets.
Mr Stephen Fuller**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

WSCC Highway Authority: No evidence of highway safety concern.

Southern Water: No comment. Not within SW's statutory area.

TOWN/PARISH COUNCIL OBSERVATIONS

Worth Parish Council has deferred the recommendation to the Officer.

INTRODUCTION

Permission is sought retrospectively for the creation of a short-term holiday let.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The site involves utilising a single storey extension of a two-storey end of terrace 1970's/80's dwelling for overnight 'holiday let' accommodation. The extension flanks onto a garage compound to the south. It can be accessed from the front via a footpath and through the garage compound, via a footpath and into the rear garden.

The site is located within the built-up area for the purposes of planning policy and as defined in the District plan.

APPLICATION DETAILS

The application is made under s.73a of the Town and Country Planning Act 1990 for development which has already taken place.

The planning statement states that the holiday let accommodation was an extension previously utilised as an annexe which has become surplus to the applicant's requirements. The applicant converted the space about 3 years ago and has been casually renting it out as short term accommodation, primarily for holiday makers using Gatwick Airport.

The space can be occupied independently from the main dwelling and access is both from the front and rear, albeit the rear access is within and shared with the garden of the host dwelling.

The internal space totals 16.5 sqm and provides a small double bedroom, shower/wc and utility facilities. No external alterations are proposed.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and Copthorne Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP1:Sustainable Economic Development
DP17: Ashdown Forest SPA and SAC
DP26:Character and Design
DP21: Transport

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

Neighbourhood Plan

Copthorne Neighbourhood Plan (adopted September 2021)

Relevant policies:

CNP1 - General Development Requirements
CNP15 - Car Parking

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPE1: Sustainable Economic Development
DPC6: Ashdown Forest
DPB1: Character and Design
DPT4: Parking and EVC Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 39 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Principle
- o Residential Amenity
- o Highways
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

There are no development plan policies that specifically refer to tourism related development within the built-up area boundary. Policy DP19 of the District Plan relates to sustainable tourism, however, only applies to countryside areas and therefore is not considered relevant to this application.

As the proposed holiday let use can be considered as a commercial use, Policy DP1 of the District Plan is relevant. This relates to sustainable economic development and encourages the high quality development of land and premises to meet the needs of 21st century business as well as permitted appropriate intensification, conversion, redevelopment and / or extension for employment uses providing it is in accordance with other policies in the Plan.

As policy DP1 is generally supportive of business development, it is considered that the holiday let use is acceptable in principle, subject to the proposal according with other relevant planning policies.

Air B&B and other short terms lets belong to the same use class as normal family homes (C3). The intention is only to use the building as a holiday let, and this can be controlled by a planning condition.

Notwithstanding the above the space (16.5sqm) is also too small to be a separate residential dwelling and there are no kitchen facilities for it to be occupied independently from the host dwelling. It is ancillary accommodation to the host dwelling.

Residential Amenity

Policy DP26 in part states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);'*

A similar ethos is found within policies CNP1 (CNP1.2) of the Copthorne Neighbourhood Plan. However, as the CNP was more recently adopted compared to the DP, the test is whether the development would result in unacceptable harm, not significant harm.

The proposal is not considered to constitute unacceptable harm to neighbouring amenities in terms of creating additional noise and disturbance, taking into account the layout and existing relationship with neighbouring properties.

Whilst the proposal is likely to result in additional traffic movements to and from the site, it is not considered that this would be of such a scale as to be harmful to adjoining amenities.

Highways

Policy DP21 of the District Plan relates to transport and states in part that development proposals will take account of whether:

- 'o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;...*
- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;...*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians;'*

Policy CNP16 of the Neighbourhood Plan follows a similar stance.

The Highway Authority does not consider that the proposed use would have an unacceptable impact on highway safety and there are no transport grounds to resist the proposal. Your Officer agrees with this view. This is a short term use and will not involve frequent vehicle movements to and from the property, especially if the occupants are staying to travel to Gatwick and stay overseas for a short break.

There is non restricted on street parking available and a use such as this would generate the need for only 1 parking space. As such, there is satisfactory parking provision.

The use is therefore in accordance with the above mentioned policy criteria.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Copthorne Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed development is considered acceptable in that it should not be harmful to the appearance and character of the area or to neighbouring amenities in terms of creating additional noise and disturbance. The proposal not considered to be detrimental to highway safety. Nor should the proposal have a significant effect upon the Ashdown Forest SPA and SAC. The proposal therefore accords with policies DP1, DP17, DP21 and DP26 of the Mid Sussex District Plan and policies CNP1 and CNP15 of the Cuckfield Neighbourhood Plan.

Decision: Permission

Case Officer: Rachel Richardson