

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2622	Case Officer:	Steven King
Application Type:	Reserved Matters Application		
Proposal:	Approval of reserved matters relating to application DM/20/4127 for Access, Appearance, Landscaping, Layout and Scale for Phase 1b comprising of Building M, a double unit workshop, ancillary Building N and yard space.		
Site:	Barns Court, Turners Hill Road, Crawley Down, West Sussex, RH10 4HQ, , ,		
Validation Date	24 Mar 2025	Overall Expiry Date:	8 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Oct 2025
Target Date:	23 Jun 2025	Recommending Officer Signature:	<i>Steven King</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2622

**Barns Court, Turners Hill Road, Crawley Down, West Sussex, RH10 4HQ, ,
Approval of reserved matters relating to application DM/20/4127 for Access, Appearance,
Landscaping, Layout and Scale for Phase 1b comprising of Building M, a double unit workshop,
ancillary Building N and yard space.
Mr John Barham**

SUMMARY OF REPRESENTATIONS

1 letter raising the following points:

- the proposals bring the industrial units up to our boundary and we would like hard standing and vehicle access be kept from our boundary. We would prefer green areas and minimal noise closest to us
- we have complained previously that our property and a neighbour are suffering flooding caused by Barns Court and we would ask that this is investigated and resolved
- the current area of hardstanding, referred to as an HGV storage yard is poorly maintained, unsightly and is an example of the disregard that is had for the neighbourhood. This hard standing should form part of the development to ensure the overall site is of a good standard

SUMMARY OF CONSULTEES

Highway Authority

Access is provided through phase 1 onto Turners Hill Road.

Vehicle tracking has been provided for a 16.5m articulated vehicle and shows it can satisfactorily access the phase and proposed HGV parking within it.

3 HGV spaces are provided and 5 car parking spaces. Additional spaces are included within phase 1 as is cycle parking stores.

Conclusion

No objection is raised to the application, appropriate conditions securing parking and cycle parking were secured on the outline application

Public Rights of Way Officer

This application is linked to the original request, DM/20/4127, which was commented on by WSCC PROW Nicholas SCOTT on 20/11/2020 and his response to DM/23/0676 of 14/04/2023.

Having viewed the additional documents I confirm his recommendation of 'No Objection' but draw the attention of the Applicant to the matters relating to the widening of the existing footpath and upgrading to a cycle route.

Aerodrome Safeguarding Officer

The proposed development could conflict with safeguarding criteria unless a landscaping condition is imposed. Also makes an observation regarding the use of Cranes during construction. Also request a condition regarding renewable energy proposals.

NATS Safeguarding

No safeguarding objection to the proposal.

Environmental Protection Officer

I am satisfied that the conditions for the existing outline permission are appropriate to control noise etc and have no additional comments to make.

Tree Officer

I have reviewed the Arboricultural Method Statement for this application and have no objection. The only comment I have is rather than felling the two category U oaks, would it not be possible to monolith them, to retain the ecological value? I am happy with the Landscaping Plan.

Conservation Officer

There will be a further associated loss of green space, and an additional adverse impact on the surviving rural character of the site, which will further detract from the contribution which it currently makes to the settings of the heritage assets previously identified. This will result in a slight increase in the level of less than substantial harm caused in each case, as previously set out in relation to the most recent application.

Drainage Engineer

Thank you for reconsulting the Flood Risk and Drainage Team on the above application. We have reviewed the Drainage Technical Note for Phase 1B dated 10.09.25 and have the following comments:

Flood Risk

The applicant has overlain the proposed layout onto updated EA mapping, demonstrating no increase in built footprint or land raising within flood extents. The natural overland flow routes will be preserved. The topography shows a natural flow path north of the site, but this is outside the proposed development area. Existing levels will be maintained outside the building/parking areas. As per the proposed site plan (Drawing: Proposed Phase 1b HGV Setting Out | Number: 206 | Date: 21/11/24) the storage yards need to remain open so as not to impede surface water flows and not to increase flood risk elsewhere.

The applicant has confirmed the previously identified "ditch" was clarified as a bunded fence line, not a functioning ditch. Overland flows are directed away from it, and the bund has since been levelled.

Surface Water Drainage

The applicant has proposed that the development will utilise permeable paving as well as an attenuation tank to manage surface water, which will be discharged at a controlled rate into an adjacent pond. The underground attenuation storage has been designed for the 1:100yr +25%CC. The applicant is advised that at the detailed design stage details relating to the remodelled pond including invert levels will need to be provided.

The applicant has demonstrated onward connectivity of ponds to the south, which discharge westwards via the regional ditch network toward Copthorne.

The applicant is advised that drainage will need to be designed to cater for the 1:100-year plus climate change event, utilising the latest allowances available at the time of detailed design.

The permeable paving appears to be in closed proximity to a Thames Water foul sewer. Thames Water usually require standoff distances from their public sewers. The applicant is advised that at the detailed designed stage evidence will need to be if Thames have been consulted with regards to these elements.

The Flood Risk and Drainage Team acknowledge that the information submitted in relation to the drainage strategy shows that, in principle, surface water drainage could, subject to detailed design, be provided on the site.

Information into our general requirements for detailed surface water drainage design is included within our 'General Drainage Information Guide'. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

Foul Water Drainage

It is proposed that the development will connect to the Thames Water foul sewer located on the site subject to a Section 106 Agreement with Thames Water.

Information into our general requirements for detailed foul water drainage design is included within our 'General Drainage Information Guide'. This level of information will be required to address the recommended drainage condition. To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

The Flood Risk and Drainage Team have no objection to the above application subject to the following Condition:

C18D - Single unit

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and Policy ...'z'... of the Neighbourhood Plan.

PARISH COUNCIL OBSERVATIONS

None received.

INTRODUCTION

This application seeks Reserved Matters consent for the expansion of the existing commercial estate relating to Appearance, Landscaping, Layout and Scale at Barns Court, Tuners Hill Road, Crawley Down.

RELEVANT PLANNING HISTORY

There is a long and extensive planning history on the site, including various planning permissions for conversion of existing buildings into commercial uses, temporary buildings on the site and a lawful development certificate for an area of hardstanding.

Of most relevance is the outline planning permission that was granted under reference number DM/20/4127 for the expansion of the existing commercial estate and the replacement of the existing dwelling on the site. This outline planning permission granted consent for the principle of the development and the means of access.

Following on from this, reserved matters consent was granted under reference DM/23/0676 for 11 units, labelled A to K, located to the south of the existing commercial units at the site.

SITE AND SURROUNDINGS

The site of the application is located to the west of the Turners Hill Road with the Dukes Head roundabout to the northeast. The site is made of three different parcels of land, Firs Farm, Barns Court and Friday Farm.

Barns Court is a small commercial business park of approximately 3,243sqm made up of previously converted single storey agricultural buildings. To the west of the buildings are a series of five ponds that are used by a private fishing club. Access to Barn Court is taken from Turners Hill Road.

Friday Farm is a single private residence located to the south of Barn Court in extensive grounds, and it too takes access from Turners Hill Road.

To the north, Firs Farm is a private residential property, accessed from Copthorne Common Road, which apart from the main dwelling, contains paddocks and a small cluster of small independent commercial units. The buildings are generally low key with no distinctive character or redeeming features.

To the east are Poplars Place, Shepherds Farm, and open fields. To the west are fields and woodland, including an area of ancient woodland to the west of the ponds on site.

A public right of way runs along the southern boundary of the site. The site is within the countryside as defined in the Mid Sussex District Plan (MSDP). Barns Court and Firs Farm are also identified in the Site Allocations DPD as Existing Employment Sites under policy SA34.

APPLICATION DETAILS

This application seeks Reserved Matters consent for the expansion of the existing commercial estate relating to Appearance, Landscaping, Layout and Scale at Barns Court, Tuners Hill Road, Crawley Down, pursuant to the outline planning permission that was granted under reference number DM/20/4127.

The application is submitted as phase 1b of the overall development approved under the outline planning permission. It does not include the details of the replacement dwelling. The new commercial buildings would provide some 298sqm of floorspace. They would be located on the northwestern side of the site. Building N would be on the footprint on an existing telecommunications mast, which would need to be removed to accommodate this development.

Building M would measure some 18m by 13.2m with a pitched roof 7.4m in height. It would feature a mix of timber cladding Kingspan composite cladding and a green living wall. Building N would be smaller, measuring 10m by 6m with a flat roof 2.7m in height. This would feature a green roof and a green living wall.

The plans show 5 car parking spaces in front (east) of building M, with a storage yard/HGV parking to the north and northeast of this unit.

The plans show the existing hedge to the rear (west) being retained.

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, and*
- 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 Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (DPD) and the Copthorne Neighbourhood Plan (CNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) 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
DP13 Preventing Coalescence
DP14 Sustainable Development and the Rural Economy
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP26 Character and Design
DP34 Listed Buildings and other Heritage Assets
DP37 Trees, Woodlands and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Site Allocations DPD

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

Policy SA34 in the DPD is relevant to the determination of this application. Barns Court and Firs Farm are referred to in the DPD as existing employment sites.

Neighbourhood Plan

The Copthorne Neighbourhood Plan (CNP) was made on 29th September 2021 and is part of the development plan. The relevant policies are:

CNP1 General Development Requirements
CNP10 CA3: Copthorne Common and Woodland
CNP13 Our Economy
CNP14 Sustainable Transport

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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:

DPS2: Sustainable Design and Construction
DPB1: Character and Design
DPB2: Listed Buildings and other Heritage Assets
DPE1: Sustainable Economic Development
DPE2: Existing Employment Sites

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)

National Planning Policy Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

In this case the main issues are considered to be:

- o Principle of development
- o Layout, Appearance, Scale and Landscaping
- o Impact on neighbouring amenities
- o Access and transport
- o Trees and Ecology
- o Ashdown Forest
- o Flood risk and drainage

- o Impact on heritage assets
- o Planning balance and conclusion

Principle

In this case, outline planning permission has been granted for the development. Therefore, the principle of the development is established. The matters that are relevant to the determination of this application are the reserved matters of Appearance, Landscaping, Layout and Scale.

Layout, Appearance, Scale and Landscaping

Landscape Impacts

The site is not subject to any national landscape designations. The site is well enclosed by tree and hedge planting. The existing buildings on the site are not intrusive within the landscape due to their modest height.

The principle of the development has been accepted by the grant of the outline planning permission. Therefore, by definition, it has been accepted that the character of the site will change as a result of this approval. It is worth noting the comments of the Planning Inspector who dismissed a previous appeal against a commercial and residential development of the site (reference DM/15/3975). The Inspector stated:

'40. The appeal site includes low order business units, light industrial sites and residential development with associated landscaped areas, ponds and paddocks. The site is very much surrounded by woodland belts and trees and it has no designated status. As a consequence of these attributes, and notwithstanding the age of some of the trees, the site contributes little to the intrinsic beauty and character of the countryside which the NPPF seeks to protect.

41. The proposal would result in the urbanisation of the site by increasing the scale and density of development on it. This could however, at reserved matters stage, have limited detrimental impact on the character and appearance of the surrounding area due to the existing nature of the site and its sense of enclosure. The proposal could therefore take account of the area's existing role and character in accordance with the NPPF.

42. In terms of the business element of the proposal, the redevelopment could effectively comprise a number of small scale extensions to existing industrial, office or storage premises. A number of existing occupiers have expressed a desire to expand on the site, and enquires have been made by prospective new occupiers. This element of the proposal could also be accommodated satisfactorily within the existing boundaries of the commercial site and present an opportunity to improve the character and appearance of the site. The proposal would therefore accord with LP Policy E7.

44. I therefore conclude that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area and that it would thus not conflict with the NPPF in this regard together with LP Policy E7.'

The majority of the site lies within an area defined under policy CNP10 in the CNP as CA3: Copthorne Common and Woodland. The policy states:

'CNP10.1 As appropriate to their scale and nature development proposals within the defined Character Area 3 -The Copthorne Common and Woodland Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019).

CNP10.2 Proposals for commercial uses on the A2220 and A264 Copthorne Common Road will not be supported.

CNP10.3 Where it is practicable to do so development proposals should reduce the severance caused by the primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility.

CNP10.4 Development proposals should be designated to minimise the extent and significance of manmade features and views of agricultural landscapes, such as pylons, agricultural vehicles or caravans.'

The site remains well screened along the eastern boundary to Turners Hill Road. The site of these proposed buildings is adjacent to the western boundary of the site and is therefore well set back from the highway. Given the location of the development, the existing and consented buildings, it is not considered that the proposal would be intrusive within the countryside such that it would cause material harm in planning terms. It is not considered that the proposal would conflict with the aims of policy DP12 in the MSDP in respect of landscape impact or policy CNP10 in the CNP.

Layout, Appearance, Scale and Landscaping

Policy DP26 in the MSDP 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:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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 DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

Principle DG43 in the Design Guide SPD sets out the principles for the layout of new employment areas. It states in part that:

'A generous landscape buffer strip will normally be needed adjacent to the boundary to screen and soften the buildings from the surrounds.

Development in employment areas should also normally be laid-out with:

- o The public realm employing a coherent and common design language;*
- o New buildings set within appropriate landscaping with native trees and shrubs defining the street environment and pedestrian realm;*
- o Open spaces and key landscape features located centrally where they can form a focus for the site and designed to provide amenity for employees;*
- o A clear structure of connected streets incorporating footways and cycle routes with buildings fronting the streets wherever possible; and*
- o Parking and servicing softened/screened with vegetation and located at the rear of buildings where it has less impact upon the public realm.'*

Layout

The proposed buildings are all arranged so that they front onto the internal access roads within the development. The plans also show new planting to the east of the storage yard, together with the retention of the existing landscaping on the western side of the site.

It is considered that the layout of the development is reasonable and accords with the above policy and guidance.

Appearance and scale

Principle DG44 in the Design Guide SPD relates to the design of commercial buildings. In part it states:

'New commercial buildings should reduce their impact upon the environment by incorporating the sustainability principles set out in DG37.'

The design of commercial buildings must consider:

- o Measures to create a more human scale for example through the vertical articulation / subdivision of the facade;*
- o Careful selection of facing materials that blend with the surroundings and/or complement existing adjacent buildings.*
- o The location of reception areas and office space so that it positively contributes to the surveillance of entrance areas and forecourts;*
- o The location and coordination of signage to minimise its impact and ensure that signage on buildings is not overbearing on the surrounds or out of proportion with the scale of buildings; and*
- o Measures to mitigate the impact of their height/bulk. For example, low profile pitches / barrel vault roofs may be preferable to angular flat roofs. Green roofs should be considered where appropriate.'*

The design and scale of the buildings is modest, with the individual buildings having a relatively modest footprint and low eaves and ridge heights. The external materials will blend into the surroundings by incorporating timber cladding and green walls. It is considered that the proposed buildings are of a human scale and will fit satisfactorily into the site, in accordance with the above policy and guidance.

With regards to sustainability issues, the applicants have stated that the buildings will be very well insulated, such that the units will not be fitted with central heating. They also advise that all of the new car parking spaces will be set up ready for electric vehicles. It is therefore felt the application has had regard to policy DP39 in the MSDP.

It is not considered that layout, design and scale of the proposal would result in coalescence between Crawley Down and Copthorne and there would be no conflict with policy DP13 in the MSDP.

Landscaping

Policy DP26 of the MSDP seeks to ensure that high quality design and layout includes appropriate landscape and green space. It also, along with policy DP37, seeks to protect trees that contribute to the character of the area. This latter policy specifically relates to trees, woodland and hedgerows.

The layout of the site shows that the hedging on the western boundary of the site would be retained. The plans also show a new planting to the east of the storage yard. The Councils Tree Officer has no objection to the scheme. It is considered that policy DP37 in the MSDP is met.

Impact on neighbouring amenities

Policy DP26 seeks to avoid significant harm to the amenities of adjoining properties from new development. Policy DP29 of the MSDP states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Policy CNP1.1 in the CNP states in part:

'Proposals for new development should not cause unacceptable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.'

There is therefore some conflict between this policy which refers to 'unacceptable harm' and policy DP26 in the MSDP which refers to 'significant harm'. Where there is such conflict, in accordance with planning law, it is the policy in the most recently adopted plan which takes precedence, which is the CNP.

The nearest residential property to this part of the site is Rangers, which is some 95m to the northwest. By definition, the old B1 (c) Use Class, which is now within Class E, was defined as being an industrial use which can be carried out in a residential area without detriment to its amenity. The Councils Environmental Protection Officer raised no objection to the outline application subject to conditions regarding the hours of operation, hours of deliveries and a management plan for each unit.

The outline planning permission has conditions to control the hours of operation of the business units and the timings of deliveries. Considering the conditions imposed at the outline stage, the distance of the units from the nearest neighbouring residential property and the permitted use of the new buildings, it is considered that the amenities of the neighbouring properties would not be subject to unacceptable harm and policies DP26 and DP29 in the MSDP and policy CNP1.1 in the CNP would be met.

Access and transport

Policy DP21 of the MSDP deals with transport matters and sets out a number of criteria which decisions on development proposals will take account of, including whether the scheme is designed to adoptable standards, whether it provides adequate car parking and whether the scheme protects the safety of road users and pedestrians, amongst other things.

Matters regarding the design and form of the site access to Turners Hill Road, as well as the impact on the local highway network, were considered and approved at the outline application stage and these matters are not for consideration as part of this application. Therefore it is only necessary to consider the access arrangements within the site itself.

In terms of car parking, the scheme provides 5 spaces in total. The Local Highway Authority (LHA) are satisfied with the swept path diagrams that have been provided and the level of car parking. The LHA have no objection to the scheme. Your Planning Officer has no reason to disagree with the assessment of the LHA on this matter.

Ashdown Forest

A Habitats Regulation Assessment (HRA) was carried out when outline planning permission was granted for this development. As this is a reserved matters application relating to the appearance, layout, scale and landscaping of the site, there is not a requirement for a further HRA to be carried out.

Flood risk and drainage

Policy DP41 in the MSDP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

The applicants have provided additional information during the course of the application to respond to queries from the Councils Drainage Engineer. The Councils Drainage Engineer is now satisfied that the proposed development can be satisfactorily drained. Whilst they have requested that a drainage

condition be imposed, there is already a drainage condition (number 5) that was imposed on the outline planning permission DM/20/4127. As such it is not necessary to add a further condition to this reserved matters application.

Impact on heritage assets

As the application affects a number of listed buildings, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The statutory duties set out in the (LBCA) Act 1990 are reflected in the District Plan. Policy DP34 of the MSDP states in relation to the setting of listed buildings:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;...*
- o Special regard is given to protecting the setting of a listed building;'*

Paragraph 212 of the NPPF states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 215 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The Firs is a Grade II listed mid-19th century house located on the junction of Turners Hill Road and Copthorne Common Road. At the outline stage, the Councils Conservation Officer stated:

'The surviving rural setting of The Firs, which is the broader setting to the west and south of the asset, makes a modest positive contribution to the manner in which the special interest of the asset is appreciated, in particular those parts of this interest which are drawn from its illustrative historical and aesthetic values. This contribution is reduced by the existing development around the building and by the degree of screening along the road frontages of the asset itself.'

The application site is a short distance to the south of The Firs, separated from it by a further house and telephone exchange building.

Although there is some screening along the Turners Hill Road boundary of the site provided by trees and other vegetation, this is of varying density and allows views into the site at various points along its length particularly in winter, in which the open and undeveloped nature of the northern and southern ends of the site can be appreciated. These parts of the site retain something of its original rural character. The current proposal would have a significant impact on the character of these currently open areas of the site by the introduction of substantial built form.

The proposal would therefore have some impact on the wider setting of The Firs, including the approach to it along Turners Hill Road, by a reduction in the rural nature of that setting. This would result in a

degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the lower end of the less than substantial scale.'

In respect of Poplar Place, barn and granary, which are on the eastern side of Turners Hill Road, the Conservation Officer stated on the outline application *'The surviving rural setting of these assets, to the west, east and south, makes a strong positive contribution to their special interests and to the manner in which this is appreciated, in particular those parts of these special interests drawn from historical illustrative and aesthetic values. The site, the undeveloped northern end of which is directly opposite Poplars Place, forms part of this setting.*

As above, the screening along the Turners Hill Road boundary of the site is partial, especially in winter, and the proposed new built form would be likely to have an impact on views into its northern and southern parts. The proposed development site is directly opposite the assets at Poplars Place and new built form on it will detract from the currently positive impact that this part of the site has on the setting of the assets. The broader development will also impact on the character of the approach to Poplars Place along Turners Hill Road from the south.

This will result in a degree of harm to the contribution that setting makes to the special interest of the listed building and the manner in which this is appreciated, contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would place this harm at the mid point of the less than substantial scale.'

Shepherds Farm is located directly opposite the southern end of the site and is also opposite the point at which the PROW running along the western boundary of the site meets Turners Hill Road. At this point on the road frontage the screening is relatively weak, and there are fairly clear views into the site, although direct intervisibility would be limited by the screening along the boundary of the gardens to Shepherds Farm.

In the determination of the outline application, the Conservation Officer stated:

'... the proposed development will have a significant impact on the character of the site and in particular the currently undeveloped northern and southern ends. This will detract from the currently positive contribution which the southern end of the site in particular makes to the setting of Shepherds Farm, including the approaches to it along Turners Hill Road from the north and along the above mentioned PROW. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the listed building by setting to be less than substantial, at the midpoint of that scale.'

In respect of the impact from the reserved matters proposals on Shepherds Farm, the Conservation Officer states that *'the proposal will result in less than substantial harm at the mid-range of that scale.'*

Your Planning Officer agreed with this assessment. In assessing the development overall at the outline planning application stage, it was concluded that the 'less than substantial harm' to the heritage assets, which was afforded significant weight in the planning balance, was outweighed by the economic benefits of the scheme.

Therefore, the principle of this impact on these heritage assets has been accepted by the grant of the outline planning permission. It is still necessary however to assess the impact of this reserved matters consent on the heritage assets.

In respect of the impact from the reserved matters proposals, the Conservation Officer states *'This application relates to an outline approval DM/20/4127 which was for the significant expansion of the commercial space on the site and relocation of an existing dwelling. Subsequent reserved matters application refined the scheme, including the site layout. The current proposal seeks to add a further 2 buildings of a commercial/industrial character and additional hard surfaced yard space at the north eastern corner of the site. While this is away from the road frontage, there will be a further associated loss of green space, and an additional adverse impact on the surviving rural character of the site, which will further detract from the contribution which it currently makes to the settings of the heritage assets*

previously identified. This will result in a slight increase in the level of less than substantial harm caused in each case, as previously set out in relation to the most recent application.'

Conclusions on heritage matters

It is considered that the proposal would cause some harm to the setting of the heritage assets identified above and therefore there is a conflict with policy DP34 in the MSDP. In terms of the NPPF, this harm is felt to fall within the 'less than substantial' category. Nonetheless, this harm must be afforded significant importance and weight by the decision maker to properly reflect the position as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, that the preservation of the setting of listed buildings is desirable.

The main benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. At the outline planning application stage, it was determined by the LPA that the economic benefits of the proposal outweighed the less than substantial harm to the setting of the heritage assets, notwithstanding that significant and important weight should be attached to this less than substantial harm.

It is considered that this conclusion remains the same in the assessment of the reserved matters. Given the strong support in national policy for the rural economy and the continued challenges faced by businesses, it is considered that significant weight should be afforded to the economic benefits of the proposal. In the planning balance required by paragraph 215 of the NPPF, these benefits are considered to outweigh the less than substantial harm to the heritage assets.

Other Matters

The site lies within the Gatwick safeguarding area. The Aerodrome Safeguarding Officer has recommended a condition to be attached to the reserved matters consent relating to soft landscaping. This condition is already imposed on the outline planning permission so there is no requirement to replicate it on this reserved matters consent. They have also recommended a condition regarding controlling the details of any renewable energy proposals. This was imposed on the previous reserved matters consent and will be added to this consent for consistency.

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 MSDP, the Site Allocations DPD and the CNP.

To summarise, the principle of this development has been established by the grant of outline planning permission. The access into the site has been approved and the impacts of the development on the highway network were considered and found to be acceptable under the outline planning permission.

It is considered that the layout and design of the proposed commercial buildings is acceptable. The buildings will be modest in scale and are of an appropriate form and design for this rural site. The level and location of car parking around the buildings is acceptable. The proposed landscaping around the buildings is acceptable and the existing boundary trees along will be retained.

The site can be satisfactorily drained, with the details of this being covered by the planning condition on the outline planning permission.

Whilst there would be some harm to the setting of the adjacent listed buildings, the principle of this was accepted by the grant of outline planning permission. It is considered that whilst the reserved matters scheme does result in some harm to the setting of the listed buildings, in conflict with policy DP34 in the MSDP, this harm falls into the category of less than substantial as defined by the NPPF. Under the balance required by the NPPF, it is considered that this harm, whilst being afforded significant weight, is nonetheless outweighed by the public benefits of the development, which comprise the economic benefits from the expansion of this commercial site.

Overall, it is considered that the reserved matters are acceptable and comply with the development plan when read as a whole. Therefore, this scheme can be approved.

Decision: Permission

Case Officer: Steven King