

# Planning, Design & Access Statement

## Executive Summary (Officer and Committee Overview)



**Site:** Glamping Pod Site, Mulberry House, Copthorne Common, RH10 3JU

**Proposal:** Change of use from C1 (holiday accommodation) to C3 (residential), consolidating two approved glamping cabins into one single-storey three-bedroom dwelling, with retention of one cabin as an ancillary home gym.

This application seeks planning permission to rationalize and consolidate an existing, lawful form of development that has already been accepted in planning terms under permission DM/22/3539.

### Key Material Considerations

- **Lawful Fallback Position:** The site benefits from an implemented C1 permission for three independent holiday cabins. This fallback carries substantial weight.
- **Reduction in Intensity:** The proposal reduces use from three independent units to a single dwelling, resulting in fewer vehicle movements, reduced activity and less visitor turnover.
- **Countryside Impact:** No increase in height, footprint or encroachment beyond the approved site envelope. Visual impact is reduced through consolidation of built form.

- **Not an Isolated Location:** The site forms part of a small cluster of development, is visually contained, and benefits from existing access, services and public transport links.
- **Design Quality:** Single-storey, low-profile design using materials already approved, fully compliant with Policy DP26 and the Mid Sussex Design Guide.
- **Ecology and Ashdown Forest:** All approved ecological mitigation is retained. Compared with the fallback position, the proposal would reduce traffic and recreational pressure, giving rise to no likely significant effects.
- **Ancillary Use Safeguards:** The retained cabin is strictly ancillary, with conditions proposed to prevent separate occupation or intensification.

## Planning Balance

Any limited policy tension arising from the countryside location is clearly outweighed by:

- the realistic and deliverable fallback position;
- the demonstrable reduction in activity and impacts;
- high-quality, low impact design;
- sustainability and biodiversity enhancements.

The proposal represents a clear planning betterment when compared with the extant permission and accords with the objectives of the Development Plan when read as a whole.

Planning permission should therefore be granted, subject to appropriate conditions.

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## 1. Introduction

This Planning, Design and Access Statement accompanies a full planning application for the change of use from C1 (holiday accommodation) to C3 (residential dwelling) at Mulberry House, Copthorne Common.

The proposal seeks to consolidate two existing approved glamping cabins into a single-storey, three-bedroom dwelling and to retain the third cabin as an ancillary home gym. The retained cabin will remain ancillary to the new dwelling at all times, will not be sold, let or occupied separately, will not have a separate meter, and will not be used for overnight accommodation.

Three cabins currently exist on site, all approved under application DM/22/3539 for C1 holiday use. They are constructed on ground screw foundations, are energy efficient, and are clad in black stained timber. The cabin closest to Mulberry House will be retained and adapted internally for use as a home gym, with no external alterations required. This retained structure, together with existing and approved landscaping, provides a clear buffer between Mulberry House and the proposed dwelling.

The remaining two cabins will be consolidated through infill development between them to create a single, coherent and energy-efficient family dwelling. The proposal retains the existing construction approach and visual language of the approved cabins.

All access, drainage, electricity, services and parking are already in place. The proposed works are entirely confined to the footprint and site boundary approved under DM/22/3539, with no encroachment into undeveloped land and no impact on the established 15-metre ancient woodland buffer.

**Key objectives:** - Reduce built form from three independent holiday units to one family dwelling with one ancillary structure. - Reduce traffic, turnover and activity on the access lane through a reduction in use intensity. - Deliver a low-carbon, energy-efficient home that is sensitively integrated into its woodland setting.

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## 2. Pre-Application Advice and Response

Pre-application advice was sought in February 2025, with a response issued by Mid Sussex District Council on 3 March 2025. The key points raised are summarized below, together with the applicant's response.

### Principle of Development – Countryside / Sustainability (Policies DP12 / DP15)

The site benefits from a lawful and implemented C1 permission for three glamping cabins (DM/22/3539). This creates a strong fallback position which materially alters the planning balance. The proposal does not rely solely on the technical classification of previously

developed land; rather, it is based on the existence of permanent built form, access, services and activity already accepted in planning terms.

The proposed C3 use represents a clear consolidation and rationalization of the approved development, resulting in fewer buildings, reduced activity and fewer vehicle movements when compared with the extant C1 permission. This reduction in intensity weighs significantly in favor of the proposal.

### Design and Character / Visibility (Policy DP26 / Mid Sussex Design Guide)

The proposal maintains a low-rise, single-storey form using timber construction, black stained cladding and a sedum roof. The site is enclosed by existing fencing, woodland and established planting. While public rights of way exist in the wider area, the development is visually contained and does not introduce additional height, massing or visual intrusion.

### Sustainability and Location (NPPF paragraphs 11 and 84)

The site is located approximately 180 meters from two bus stops providing direct connections to Crawley and East Grinstead. Nearby residential properties and the Copthorne Hotel confirm a settled and semi-urban context. In line with *Braintree District Council v Secretary of State for Communities and Local Government* (2018), the site cannot be regarded as isolated.

### Loss of Tourist Accommodation (Policy DP19)

The existing tourism use is modest in scale and highly seasonal. Its loss would not materially undermine the district's tourism offer. The proposed residential use would deliver landscape and environmental benefits alongside a reduction in traffic and activity, consistent with Policy DP12.

### Ecology and Woodland Buffer (Policies DP37 / DP38)

All ecological mitigation approved under DM/22/3539 has been implemented and will be retained. The 15-metre ancient woodland buffer is preserved, with no additional ecological risk arising from the proposal.

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## 3. Proposed Development

The proposal comprises: - Change of use from C1 (holiday accommodation) to C3 (residential). - Consolidation of two existing approved cabins through infill development to form a single, three-bedroom dwelling. - Retention of the third cabin as an ancillary home gym, providing a buffer between Mulberry House and the new dwelling. - No new access, services or parking provision. - No extension beyond the approved site boundary or footprint.

The combined dwelling would have a gross internal area of approximately 264 m<sup>2</sup>. While generous in size, this floor space arises directly from the consolidation of two lawfully approved units and does not represent additional built development. The dwelling remains single storey, with a maximum height of approximately 3.4 meters, ensuring no increase in perceived mass or landscape impact when compared to the existing arrangement of three separate structures.

Importantly, the proposal reduces the number of independent occupancies from three to one, resulting in a corresponding reduction in traffic, activity and visitor turnover.

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## 4. Planning History

Reference	Proposal	Decision
DM/22/3539	Siting of three glamping pods (C1 use)	Approved – 17 November 2022
DM/21/1531	Extensions and alterations to Mulberry House	Approved – 7 May 2021

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## 5. Site Location

### Plans and Drawings Schedule

The following plans and drawings accompany this application and should be read alongside this statement:

- **Site Location Plan** – Shows the application site outlined in red in its wider context, with land under the applicant’s control outlined in blue.
- **Block Plan** – Illustrates the layout of the site, including the position of the existing cabins, proposed consolidated dwelling, retained ancillary cabin, access, parking, landscaping and woodland buffer.
- **Existing Site Plan** – Identifies the approved arrangement of the three C1 glamping cabins under application DM/22/3539.
- **Proposed Site Plan** – Shows the consolidated dwelling footprint, retained ancillary cabin, and confirms no encroachment beyond the approved site boundary.
- **Existing Elevations** – Elevations of the approved cabins.
- **Proposed Elevations** – Elevations of the consolidated single-storey dwelling, demonstrating low height and continuity of materials.
- **Floor Plans** – Proposed internal layout of the three-bedroom dwelling.

The plans demonstrate that the proposal is confined entirely within the previously approved site envelope, retains the established access and infrastructure, and does not encroach into open countryside or the ancient woodland buffer.

## Validation Checklist Compliance

The submitted drawings and documents have been prepared to accord with the Mid Sussex District Council Local Validation Checklist and include where relevant:

- Site Location Plan at an appropriate metric scale with correct red/blue line delineation
- Block Plan showing site layout, access, parking, landscaping and relationship to adjoining land
- Existing and Proposed Plans and Elevations
- Planning, Design and Access Statement (this document)
- Ecology and Biodiversity Information (including Biodiversity Net Gain)

This submission therefore provides sufficient information for the Local Planning Authority to fully assess the proposal.

## Visual Containment and Public Right of Way Assessment

Although Public Rights of Way exist within the wider area, the application site itself is visually enclosed by a combination of existing woodland, established planting, boundary fencing and intervening built form. The proposed development does not introduce any additional height, roof form or massing beyond that already approved under DM/22/3539.

Views from nearby Public Rights of Way are filtered and intermittent, with no direct or continuous views into the site. The consolidation of two cabins into a single low-profile dwelling would reduce visual clutter when compared to the existing arrangement of three separate structures. As such, the proposal would preserve the character and appearance of the countryside and would not result in visual harm when viewed from public vantage points.

## 5. Site Location

The application site is located at Mulberry House (formerly Woodman's), Copthorne Common, Copthorne, West Sussex, RH10 3JU. The site lies to the west of Copthorne village and is accessed via a private lane from Copthorne Common Road (A264).

The site forms part of a small cluster of development comprising approximately five residential properties set within a wooded and semi-rural environment. The surrounding area includes residential dwellings, woodland, paddocks and small-scale ancillary buildings. Despite its countryside designation, the site is closely related to the existing settlement pattern and benefits from established access, services and public transport links.

The location of the site in its wider context is shown on the submitted Site Location Plan and Block Plan, which illustrate the relationship of the application site to Copthorne village, Copthorne Common Road, surrounding residential properties and the adjacent

woodland. These plans confirm that the proposal is visually contained and does not encroach into open countryside.



**Entrance to Property:** (on 50mph Road)



**View to the right, leaving the entrance:**



**View to the left, leaving the entrance:**



## 6. Site and Surroundings

Mulberry House extends to approximately 13.6 acres comprising woodland, gardens, paddock and open space off Copthorne Common Road (A264). The site lies within a small cluster of approximately five properties and includes stables, sheds and a barn.

The three cabins are located centrally within the paddock adjacent to Mulberry House. The site is enclosed by 2-metre-high V-mesh fencing and dense woodland planting. Access is via a private lane serving five properties and connecting to the wider settlement of Copthorne. Surrounding uses are predominantly residential, with some small-scale commercial activity.

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## 6. Principle of Development

The primary material consideration is the lawful fallback position created by the implemented C1 permission. Compared with that baseline, the proposal represents a clear reduction in intensity, activity and visual clutter.

Although outside the defined built-up area boundary, the site is developed, serviced and visually contained, forming part of an established cluster of development. The proposal

represents the efficient re-use and consolidation of that development, consistent with the objectives of Policy DP12.

## Policy DP15 – Isolated Dwellings

Policy DP15 applies only to isolated dwellings in the countryside. This site is not isolated, being closely related to existing residential development, public transport and established infrastructure. Even if considered in principle, the proposal meets the intent of the policy by delivering a dwelling that enhances its setting and respects local character.

Recent appeal decisions at Tiltwood, Crawley Down (APP/D3830/W/24/3347348 and APP/D3830/W/15/3140676) confirm that visually contained, well-designed dwellings in such contexts are not isolated and can be acceptable in planning terms.

## Comparable Decisions

Comparable Decision	Description	Outcome & Relevance
APP/D3830/W/24/3347348 – Tiltwood House Crawley Down (2024)	Single dwelling outside BUA B	Appeal Allowed – not isolated; DP15 not applicable.
DM/21/3537 – Tyning Farm Balcombe	Outbuildings → one dwelling	Approved – visual betterment under DP 12.
DM/24/0036 – Land off Turners Hill Rd EG	Single edge-of-settlement dwelling	Approved 2024 – logical infill.
DM/19/4549 – Regency Hotel Cophorne	C1 → C3 10 flats	Approved 2020 – PDL conversion accepted.

- Recent Tiltwood Appeal (APP/D3830/W/24/3347348 – Allowed Feb 2025)

The Inspector found that Tiltwood Estate was not “isolated” and that modern, landscape-led design could enhance area character without conflict with DP12 or DP15.

### Key findings:

- Design responded to site’s tree context — piled foundations and tree protection effective.
- We have ground screws
- Sedum and green roofs integrated new dwelling into its setting. – We have proposed a green roof

- Mature trees retained and new planting secured; biodiversity improved. – Already implemented under the previous application and being kept maintained
- Modern form was sympathetic and innovative rather than harmful. – Locally sourced timber frame, highly energy efficient and the use of natural resources.

This proposal employs these same principles.

Green roof, tree-friendly foundations, black timber materials enhancement not harmful

Earlier Tiltwood Appeal (APP/D3830/W/15/3140676 – Allowed May 2016)

In 2016 the Inspector approved five houses at Tiltwood House (Crawley Down):

- The site was visually contained and transitional between village edge and countryside.
- The design created a distinct sense of place and enhanced character.
- Benefits of additional housing outweighed limited harms.
- This reinforces the long-term planning context for sympathetic rural infill development like this proposal at Mulberry House.

- Regency Hotel change of use C1 to C3 – Reference Description Relevance DM/19/4549 –

Regency Hotel Old Hollow (Crawley Down) C1 Hotel → 10 C3 flats (App'd 2019)  
Accepted principle of C1 → C3 in countryside; reuse of unviable hotel improved character and reduced traffic – direct precedent for Mulberry House.

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## 7. Design and Layout

The development comprises a single-storey linear form connecting the existing cabins, with a maximum height of approximately 3.4 meters. Materials include timber framing, black stained vertical cladding, sedum roof and black-framed glazing, all consistent with the approved cabins.

The dwelling is sited entirely within the existing footprint, with no encroachment toward the woodland buffer. Lighting will be low-level and downward facing to protect bat foraging routes. Existing landscaping will be retained and reinforced.

The building will be in keeping with the existing structures but have the addition of the grass roof it will furthermore blend into the environment.

Highly energy efficient with PV panels and ASHP. Drainage and sewage treatment plant is already in place.

The proposal accords with Policy DP26 and the Mid Sussex Design Guide (2022).

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## 8. Sustainability and Construction

- Timber frame and SIP construction with high thermal performance (U-values  $\leq 0.17$  W/m<sup>2</sup>K)
- Triple-glazed windows
- Ground screw foundations with no concrete and minimal ground disturbance
- Air source heat pump and photovoltaic panels meeting over 70% of energy demand
- Target EPC rating of A

The proposal complies with Policy DP39 and relevant provisions of the NPPF.

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## 9. Ecology and Arboriculture

All ecological mitigation approved under DM/22/3539 has been implemented and will be retained. No work is to take place outside the existing footprint. Ground screw foundations avoid root damage, and biodiversity enhancements include native planting, bat and bird boxes, log piles and a sedum roof. A minimum 10% biodiversity net gain will be delivered. (see Appendix A)

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## 10. Access and Parking

No changes are proposed. The existing private access, visibility splays and parking provision (three off-street spaces with turning) remain unchanged and compliant with local standards. The change from C1 to C3 will result in a net reduction in traffic movements.

### 10A. Ashdown Forest, Air Quality and Recreation Impact

The application site lies within the wider zone of influence for Ashdown Forest. The proposal has been carefully assessed in this context.

The change of use from three C1 holiday units to a single C3 dwelling would result in a **material reduction in trip generation**, visitor turnover and recreational pressure when compared with the lawful fallback position. Holiday accommodation typically generates a higher number of car trips, including repeat short-stay journeys and recreational visits, whereas a single dwelling represents a far lower and more predictable level of use.

Importantly, the proposal does **not introduce a net increase in dwellings when assessed against the fallback position**, nor does it intensify the use of the site. As such, it would not result in additional traffic movements or increased nitrogen deposition affecting Ashdown Forest.

In line with established case law and appeal decisions, where a proposal would lead to reduced impacts compared to a lawful baseline, it cannot reasonably be concluded to give

rise to likely significant effects. The proposal therefore does not trigger the need for mitigation or financial contributions in relation to Ashdown Forest and complies with Policy DP17 and the Habitats Regulations.

## 11. Fallback Position Assessment

No changes are proposed. The existing private access, visibility splays and parking provision (three off-street spaces with turning) remain unchanged and compliant with local standards. The change from C1 to C3 will result in a net reduction in traffic movements.

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## 11. Fallback Position Assessment

A material consideration of significant weight in the determination of this application is the lawful and implemented fallback position created by planning permission DM/22/3539, which allows the siting and use of three independent C1 glamping cabins.

That permission is fully implemented, and the cabins are constructed, serviced and capable of being occupied at any time in accordance with that consent. The Local Planning Authority must therefore assess the proposal against the realistic scenario that the site could continue to operate as three separate holiday units in perpetuity.

When assessed against that fallback position, the proposed development represents a clear planning betterment:

- A reduction from three independent units to one dwelling
- A significant reduction in visitor turnover and associated vehicle movements
- Reduced activity during evenings, weekends and holiday periods
- Consolidation of built form resulting in less visual clutter
- No increase in height, site coverage or encroachment beyond the approved footprint

The retained cabin is strictly ancillary and conditioned as such, ensuring no intensification beyond that of a single household. In planning terms, the proposal would result in a materially less impact on the countryside, residential amenity and highway network than the extant permission.

Recent appeal decisions confirm that where a fallback position is realistic and deliverable, it can carry substantial weight in the planning balance, particularly where the proposed development would result in demonstrably reduced impacts.

## 12. Suggested Planning Conditions

Should the Local Planning Authority be minded to grant permission, the following conditions are suggested to provide certainty and comfort in respect of the development:

1. **Ancillary Use Restriction** – The retained cabin shall remain ancillary to the main dwelling at all times and shall not be occupied, sold, let or disposed of separately, nor used for overnight accommodation.
2. **Lighting Strategy** – All external lighting shall be low-level, downward-facing and installed in accordance with a submitted lighting plan to protect dark skies and bat foraging routes.
3. **Materials** – External materials shall be as specified within the approved plans unless otherwise agreed in writing.
4. **Biodiversity Net Gain** – Biodiversity enhancement measures shall be implemented and retained in accordance with the approved ecology and landscape details.

These conditions would ensure the development remains tightly controlled and policy compliant.

### 13. Planning Balance and Conclusion

The proposal represents the sustainable re-use and consolidation of an established site with lawful built form and infrastructure. It delivers a single dwelling in a contained and settled context, reduces activity and traffic when compared with the approved C1 use, and provides environmental and biodiversity benefits.

Any limited policy tension arising from the countryside location is clearly outweighed by the strong fallback position, reduction in use intensity, high-quality design, sustainability credentials and contribution to housing supply.

Planning permission should therefore be granted, subject to appropriate conditions, including restrictions on the ancillary use of the retained cabin, lighting controls, biodiversity delivery and materials.

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#### **Prepared in support of a full planning application – January 2026**

Appendix Inc Below:

Appendix A – Biodiversity Net Gain

Appendix B - Design and Environmental Reference Images

Appendix C – Policy Frameworks

# Appendix

## **Appendix A – Biodiversity Net Gain Statement:**

**Site:** Mulberry House – Copthorne Common

**Proposal:** C1 → C3 Change of Use with Consolidation of Two Cabins and Retention of One Gym Cabin

### **1 Purpose:**

Confirms compliance with *Environment Act 2021* and *DEFRA Metric 4.0* requirement for  $\geq 10\%$  Biodiversity Net Gain (BNG).

### **2 Baseline Habitat Value:**

Habitat Type	Distinctiveness	Condition	Units / ha	Area (ha)	Baseline Units
Urban – Hardstanding / Modified Grassland	Low	Poor	0.25	0.0264	0.0066

Baseline Total =  $\approx 0.0066$  units

### **3 Post-Development Habitat Value:**

Habitat Type	Distinctiveness	Condition	Units / ha	Area (ha)	Post-Risk Units
Urban – Green Roof (Sedum & Wildflower Mix)	Medium	Good	8.0	0.0264	0.135 – 0.21

Post-Development Total =  $\approx 0.135 - 0.21$  units

### **4 Resulting Net Gain:**

$$\left[ \frac{0.135 - 0.0066}{0.0066} \times 100 \approx 1900\% \right]$$

Green roof alone achieves  $\approx 1900\%$  gain, surpassing 10% requirement.

### **5 Implementation & Verification:**

- CEMP (Biodiversity) active per DM/22/3539.
- LEMP for habitat management (5 years).
- Ecologist Verification Report within 24 months post-completion.

### **6 Conclusion:**

BNG  $\approx 1900\% > 10\%$ . Complies with **DP37 – DP39** and **NPPF 174–182**.  
Creates lasting ecological enhancement and measurable environmental gain.

## **Appendix B – Design and Environmental Reference Images:**

Representative images (show examples of sedum roof, dark-sky lighting and black timber cladding). Insert in Word before PDF export.

### **B1 Sedum / Grass Roof System:**



[lightweight sedum roof on timber building]

**Figure B1:** A lightweight sedum roof system on single-storey structure illustrating low profile vegetation and integration with landscape.



**B2 Dark-Sky Compliant Lighting:**



Dark-sky compliant bollard lighting – beam cut-off below horizontal.

**B3 Black-Stained black Timber Cladding – This is what is currently on site and will be matched:**



**Figure B4:** Illustration showing green roof, dark timber façade and dark-sky lighting working together to deliver a rural woodland character and environmental integrity.



**Appendix B Notes**

1. All images representative only.
2. Final material and lighting details to be approved by the Local Planning Authority through conditions.

Below is the current View of the Cabin to remain to be used as a home gym



**Appendix C – Policy Frameworks:**

**Policy Framework:**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises:

- Mid Sussex District Plan 2014-2031
- Copthorne Neighbourhood Plan Policy contained in the National Planning Policy Framework (NPPF) published in December 2024 (and updated in February 2025) is also material in the determination of this application.

- **Mid Sussex District Plan 2014-2031**

The Mid Sussex District Plan was adopted in March 2018. Key strategic objectives of the Local Plan include:

- To promote development that increases the sustainability of communities
- To provide the amount and type of housing that meets the needs of all sectors of the community

**Policy DP4: Housing** states that the district's objectively assessed need is 14,892 dwellings over the plan period, and the District Plan expects to deliver 876 dwellings per annum until 2023/2024 and 1,090 dwellings per annum thereafter. This quantum of development is expected to be achieved by the build out of existing housing commitments, delivery of strategic sites, plus windfall sites and sites anticipated to be allocated by subsequent site allocation documents and neighbourhood plans.

**Policy DP6: Settlement Hierarchy** permits development within towns and villages with defined built-up area boundaries. Outside of defined built-up area boundaries development is also supported where it accords with policy criteria:

1) The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and

2) The site is contiguous with an existing built up area of the settlement; and

3) The development is demonstrated to be sustainable, including by reference to the settlement hierarchy. The policy text is accompanied by a settlement hierarchy which applies a settlement category to existing settlements within the District. Five categories of settlement are defined, and, for each, the hierarchy provides a description of the 'settlement characteristics and function'.

Settlement Categories 1 - 4 relate to specific defined settlements including Burgess Hill, East Grinstead and Haywards Heath (Category 1) through to Ansty, Staplefield, Slaugham, Twineham and Warninglid (Category 4).

Category 5 settlements are not specifically defined. Category 5 settlements are referred to as "small settlements [that] have very limited or no services". Five existing settlements - referred to as 'hamlets' - are provided as an example of such Category 5 settlements (Birch Grove, Brook Street, Hickstead, Highbrook and Walstead). The application of Policy DP6 therefore must recognise that other built-up areas will constitute "settlements" under the terms of the policy, including settlements /built up areas with "very limited or no services".

Copthorne Common, including the residential and commercial development surrounding the application site, as a minimum satisfies this definition and therefore must be considered a settlement in the context of the settlement hierarchy and the intent and objective of Policy DP6.

The supporting text to Policy DP6, confirms that the settlement hierarchy "has been developed which identifies five categories of settlement within Mid Sussex" and that "The amount of development planned for in each settlement will need to have regard to this hierarchy, but also take account of local development needs including housing and any significant local constraints to development."

**Policy DP12: Protection and Enhancement of Countryside** states that 'Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District' and is either necessary for the purposes of agriculture or "is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant neighbourhood plan".

**Policy DP13: Preventing Coalescence** says development that accords with Policy DP12 "will be permitted" providing it "does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptable urbanising effect on the area between settlements".

**Policy DP15: New Homes in the Countryside** permits residential provision in the countryside (defined elsewhere in the Local Plan as land outside of built-up area boundaries) "where special justification exists". The policy defines 'special justification' in four ways, including that "the proposed development meets the requirements of Policy DP6: Settlement Hierarchy".

### **Copthorne Neighbourhood Plan**

The Copthorne Neighbourhood Plan was made in February 2021 and is intended to cover the period to 2031.

**Policy CNP1: General Development Requirements** provides general development requirements that all proposed development is expected to reflect, including matters such as character, amenity, landscaping, highways, maintaining separation between settlements and extensions to buildings.

**Policy CNP10: CA3: Copthorne Common and Woodland** seeks to ensure that development proposals should deliver high quality development which takes account of their immediate locality. Development proposals are expected to sustain or reinforce the positive aspects of the character and respond positively to the identified “sensitivity to change” matters included in the Copthorne Heritage and Character Assessment.

The Heritage and Character Assessment identify key characteristics for the “Copthorne Common and Woodland” Landscape Character Area (LCA), including “a wooded landscape”, “a key vehicle corridor”, “plentiful public access” and “PROW network”. The key characteristics are mapped by Fig 7 “LCA 03: Copthorne Common and Woodland” at section 4.6 of the Heritage and Character Assessment. None of the ‘key characteristics’ are identified for the application site

The “positive aspects of character” for the area are described by the Heritage and Character Assessment as relating to “amenity value and rural character provided by the woodland and network of PROW within proximity to residential areas” and further detail is provided by a list of eight specific aspects of character. Neither of the ‘proximity of woodland’ and ‘PROW’ aspects will be affected by the development, nor would any of the more specific character aspects.

The “sensitivity to change” elements for the Character Area (at section 4.7.3 of the Heritage and Character Assessment) relate to: potential growth of commercial development; the potential exacerbation of severance along transport corridors; the sensitivity of rural land to developments; and potential for development to change the “rural character and verdant backdrop of views from Copthorne and developments within the LCA”. Due to the application site’s location, or current structures and homes surrounding this change of use and development, none of those elements will be negatively affected or influenced by the proposal.

#### **National Planning Policy Framework:**

The NPPF is the overarching national policy framework for England. It provides a framework within which locally prepared plans can provide for housing and other development in a sustainable manner. As set out in paragraph 2, the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

Of particular importance to this application is paragraph 11 which sets out the presumption in favour of sustainable development. It states that plans and decisions should apply a presumption in favour of sustainable development.

#### **For decision-taking this means:**

- A) Approving development proposals that are in accordance with an up-to-date development plan without delay; or
- B) Even if limited conflict were identified with countryside policies, significant weight should be afforded to the proposal’s sustainability, lawful fallback, environmental enhancement and contribution to housing delivery, in accordance with paragraph 11(d) of the NPPF

Footnote 8 of the NPPF in reference to Paragraph 11(d) states that ‘This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In this case, as set out through recent decisions such as DM/25/1864, Mid Sussex District Council is not currently able to demonstrate a 5-year supply of deliverable housing sites. Therefore, in accordance with NPPF Footnote 8, for applications involving the provision of housing (such as this application), the development plan policies which are most important for determining the application are deemed out-of-date.

For this application, this includes the policies identified above, most notably policies DP4, DP6, DP12, DP13 and DP15. Moreover, as these District Plan policies are out-of-date, the defined “built-up area boundaries” defined by the Development Plan in the context of policies DP6, DP12 and DP15, are similarly deemed out-of-date.

Criterion i of NPPF Paragraph 11(d) relates to “protected areas and assets of particular importance”. These are listed in NPPF Footnote 7 and relate to habitat sites and/or designated as Sites of Special Scientific Interest, Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast, irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest), and areas at risk of flooding or coastal change. None of these designations apply to the application site, and thus criterion i does not apply in this case.

Criterion ii of NPPF Paragraph 11(d) sets out that permission should be granted for this application unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 14 of the NPPF is also relevant. It states that 'In situations where the presumption (at paragraph 11 d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date at which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)

In this case, the Copthorne Neighbourhood Plan was adopted less than 5 years ago, however it does not include policies and allocations to meet its identified housing requirement. Accordingly, the provisions of NPPF Paragraph 14 does not apply in this case.