

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1036	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Proposed construction of a single storey front extension and raised seating area with enclosed railings		
Site:	Olivers Wine Agency, Units 17 And 18, Borers Yard, Borers Arms Road, Copthorne, Crawley, West Sussex, RH10 3LH		
Validation Date	13 Jun 2025	Overall Expiry Date:	8 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Aug 2025
Target Date:	8 Aug 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1036

Olivers Wine Agency, Units 17 And 18, Borers Yard, Borers Arms Road, Copthorne, Crawley, West Sussex

Proposed construction of a single storey front extension and raised seating area with enclosed railings

Mr Thomas Harbour

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Environmental Health: I would like to bring to your attention the Mid Sussex adopted standards for the provision of toilets in food establishments. Please see attached.

The proposed extension and raised seating area will increase the number of customers on the premises. The number of toilets provided should be in-line with Section 1(a)

I would be grateful if you could raise this with the applicant and ensure that a sufficient number of toilets are available.

PARISH COUNCIL OBSERVATIONS

Worth Parish Council supports this application

INTRODUCTION

Planning permission is sought for the construction of a single storey front extension and raised seating area with enclosed railings

RELEVANT PLANNING HISTORY

WP/062/92 - Change of use to convert existing shop store into shop floor space. (approved)
WP/085/93 - CHANGE OF USE FROM RETAIL (A1) TO TAKE AWAY FOOD SHOP (A3). (approved)
00/00819/FUL - Retrospective application for change of use from A1 retail to B1 office use and elevation improvements (approved)
02/01590/COU - Application for change of use to be reverted from B1 Office use to its former A1 Retail use. Use to be specific for 'Avensys Ltd'. (approved)
14/03962/COU - Change of use from A1 (retail) to mixed A1 (retail) and A3 (restaurants and cafes) for coffee shop and wine retail outlet with wine tasting facility. Amended plan received 2/12 (approved)
DM/15/0586 - Variation of Condition 3 of planning permission 14/03962/COU - to allow the area permitted for A3 (Cafe) to be extended to incorporate the wine tasting area. (Approved)
DM/16/1926 - Variation of conditions 2 and 3 relating to planning application DM/15/0586 to extend Monday to Saturday opening hours from 07:00 until 00:00; to allow Sunday and Bank Holiday opening hours from 9:00 until 22:30; and allow the A3 use class to be implemented throughout the entirety of Units 17 and 18. (Description amended 18.05.2016) (approved)
DM/18/3087 - Variation of Conditions 2 and 3 relating to planning reference DM/15/0586 to change permitted trading times/days and to allow for A3 use throughout the shop. (Amended requested opening hours as follows - Sunday to Tuesday 0730 - 2200, Wednesday to Saturday 0730 - 2330 and Christmas Eve, New Years Eve, and Good Friday 0730 - 0200). (approved)

SITE AND SURROUNDINGS

The Units are on the ground floor unit with offices above within a two storey building. The building is characterised by face brickwork with an upvc doors and windows. The building is characterised by an existing hipped roofed extension with canopy with outdoor seating enclosed by timber fencing.

To the north, west and east are the adjoining units and to the south of the site is the car park with the highway beyond.

The site is within the built-up area of Copthorne.

APPLICATION DETAILS

The proposal is for a single storey front extension and raised seating area with enclosed railings.

The proposed front extension approximately measures 2.9m in depth, 12.3m in width with a height to eaves of 2.2m and an overall height of 4m.

The proposed 0.5m high raised seating area measures 3.165m in depth, with an approximate width of 13.8m with railings 1m in height.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation 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:

DP26 - Character and Design
DP38- Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan was formally made by the Council on 29th September 2021.
Relevant policies:

CNP1.1 - Design and Character
CNP1.2 - Neighbouring Amenities
CNP1.6 - Residential Extensions
CNP12 - CA5: Post War Copthorne

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the Policies in the draft District Plan. 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:

DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPB1 - Character and Design

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

ASSESSMENT

Design and Character

Policy DP26 of the Mid Sussex District Plan 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 DP27);*
- *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.'*

'CNP1.1 of the Copthorne Neighbourhood Plan:

Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area, as defined on the Policies Map, in which they sit.

CNP1.6 of the Copthorne Neighbourhood Plan:

Extensions to existing buildings will be supported provided they adhere to other policies in the development plan and:

- a) Are no higher than the existing building.*
- b) Do not conflict with traditional boundary treatment of an area.*
- c) Use materials which are compatible with materials of existing/surrounding buildings.'*

Policy CNP12 of the Neighbourhood Plan states (in part):

'CNP12.1

As appropriate to their scale and nature development proposals within the defined Character Area 5: - 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 4.10 and 4.11 of the Copthorne Heritage and Character Assessment (May 2019).'

The Mid Sussex Design Guide requires all development to be of a high quality of design.

The extension to the commercial building will be visible from the streetscene, but it will match in a subservient hipped roofed design the existing character of the shop with a modest seating area to the front. Therefore, it will be in character to the existing building and would comply with policy DP26 of the Mid Sussex District Plan and policies CNP1 and CNP12 of the Copthorne Neighbourhood Plan.

Impact on neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy CNP1.2 of the Copthorne Neighbourhood Plan states:

'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.'

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. As such, policy CNP1.2 and CNP2.1 (c) of the Copthorne Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

Given the nature of the proposal, the proposal is not deemed to cause unacceptable harm to neighbouring amenities.

The proposal therefore complies with policy DP26 of the Mid Sussex District Plan and policy CNP1.2 of the Copthorne Neighbourhood Plan in terms of neighbouring amenities.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The applicant has submitted an ecological assessment, which shows no evidence of bats or birds on site.

It is therefore considered that the proposals would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF and the legislation outlined above.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. As impacting less than 25sqm of habitat, the proposal is deemed exempt as de-minimis. The development is therefore exempt from the requirement to provide biodiversity net gain.

Other

Environmental health consultants have commented to ensure that a sufficient number of toilets are available for use. The applicant has confirmed the situation. As internal works this is not a planning matter.

PLANNING BALANCE AND CONCLUSION

The proposal is deemed in character with the existing building and the wider streetscene, would have no impact on biodiversity and there is no unacceptable harm to neighbouring amenities.

The proposal is considered to accord with Policies DP26 and DP38 of the Mid Sussex District Plan, CNP1.1, CN1.2, CNP1.6 and CNP12 of the Copthorne Neighbourhood Plan, Mid Sussex Design Guide SPD and the requirements of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Horrell