

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1484	Case Officer:	Rachel Richardson
Application Type:	Change of Use Application		
Proposal:	Change of use to create a Community Pottery Studio.		
Site:	Garden Building, Keepers Cottage, Copthorne Common, Copthorne, West Sussex, , ,		
Validation Date	23 Jun 2025	Overall Expiry Date:	21 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Aug 2025
Target Date:	18 Aug 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	22 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1484

**Garden Building, Keepers Cottage, Copthorne Common, Copthorne, West Sussex, ,
Change of use to create a Community Pottery Studio.
Mrs Tamzin Wares**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

WSCC Highway Authority: No transport grounds to resist the proposal

TOWN/PARISH COUNCIL OBSERVATIONS

Defer to Officer.

INTRODUCTION

Permission is sought for a change of use (ancillary residential garden building) to create a Community Pottery Studio.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The application building is a timber clad single storey structure with a pitched roof, essentially, a log cabin. This is an annexe used for purposes ancillary to Keepers Cottage, which is a substantial detached house situated in substantial grounds and to the south of the cabin.

The cabin is accessed down a long single width track.

The block plan shows parking for 12 vehicles.

This is a very rural remote location with fishing lakes to the east. It is situated within the red zone for great crested newts. There are no other neighbouring houses within the vicinity.

For the purposes of planning policy the application site is located within the countryside and outside of the built up area of Copthorne, as defined in the District Plan.

APPLICATION DETAILS

The application building is 64 sqm and is ancillary to Keepers Cottage. The cabin, currently used as an annexe, (class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) has bedrooms, living area, kitchen and bathroom/shower (as stated on the application form). The applicants (who do not reside at Keepers Cottage) are seeking planning permission to change its use for commercial purposes (class E) so that they can use it as a pottery studio. The planning statement confirms that there will be 8 sessions in the morning and 8 in the afternoon.

The application form also states that the use is proposed for between 8-12 people.

The applicant has confirmed that this will involve up to 8 people with the studio opening at 09:00 and finishing at 13:00. The afternoon session will run between 14:00 and 18:00.

The intention is to also offer lessons and group activities to customers. This is likely to be only 2 days a week (Fridays and Saturdays) between 17:00 and 21:00, for up to 10 people.

As part of this application proposal there are no external alterations proposed.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of the Countryside
- DP14 - Sustainable Rural Development
- DP17 - Ashdown Forest SPA and SAC
- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution

Site Allocations DPD

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

Relevant policies.

None.

Neighbourhood Plan

The Copthorne Neighbourhood Plan was made on 29th September 2021.

Relevant policies:

CNP1 - General Development Requirements
CNP10 - CA3: Copthorne Common and Woodland

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

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:

DPS6 - Health and Wellbeing
DPC1 - Protection and enhancement of the countryside
DPC6 - Ashdown Forest
DPN7 - Noise Impacts
DPN8 - Light Impacts and Dark Skies
DPB1 - Character and Design
DPT3 - Active and Sustainable Travel

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

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

ASSESSMENT

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

- o Principle
- o Design and Impact on Character of the Area
- o Impact on Residential Amenity
- o Highways
- o Ashdown Forest, and
- o Biodiversity Net Gain

Policy DP12 in the DP is the starting point and this policy allows for development in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character. The proposed development would result in the use of an existing log cabin which has been used for ancillary accommodation for the owners of Keepers Cottage.

The garden building, the subject of this application is considered to be of a small scale nature. There are no external alterations proposed other than repairs and staining the timber clad elevations. As such, its scale and character, will be as existing and therefore in keeping with its rural surroundings.

DP policy DP1 gives priority to the re-use or adaptation of rural buildings for business (in accordance with Development in the Countryside policies).

Policy DP14 also supports the re-use and adaptation of rural buildings for business use within the countryside provided it supports the sustainable growth and the vitality of the rural economy and were possible utilises previously developed sites, the building is capable of re-use without substantial reconstruction or extensive alteration and the appearance and setting is not materially altered.

CNP10 of the CNP requires development to be, '*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).*'

The proposed small scale community pottery use will also provide a new business venture and an income to the owners of Keepers Cottage thereby supporting the rural economy.

Design and Impact on the Character of the Area

Policy DP26 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

CNP Policy CNP1 states:

'CNP1.1 Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area³, as defined on the Policies Map, in which they sit.'

The proposed use would re-use an existing building with no external alterations other than repair work. As such, the proposed change of use is considered to be sympathetic with its surroundings and the rural character of the locality.

Impact on Residential Amenity

Policy DP26 as stated above requires that significant harm is not caused by the development proposal, 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 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.'

There is a conflict in the above two policies and as the Neighbourhood Plan was more recently adopted the test is whether there would be unacceptable harm caused to residential amenity.

The only property within proximity to the application building is Keepers Cottage. The applicant has served notice on the owners of this property as the application building is within their ownership. The owners of Keepers Cottage therefore support the use proposed and any planning permission will recommend that it is personal only to the applicants and can only be used within the times requested and for only the numbers of customers requested. However, the numbers of customers will also be naturally constrained by the small scale size of the cabin to be used.

Policy DP29 refers to the development being noise sensitive. However, the applicant has stated that this is a calm and quiet activity to support the well-being of their customers. As such, it would not generate noise levels and or sounds which would be harmful to this rural location.

It is therefore considered that the proposed use would not result in unacceptable harm to the residential amenity of Keepers Cottage and is therefore compliant with CNP1.2

Highways

Policy DP21 of the Mid Sussex District Plan in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

The Highway Authority at West Sussex County Council has no grounds to resist the proposal and has commented that it is not prejudicial to highway safety. An existing track would be used and there is adequate parking.

As such, and in relation to this issue, the proposal is in accordance with DP21 and national guidance within the NPPF.

Ashdown Forest

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

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

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

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

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

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

Atmospheric pollution

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

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

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

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

It is considered that the proposed change of use is acceptable and it is therefore recommended that permission be granted. The principle, impact on character, residential amenity, highways, Ashdown Forest and Biodiversity Net Gain are all positive in the planning balance. The proposed use is compliant with all relevant policies mentioned above including DP1, DP12, DP14, DP17, DP21 DP26, DP29 and Neighbourhood Plan policies CNP1 and CNP10 and national guidance contained within the National Planning Policy Framework.

Decision: Permission

Case Officer: Rachel Richardson