

COPTHORNE VILLAGE ASSOCIATION

Position Statement [V2]

in respect of

Outline planning application with all matters reserved except for access for the demolition of an existing commercial building and the erection of up to 260 dwellings, up to 1,700sqm of employment floorspace E(c)(iii), E(g)(i)(ii)(iii), car parking, landscaping, open space, and associated development works, with access from Copthorne Bank and Borers Arms Road (“the application”).

TDC Ref: 2025/1376

MSDC Ref: DM/26/0303

Introduction

1. The Copthorne Village Association (“the CVA”) is a formally constituted Residents Association which has been established since 2000. A meeting was held at Copthorne Jubilee Pavilion on 26th February 2026 to discuss our members concerns over the application. A presentation was given which explained the planning system, how a planning decision is made and what material considerations are. The backdrop of the Governments housing target was explained, along with an overview of the current position with the Tandridge District Plan and five-year land supply.
2. Members raised concerns over access, infrastructure (schools, doctors and sports facilities) and the impact on the Copthorne Meadows SNCI. The meeting concluded with a show of hands that the members present were opposed to the scheme due to their concerns over the issues discussed.

Concerns

Uncertain quantum of development

3. The application is for “the erection of up to 260 dwellings, up to 1,700sqm of employment floorspace...” and there is no certain minimum quantum of development which the decision maker can lawfully ascribe positive weight to.
4. This issue was previously identified by the CVA in 2014 when Counsel advised that the lawful treatment of benefits under an “up to” outline was then an untested point

of law. Since that time, the Court of Appeal in *R (Harvey) v Mendip DC* [2017] EWCA Civ 1784 has given clarity.

5. In this case, both the number of dwellings and amount of employment floor space are uncertain. They will remain so and could be materially lower, unless the description of the development is tightened or a minimum quantum is secured by condition or a legal agreement.
6. In the absence of a certain minimum quantum, the Para11(d) test must balance the significant and demonstrable harms arising from the maximum quantum of 260 dwellings and 1700sqm of employment floor space with a discounted weight attributed to the associated benefits of the same. A lawful and rational outline decision cannot be based on weight given to speculative benefits that may be reduced at the reserved matters stage.

Loss of employment floor space in Mid Sussex

7. The application results in a certain loss of 244 sqm of employment floor space in Mid Sussex and the corresponding and unavoidable reduction in the local business-rates base for non-domestic floor space.
8. The applicant contends this will enable the development of up to 1700sqm of employment space in Tandridge but for the reason stated above, the cited benefit cannot lawfully or rationally be given full weight in the planning balance as there is no minimum quantum of employment floorspace that is certain and the actual amount proposed at the reserved matters stage could in fact be lower.

Impact on the Copthorne Meadows SNCI

9. The ecology report clearly states the proposal will result in the permanent loss of “more than” a third of the SNCI designated site.
10. The pretext to Policy DP19 of the Tandridge Local Plan Part 2: Detailed Policies 2014–2029 states that SNCI’s are covered by Policy DP19 which goes on to read:

“In order to conserve and enhance the natural environment, proposals which would result in significant harm to local, national or statutory sites of biological or geological importance or the broader GI network will be refused planning permission unless:

- *All reasonable alternative locations with less harmful impacts are demonstrated to be unsuitable; and*
- *the proposal incorporates measures to avoid the harmful impacts arising, sufficiently mitigate their effects, or, as a last resort, compensate for them.”*

11. The Ecological Impact Assessment (EclA) does not reference, cite, or assess compliance with DP19. Instead, the EclA refers only to TLP 35 from the withdrawn 2019 submission Local Plan, which is not an adopted policy and therefore carries no statutory weight in decision-making.
12. Under DP19 development that causes significant harm to a SNCI should be refused unless the applicant can demonstrate that all reasonable alternative locations with less harmful ecological impacts have been fully examined and shown to be unsuitable, and only then that harm has been sequentially avoided, mitigated, and only as a last resort compensated.
13. The EclA fails all three DP19 tests:
 - No assessment of alternative site layouts or development locations with lesser ecological harm are considered.
 - The development will cause the permanent loss of more than one-third of the Copthorne Meadows SNCI which is significant at county level and conflicts with Tandridge policy.
 - Mitigation measures described do not avoid or mitigate the principal harm which is irreversible loss of designated SNCI habitat.
 - Proposed compensation relies largely on restoration of land already within the SNCI and still results in a net biodiversity loss of -22.69%, well below the mandatory +10% BNG requirement.
14. For these reasons, the EclA does not demonstrate compliance with or address DP19 at all. The proposal therefore fails as a matter of policy principle due to significant and unjustified harm to a designated Site of Nature Conservation Interest. This issue alone should be given sufficient weight to outweigh the purported benefits of an uncertain quantum of dwellings and employment floor space on this site.
15. The use of open areas within the SNCI for SUDS and open space will increase the risk of deterioration of the habitat in those locations.
16. The CVA do not accept there is a need for the development in this location that can be overcome by the purchase of BNG credits to mitigate the loss of a unique designated habit, which cannot be simply recreated elsewhere.

The ecology report

17. In addition to the above in-principle concern, the EclA acknowledges habitat conditions have been substantially altered through intensive, year-round horse grazing. This change in management has artificially reduced the ecological quality of grassland habitats. The baseline conditions do not therefore accurately reflect the

ecological value identified in the earlier surveys, weakening the validity of the impact assessment.

18. The EclA states that significant survey areas, including grassland compartments and bat transect routes, could not be surveyed due to unsafe interactions with horses. As a result, habitat and species surveys rely partly on outdated data, contrary to CIEEM guidance on survey adequacy and validity.
19. Confirmed dormouse nests were recorded in both 2018 and 2023, but the EclA concludes the site is not important beyond a local level. Dormice are a European Protected Species and this conclusion is inconsistent with the legal protection afforded to them without sufficient justification.
20. Bat activity surveys in 2023 were curtailed, reducing coverage and seasonal completeness. Although rare species were detected in static surveys, limited consideration is given to their ecological significance. The incomplete dataset undermines the reliability of the impact conclusions presented.
21. The EclA does not include a targeted invertebrate survey and relies solely on incidental records, which given the site's designation and botanical diversity, is a critical failing and limits the ability to assess impacts on invertebrate assemblages.
22. The proposed habitat compensation areas already form part of the SNCI. As such, their restoration does not constitute additionality as required under Biodiversity Net Gain principles. A lower quantum of development on-site could potentially reduce the dependency on the use of off-site BNG credits to meet the provide the statutory 10% BNG post development gain.
23. The CVA believes the EclA contains several substantive weaknesses in baseline assessment, survey completeness, significance evaluation, legal compliance and compensation strategy. These deficiencies materially undermine the reliability of its conclusions and the ability of the planning authority to determine ecological impacts accurately.
24. For these reasons, the EclA should not be relied upon in its current form and further ecological assessment is required before the application can be lawfully determined.

Green belt and grey belt status

25. The CVA do not consider the site to be grey belt and believe the proposal remains inappropriate development in the Green Belt. The site has not been identified as grey

belt as part of a plan led process, and it is increasingly common for an applicant to assert grey belt status at application stage, without providing robust supporting evidence. The planning statement doubts itself in this case and runs a two-pronged argument with a green belt fall back position.

26. The planning statement asserts the site is “grey belt” and therefore the development is not inappropriate, whilst accepting the wider parcel (GBA040) plays an effective role in almost all green belt purposes. The applicant also concedes the scheme would encroach into open countryside—an admission that the site serves purpose (c).
27. The “Golden Rules” for a grey belt release are in any event not met on the facts presented which rely solely on a 50% affordable housing offer and are silent in respect of golden rules b. and c. In respect of rule b. (improvements to infrastructure), nothing is offered over and above the site-mitigation the development requires. They do not set out any additional new school place provision, new GP capacity, new community facility or other highway improvements to justify the green belt release. The same applies in respect of rule c. (new or improved publicly accessible green spaces) such as meaningful accessible public open space and instead relies on on-site open space and play areas, landscape buffers and SUDS required by the scheme.
28. The purpose (a) of the green belt is to restrict sprawl and the CVA believes this remains determinative here. The planning statement acknowledges green belt controls aim to “check unrestricted sprawl”. Permitted and committed development on the Crawley fringe has incrementally urbanised the A264/A2220 corridor from Faygate to the west of Crawley through to Copthorne. The safeguarded/consented second runway expansion at Gatwick and strategic schemes including Ifield West and Crabtree Park leave the Tandridge Green Belt boundary north of Copthorne as the last, plan-defined backstop to the sprawl of the wider area to the northeast of Copthorne and Crawley. Any weakening of it here would plainly undermine purpose (a).
29. The statement accepts permanent built form would be introduced onto open fields with “significant” spatial impact and at least “moderate” visual effects. Those are Green Belt harms to which substantial weight must be given.
30. The CVA believe the correct approach to considering the release of this site is through a Local Plan review and not an application seeking to pre-empt the outcome of that process. Such a review would properly consider the impact on the green belt of all possible sites against the backdrop of the exceptional circumstances test.

Access through Borers Yard

31. This access is described as the primary access and requires residents including children, mobility-impaired users, cyclists, and pedestrians travelling to bus stops on Borers Arms Road and services within Copthorne to pass directly through the existing and proposed extension to Borers Yard. It is also noted that there is a concentration of children's activities in close proximity to the access including the scout and guide centre and a dance academy.
32. This arrangement raises significant and unresolved user safety concerns that must be addressed prior to determination, as Borers Yard is an active industrial estate with regular movements of HGVs, rigid trucks, light commercial vehicles and forklifts.
33. The access would be widened and extended through the industrial estate to reach the residential site, meaning all future residents must walk or cycle through a live servicing environment designed around industrial operations rather than residential safety and no fully designed, continuous and segregated pedestrian route is provided.
34. The scheme must include a fully-designed plan that delivers continuous, protected pedestrian and cycle provision through the existing and proposed extension to Borers Yard and is too critical to be the subject of pre-commencement conditions.
35. The proposal results in the loss of five parking spaces in Borers Yard adjacent to Unit 10 at the left of the proposed entrance with no replacement spaces indicated to offset the loss.
36. The design relies on 2.4 m x 43 m visibility splays at the junction with Borers Arms Road, based on a 30mph speed limit, yet measured 85th-percentile speeds on Borers Arms Road are higher.

Pedestrian connectivity to village services

37. In terms of onward connectivity to village services, the safety of which is fundamental to the site being able to be considered to be sustainable located, there are issues with both the primary access from Borers Arms Road and the secondary access from Copthorne Bank.
38. The route from the Borers Arms Road access to any village services is not continuous on the north side of road and pedestrians would be required to cross it at the point the footpath end opposite Copthorne Golf Club.

39. More crucially, the shorter and/or more direct pedestrian route to village services is via the secondary access from Copthorne Bank. The issue that arises here is safety at the bend of next to Francis Court Care Home. There is only a narrow footpath on the south side of the road adjacent to a high brick wall with buttresses that further reduce the width of the footpath. At its narrowest point, the width of this path is barely 600mm as shown in Figure 1:



Figure 1

40. An accident on May 18th 2024 occurred at this location where two pedestrians were pinned against the wall by a van and sustained serious injuries:
(<https://www.sussexexpress.co.uk/news/crime/two-pedestrians-seriously-injured-in-copthorne-collision-4637671>)
41. The Transport Assessment refers to “the delivery of a new pedestrian/cycle connection between Copthorne Bank and Borers Arms Road, to connect these established corridors within the village” which is presumably a reference to the internal estate road linking the primary and secondary accesses. It does not appear to relate to a new or improved connection along Borers Arms Road as there is no plan demonstrating this and there does not appear to be space within the highway boundary to deliver any improvements. That being the case, this connection is a minimal benefit, only serving to provide a slightly shorter route from Lashmere and the very eastern end of the village to the Copthorne Jubilee Pavilion.

Impact on village infrastructure

42. The CVA are very alive to the fact that all of the proposed development is in Tandridge whilst all of the supporting infrastructure is in Mid Sussex. There is ample anecdotal evidence which can be augmented by individual residents and Worth Parish Council with objective evidence that there are justifies concerns over the capacity of the local doctors and schools, notably the village primary school, to cope with the additional demands arising as a result of this development.
43. The cross-boundary impact of the development must be fully assessed and properly mitigated either through a redirection of the CIL contributions payable to Tandridge or additional S106 legal obligations secured either with Tandridge or Mid Sussex District Council.

Capacity of sports facilities

44. A representation was made to the CVA meeting by a member of the Copthorne Sports Executive that the existing sports facilities at Copthorne Jubilee Pavilion are at capacity and that financial contributions alone would not mitigate the additional demand on them.
45. It was suggested that the Copthorne Sports Executive formulate a proposal outlining the additional facilities they believe are required and the land area required for them. The site is located in a position which relates well to the existing facilities at Copthorne Jubilee pavilion and provide land required to develop the formal sports provision in Copthorne.

Conclusion

46. The Copthorne Village Association has identified a series of clear, evidenced and policy-based concerns which cumulatively demonstrate that the application is unsound, premature, and incompatible with both Tandridge and national planning policy.
47. The proposed development fails to meet the minimum requirements of a lawful outline decision. The benefits associated with 'up to' 260 dwellings and 'up to' 1,700sqm of commercial space have no enforceable mechanism to secure them. The decision maker cannot lawfully ascribe full weight to speculative benefits that may be diluted at reserved matters stage.
48. In ecological terms, the proposal results in the permanent loss of more than one-third of the Copthorne Meadows SNCI which is a designated habitat protected

- under Policy DP19. The EclA does not assess the proposal against the adopted policy test, does not consider alternative layouts or less harmful development options, and fails to demonstrate avoidance, mitigation or compensation in accordance with the required sequential approach.
49. The EiCA is in any event based on outdated surveys, incomplete species assessments and use of existing SNCI land as part of the mitigation and compensation renders the EclA unreliable and non-compliant.
 50. The applicant's green belt/grey belt case is similarly defective. The site has not been identified as grey belt through a plan led review, and the planning statement acknowledges that the wider green belt parcel performs an effective role in almost all green belt purposes, including preventing countryside encroachment, in this case from the wider Crawley sprawl now that Copthorne and Crawley have effectively merged as a result of permitted and committed development.
 51. The proposal would introduce permanent built form causing significant spatial and moderate visual harm to which the NPPF requires substantial weight. The applicant's reliance on grey belt is misconceived, their Golden Rule arguments are incomplete, and they offer no qualifying infrastructure improvements or additional publicly accessible open space beyond standard site-mitigation. The correct test remains NPPF paragraph 153, and no very special circumstances have been demonstrable.
 52. These concerns are compounded by serious and unresolved safety and accessibility deficiencies in the proposed primary access through Borers Yard, a live industrial estate with HGVs, forklifts and servicing activity. There is no continuous segregated pedestrian/cycle route, despite this access being essential for residents, particularly those travelling to bus stops and village facilities.
 53. The fact the primary access needs to be routed through a live industrial estate is evidential of the lack of permeability between the application site and the existing village, which in turn reinforces the role of the settlement boundary as a robust boundary with the green belt.
 54. The secondary route via Copthorne Bank is unsafe, requiring pedestrians to navigate a blind bend and a sub-standard 600mm footway where a serious injury collision occurred in 2024.
 55. The application fails to identify proportionate infrastructure requirements in Mid Sussex despite placing all functional burden on Mid Sussex services and fails to mitigate impacts on local sports provision which are already operating at capacity.

These cross-boundary impacts are material, unaddressed and render the development unsustainable.

56. In summary, the scheme gives rise to significant and demonstrable harms including permanent loss and deterioration of a designated SNCI, inappropriate development in the green belt with no very special circumstances, unsafe and unresolved access arrangements through an active industrial yard, inadequate pedestrian links to essential village services, loss of employment floorspace in Mid Sussex, unmitigated cross-boundary infrastructure impacts and fundamental uncertainty regarding the development's benefits.
57. These harms are substantial, well evidenced, and rooted in adopted policy. The benefits asserted by the applicant are either speculative, overstated, or incapable of carrying decisive weight. On any proper application of NPPF paragraph 11(d), the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.
58. For these reasons, the Copthorne Village Association respectfully submits that the application should be refused.

COPTHORNE VILLAGE ASSOCIATION

2ND MARCH 2026