



Planning

Planning Statement

Client:

DevTec Properties

Firs Farm

Copthorne Common Road, Copthorne, Crawley, RH10 3LF

Redevelopment of site to provide 5 x single family dwellinghouses with associated amenity space and parking provision; provision of enlarged amenity space for existing dwelling; soft and hard landscape provision; and associated access works

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**Appendix 1 – Allowed Appeal Decisions
APP/D3830/W/22/3303070 &
APP/D3830/W/22/3310322 Palmers Autocentre
Tyres, Turners Hill Road, Crawley Down, West
Sussex RH10 4HQ (Dated 15/11/2023)**

1. Introduction

- 1.1 This statement is produced to support a planning application for the redevelopment of the site to provide 5 dwellinghouses with associated amenity space and parking; hard and soft landscaping; cycle and refuse storage; change of use of land to residential garden for existing dwellinghouse and associated access works.
- 1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents:
- 1:1250 Site Location and Existing Block Plan (E-01-D Rev #)
 - 1:100 Existing Floor Plans and Elevations Building 1 (E-02-D Rev #)
 - 1:100 Existing Floor Plan and Elevations Building 2 (E-03-D Rev #)
 - 1:100 Existing Floor Plans Building 3 (E-04-D Rev #)
 - 1:100 Existing Elevations Building 3 (E-05-D Rev #)
 - 1:100 Existing Floor Plan and Elevations Building 4 (E-06-D Rev #)
 - Existing Floor Plan and Elevations Building 5 (E-07-D Rev #)

- Existing Floor Plan and Elevations Buildings 6 & 7 (E-08-D Rev #)
- 1:500 Proposed Site Location and Block Plan (P-01-D Rev #)
- 1:100 Proposed Floor Plans Plots 1 and 2 (P-02-D #)
- 1:100 Proposed Elevations Plots 1 and 2 (P-03-D #)
- 1:100 Proposed Floor Plans Plots 3 and 4 (P-04-D #)
- 1:100 Proposed Elevations Plots 3 and 4 (P-05-D #)
- 1:100 Proposed Floor Plans Plot 5 (P-06-D #)
- 1:100 Proposed Elevations Plot 5 (P-07-D #)
- 1:100 Proposed Landscaping Plan (P-08-D #)
- 1:1000 Swept Path Analysis – Refuse Vehicle (2408108-TK01)
- 1:1000 Swept Path Analysis – Fire Appliance (2408108-TK02)
- 1:1000 Swept Path Analysis – Delivery Vehicle (2408108 – TK03)
- 1:1000 Swept Path Analysis – Private Car (2408108 -TK04)
- 1:1000 Swept Path Analysis – Passing Bay (2408108 -TK05)
- Transport Statement prepared by Motion (Revision B)
- 1:200 Tree Constraints Plan (24-1788-TCP)
- Tree Survey (24-1788-TSS)
- Preliminary Ecological Appraisal Report (August 2024)
- Nocturnal Bat Survey Report (October 2024)

- BNG Report and Metric prepared by Collington Winter

The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The application site comprises a complex of single storey buildings accessed via the southern side of Copthorne Common Road (A326). The access to the site continues south serving an industrial estate and storage yard.
- 2.2 The existing buildings on site are single storey and were historically stables or barns (agricultural in nature) however, these now comprise lawful separate planning units comprising storage, commercial and industrial uses.
- 2.3 The single storey building to the north west of the site is a lawful dwelling known as 'The Hut', which features limited amenity space to the front.
- 2.4 To the south-west of the site is a mobile home that was originally used as an annexe to the main dwelling however, it has been used in an independent manner since 2007. The adjoining stable buildings to the rear of the mobile homes are ancillary to the mobile home.
- 2.5 The application site comprises a large amount of hardstanding and is considered to be untidy and previously developed land.
- 2.6 The application site is within the countryside (not within a designated settlement) however, it is sited circa 500m from the settlement boundary of Copthorne.

- 2.7 The site is well connected in relation to its countryside location with public footpaths, crossings and bus stops being available immediately adjacent the site access. A number of services and facilities are within 800m of the site.
- 2.8 There are no other relevant policy constraints to consider.

3. Planning History

- 3.1 **Application Ref DM/25/0047** 'Conversion of two buildings (Use Class E) to form a three bedroom family dwellinghouse (Use Class C3), associated outbuilding, amenity space and parking provision' Refused 28.02.2025.
- 3.2 **Application Ref DM/25/0053** 'Conversion of storage building to form two dwellinghouses (2 x Use Class C3 Single Family Dwellinghouses)' Refused 27.02.2025.
- 3.3 **Application Ref DM/24/2053** 'Conversion of two buildings to 1 x single family dwellinghouse (Use Class C3) with associated amenity space and parking provision. (Additional Bat Survey 22.10.2024)' Refused 22.01.2025.
- 3.4 **Application Ref DM/24/1234** 'Proposed Lawful Development Certificate application to resume the lawful uses of a number of buildings at Firs Farm' Approved 11.07.2024.

4. Development Proposals

- 4.1 The proposal comprises a site wide redevelopment to provide 5 detached dwellinghouses following the demolition of the existing buildings with exception of The Hut.
- 4.2 The proposed dwellings would comprise a single storey with habitable roof space. The dwellings feature a dual pitch roof form with front dormers and a would comprise a brick finish and tiled roof. The gable ends would feature a hung tile finish to match that of the main roof.
- 4.3 The dwellings would comprise the following mix:
- 2 x 3b6p units (120.72m²);
 - 2 x 4b6p units (126.51m²);
 - 1 x 5b8p units (151.68m²)
- 4.4 Each dwelling would feature large private amenity space with cycle and refuse storage.
- 4.5 The proposal also seeks to extend the private amenity space of The Hut.
- 4.6 Soft landscaping enhancement is proposed throughout the development with the planting of boundary trees and native hedgerows.
- 4.7 The scheme also seeks to enlarge part of the access road to provide a new vehicle passing point.

5. Policy Assessment

- 5.1 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, **unless** material considerations indicate otherwise.
- 5.2 In this instance the Development Plan comprises:
- Mid-Sussex District Plan 2014 – 2031 ('MSDP')
 - Copthorne Neighbourhood Plan 2021 – 2031 ('CNP')
- 5.3 On 8th July 2024 the LPA submitted a Local Plan Update to the Inspectorate with Stage 1 hearings having taken place on 31/10/2024. Owing to there being no date for Stage 2 proceedings which will assess relevant policies of the Draft Local Plan it can only be given **limited weighting** in the determination of applications.
- 5.4 The National Planning Policy Framework is a material consideration of **significant weighting**.
- 5.5 **Policy DP4** of the MSDP seeks for the 876 dwellings per annum to be delivered until 2023/24, thereafter, an average of 1090 dwellings per annum is required until the end of the plan period in 2031. The Plan seeks to deliver 16,390 dwellings across the plan period.
- 5.6 Whilst the application site is within the countryside it is in proximity to the settlement of Copthorne. As such it should be noted that Copthorne is considered to be a Category 2 settlement by DP4 which is defined as: *"Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport"*.

- 5.7 The application site is not within a defined settlement boundary and is therefore within the countryside. **Policy DP12** of the MSDP states the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is supported by a specific policy reference elsewhere in the plan (or a Neighbourhood Plan).
- 5.8 **Policy DP13** of the MSDP states provided it does not conflict with DP12 development will be permitted if 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. Likewise, **CNP1.5** of the CNP states development should be laid out to maintain the perception of separation between Copthorne Village and other surrounding settlements.
- 5.9 It is considered the site comprises the redevelopment of previously developed land and would comply with policy DP12 and DP13 in this regard particularly as the scheme no doubt provides a significant visual enhancement and would not develop an area of land which would further encroach into the countryside (with development also enclosing the site in all directions).
- 5.10 **Policy DP15** pertains to the development of new homes in the countryside and lists specific forms of development that are supported in this instance. One exception is compliance with **Policy DP6** and whilst the site would be in proximity to a category 2 settlement, it is not allocated nor contiguous with the settlement boundary of Copthorne. As such, it is acknowledged the proposed redevelopment would not fall within any of these exceptions and would therefore be contrary to Policy DP15 of the MSDP.

5.11 However, it is not considered that DP15 is consistent with the Framework, as it only provides exceptions for new dwellings where ‘Special Justification’ exists. The Framework only seeks to restrict “isolated” dwellings in the countryside via paragraph 84, however, not all dwellings are considered isolated merely by being outside of a settlement boundary (designated countryside).

5.12 For absolute clarity, it should be noted that this is a different consideration from whether the location is sustainable. The judgement of ***Braintree DC v SSCLG and others [2018] EWCA Civ 610 confirmed*** (with ET Planning emphasis) in paragraph 31:

*“...the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is **physically separate or remote from a settlement**”.*

5.13 Paragraph 32 goes on to confirm (with ET Planning emphasis):

*“What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definition of a “community”, a “settlement”, or a “village”...**It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the buildings within that settlement or development boundary will constitute the settlement.** In my view a settlement would not necessarily exclude a hamlet or cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach”.*

5.14 As such, the exceptions of DP6 (and ergo DP15) where it requires development to be “contiguous” with the settlement boundary of Copthorne would not allow sufficient flexibility to align with national policy which only restricts isolated dwellings in the countryside.

- 5.15 Notwithstanding, Appendix 1 comprises an allowed appeal decision for the redevelopment of a site for 5 dwellings (circa 750m to the south-east of the site). When considering the location of the development this site (further away from built form and the settlement) was not considered isolated and the redevelopment of previously developed land was considered to meet the aims of (now) Paragraph 124 of the Framework, which states that planning policies and decision should promote an effective use of land in order to meeting housing needs.
- 5.16 Therefore, when considering the redevelopment of land to include the replacement of the existing lawful uses, removal of hardstanding and the landscaping and biodiversity improvements to the site it is considered that the principle of development is acceptable.
- 5.17 Finally, and notwithstanding all of the above, it should be noted that the Local Plan and the distribution of housing (policies that comprise the spatial strategy – DP4 and DP15) were adopted on the basis of a delivery figure of 1090 dwellings per annum to come forward after 2023. The current standard method requirement now requires **the delivery of 1,356 dwellings per annum** which is a larger figure than the Spatial Strategy accounted for. Therefore, DP4, DP6 and DP15 which defined the scale, size and distribution of housing (including the defined built-up areas and relevant countryside policies) can only be considered out of date.
- 5.18 As such, it is considered non-compliance with DP15 could only be afforded limited weight and when accounting for material considerations the location of the development can only be considered acceptable in principle.

- 5.19 **Character and Appearance and Landscape Impact:** Policy **DP26 of the MSDP** requires development and surrounding spaces to be well designed and reflect the character of towns and villages whilst being sensitive to the countryside. Development will be required to demonstrate that it is of high quality design and layout and includes appropriate landscaping, creates a sense of place while addressing the character and scale of the surrounding buildings and landscape and optimise the potential of the site to accommodate development.
- 5.20 Policy CNP1 states that development proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area (in the CNP).
- 5.21 The application site is within the CA3: Copthorne Common and Woodland CA. **Policy CNP11 of the CNP** states proposals must sustain or reinforce the positive aspects of the CA3. Explicitly this policy states that the suburban development of Newlands Park is not characteristic of the area and should not be considered a suitable design/style/layout cue for further development of this area.
- 5.22 The wider site of Firs Farm comprises industrial/commercial and residential uses accessed to the south of Copthorne Common Road. The wider site also comprises Previously Developed Land and does not contribute to or provide any of the positive characteristics outlined in CNP11.
- 5.23 The proposed dwellings have sought to replicate the design of the main dwelling 'Firs Farm' to the north-west of the site featuring a dual pitched roof form and front dormers. The proposed dwellings have a largely rectangular footprint in order to keep the overall building height low but allow for habitable roofspace to be provided.

5.24 It should be noted that CA3 is an extensive character area with limited dwellings within it and therefore the replication of the design features of Firs Farm (which the site would be viewed in the context of would be the most appropriate). Notwithstanding it should be noted that the cluster of dwellings to the east of the site within the wider CA (enclosed by verdant features like the application site also features dwellings with dual pitched roof forms and gabled features).



Figure 1. Aerial Photograph of Dwellings to West of Site (Dual Pitched Roof Forms, Gabled Features and in Spacious Plots)



Figure 2. Aerial Photographs of Dwellings to West of Site (Dual Pitched Roof Forms, Gable Features and in Spacious Plots)

5.25 It is considered that replicating the built form of Firs Farm and allowing for spacious plots for detached units appropriately optimises the site without replicating the design cues of Newlands Park to the

north of the site but the cues of other dwellings in the CA (as per figures 1 and 2).

- 5.26 A condition can be attached to any approval to require details of materials to be submitted for the roof, hung tile and brick colour to ensure development remains coherent with the immediate character.
- 5.27 Notwithstanding the above, it should be noted that the site is not within a prominently visible location and would effectively take on its own character. There are no existing landscape features which are prominent on the site and plainly the site appears as unexceptional when considered against the wider landscape and character area.
- 5.28 There are no public vantages of the site that would result in the wider verdant characteristics of the landscaping being eroded in a visual and perceptual sense, this is particularly so owing to the fact the dwellings have been designed to be of a low height.
- 5.29 Whilst some low category trees are to be removed as part of the proposal (4 individual trees and 1 tree group), the proposal ultimately retains 6 individual trees and 3 tree groups and provides 18 new trees. The scheme also seeks to provide new native hedgerows within the site as such, it is considered the scheme has taken full advantage of the opportunity to provide enhanced verdant characteristics which were previously devoid of the site.
- 5.30 Ultimately it should be noted that the existing site comprises an expanse of hardstanding equal to 2,598m² and the proposal would significantly reduce this to 1,344.8m². The site, therefore, comprises an improvement to the localised landscape complying with Policy CNP11 and DP26.

5.31 **Housing Mix: Policy DP30 of the MSDP** states that to support sustainable communities housing developments will provide a mix of dwelling sizes that reflects the current and future housing needs.

5.32 The District's Strategic Housing Market Assessment (October 2021) confirms that there is a significant need for 3 and 4+ bedroom housing for market products owing to the increase in households with dependent children (need for family sized housing). The SHMA places greater emphasis on the delivery on 1-2 bedroom units via the delivery of affordable housing (however, this is not applicable to this application).

	1 Bed	2 Bed	3 Bed	4 Bed
Market Housing	5-10%	20-25%	40-45%	25-30%

Table 1. Market Housing Need from SHMA (October 2021)

5.33 The proposed housing mix is therefore considered to be appropriate and beneficial to the LPA with all 5 units meeting the need for market housing.

5.34 Whilst a lesser point it should be noted that the mix provided is more suited to the character considerations of detached dwellings in spacious plots.

5.35 It is considered the proposed development complies with Policy DP30 of the MSDP.

5.36 **Impact to Residential Amenities: Policy DP26 of the MSDP** requires development to demonstrate it does not cause **significant** harm to the amenities of existing nearby and future occupants of new dwellings. **Policy CNP1 of the CNP** states development should not

cause unreasonable harm to the amenity of existing and future occupants, both on site and nearby.

5.37 Policy DP27 of the MSDP requires all new dwellings to be in accordance with National Space Standards.

5.38 The proposed dwellings would seek to comply with the Nationally Described Space Standards as follows:

Dwelling	Proposed GIA (m ²)	National Space Standards (m ²)
1 (3b6p)	120.72	102
2 (3b6p)	120.72	102
3 (4b6p)	126.51	106
4 (4b6p)	126.51	106
5 (5b8p)	151.68	128

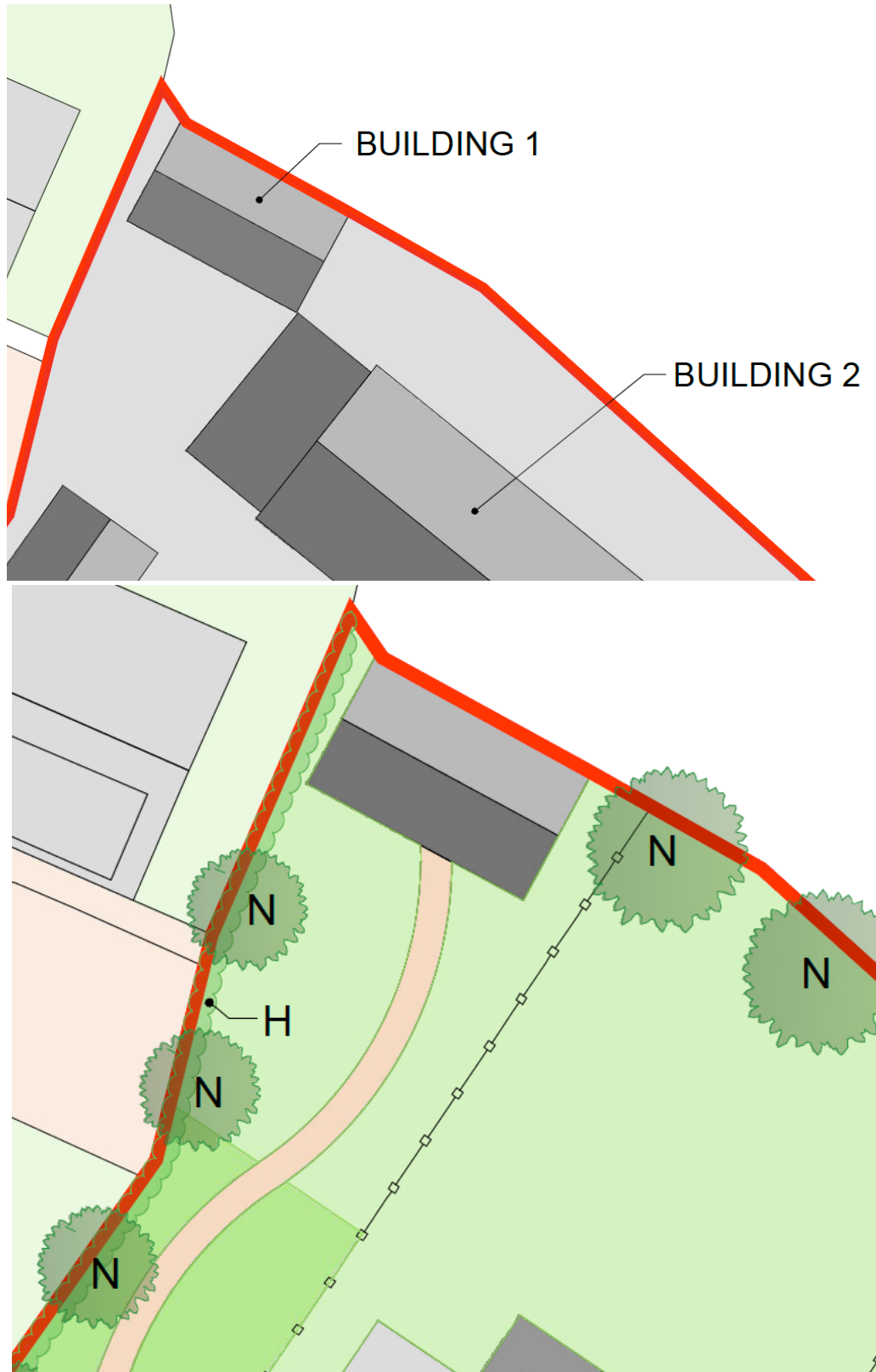
5.39 All bedrooms comply with minimum sizes and widths. As such, it is considered the proposed development would comply with Policy DP27.

5.40 In terms of the layouts of the units each building would provide at least 1 primary window to serve each habitable room as such all rooms would benefit from an adequate means of light and outlook.

5.41 In terms of impacts to neighbouring amenities all units have been proposed so that there is no side to side overlooking between units and front to front separation distances comprises 22m. Each unit would be provided with a large amount of private amenity space, all

exceeding 200m² which owing to separation distances and building heights would not be overshadowed by neighbouring dwellings

- 5.42 In relation to the impact to The Hut, it is considered the proposal improves the amenities of this unit in terms of visual intrusion and overshadowing. The existing building 2 has a tight relationship with The Hut with its side extension enclosing the front of the dwelling – which is its only means of light and outlook. The proposal would remove this building, and the built form of Plot 01 would be over 14m away.
- 5.43 The proposal also seeks to extend the private amenity space of The Hut to the front of the unit, the siting of Plot 01 is such that it does not overshadow this area and would not feature any windows directly facing this extended area (no flank windows above the ground floor to the north-west). As such, the proposed development would improve the impact to the amenities of the neighbouring dwellinghouse.
- 5.44 As such, it is considered that the development complies with Policies DP26 and CNP1 of the Development Plan.



**Figure 3. Existing (Top) and Proposed (Bottom)
Relationship of The Hut with Surrounding Built Form**

- 5.45 **Transport and Parking: Policy DP21 of the MSDP** states that development proposals will need to take account of whether the scheme is sustainably located; provides **appropriate** opportunities to facilitate and promote the increased use of transport to the private car, such as access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking; the scheme provides adequate car parking; and avoids severe additional traffic congestion whilst protecting the safety of road users.
- 5.46 A Transport Statement has been prepared by Motion, which confirms that there would be no highway safety reason for refusal and that based on West Sussex County Council Guidance the scheme would require 13 car parking spaces and an additional 2 visitor spaces.
- 5.47 However, it is also acknowledged that **Policy CNP16** of the CNP does advocate for greater standards with 4+ bedroom units requiring 4 spaces.
- 5.48 The development proposes to provide driveways which could comfortably accommodate 4 cars per dwelling for all units however, owing to the fact that the 4 bed units are for the same number of persons than the 3 bed unit it is not considered these units would result in a materially different number of cars. It should be noted that owing to range of services and facilities and access to bus stops the proposed parking provision is considered appropriate when balancing sustainable development objectives.
- 5.49 An additional two spaces have been provided to provide a space for The Hut and a visitor space (The Hut currently benefits from no allocated parking).
- 5.50 The Transport Statement is also accompanied by vehicle tracking documents, which demonstrate private cars, refuse and emergency

service vehicles can access the site. Each dwelling would have its own bin store (able to be secured by condition) and the tracking demonstrates a refuse vehicle would be able to enter and manoeuvre around the site conveniently and safely.

- 5.51 The proposed development also seeks to include a passing bay along the site access to improve the flow of traffic going to and from the development. However, it is emphasised that this passing by is not required for mitigation but instead offers a benefit as the proposed development would result in 7 less vehicle movements from the existing lawful uses of the site (table 5.7 of the transport statement) across the week.

Method of Transport	Weekday AM Peak (08:00-09:00)		Weekday PM Peak (17:00-18:00)		Weekday Daily Total	
	Arr	Dep	Arr	Dep	Arr	Dep
Existing Vehicle Movements	2	0	0	3	15	16
Proposed Vehicle Movements	1	2	2	1	12	12
Net Change	-1	+2	+2	-2	-3	-4

Figure 4. Table 5.7 of Transport Statement detailing Decrease in Vehicle Movements (Compared to Lawful Uses)

- 5.52 It should be noted that the existing vehicle movements have included the vehicle movements from the mobile home, as whilst this was originally considered to be ancillary to the occupiers of Firs Farm occupants of the mobile home do not share the use of the dwelling nor the private amenity space. The Statutory Declaration submitted with the certificate confirming the lawful uses of the site (although did not seek to confirm the use of the mobile home as a separate planning unit) confirmed this has been the case since 2007. As such,

regardless if the LPA consider the mobile home to be ancillary to the dwelling or not it still generates isolated vehicle movements.

5.53 Whilst the above, demonstrates a scheme would the scheme would be suitably located (as it would reduce the vehicle movements associated with the location). It should be noted that the site benefits from good transport links and choice of services/facilities (commensurate to its rural location).

5.54 It should be noted that DP21 only seeks to secure “appropriate” opportunities which is considered to provide flexibility to account for rural areas. This aligns with paragraph 110 of the Framework which states:

*“The planning system should actively manage patterns of growth in support of these objectives. **Significant development** should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. **However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making**”.*

5.55 As has been previously stated whilst the site is within the countryside, the site is circa. 500m from the settlement boundary of Crowthorne, however, there are well lit footpaths and crossings that provide pedestrian access to the settlement and facilities and services.

5.56 Each dwelling has adequate space for the provision of secure cycle storage for occupiers to provide an alternative sustainable transport option.

5.57 As per the Transport Statement there is a bus stop immediately adjacent the site access which provides westbound services whilst other bus stops (also within an accessible distance) are found further east and west of the site (these bus stops contain multiple hourly services most days of the week and even feature school bus services). Access to the Three Bridges railway station is also provided by these services.

5.58 It should be noted that whilst the National Design Guide describes 800m distances as “walkable” (equating to a 10 minute walk), the Manual for Streets (MfS) considers 2km outside of a settlement to offer the most potential to reduce short car trips. In relation to nearby services and facilities the following are of relevance (measured from the site entrance):

Service/Amenities (including Bus Stops)	Distance (m)
The Duke’s Head Bus Stop (West)	40
The Duke’s Head Bus Stop (East)	180
The Duke’s Head Bus Stop (South)	130
Cottage Place Bus stop (East)	180
Cottage Place Bus stop (West)	240
Copthorne Common Service Station (containing small supermarket, hot and cold food takeaway, coffee shop and petrol station)	210
Gaanchil Indian Takeaway	250
Dukes Head Crawley Downs (Gastropub)	140
Copthorne Preparatory School	370
Jellyfish Swimming School	410
Bolton & Co Barber Club	360
Copthorne Common (Local Green Space)	500

Table 2. Distances to Services and Amenities from Appeal Site

- 5.59 Of note in Table 1 is the presence of a small supermarket within circa 200m from the site. This provides a meaningful option for occupiers to purchase groceries within walking distance, likewise the Dukes Head Crawley Downs is within a short walk which also provides food options as well as the social infrastructure which pubs provide particularly in rural communities.
- 5.60 As such, it is considered the site benefits from a wide range of services and facilities with adequate and realistic options for sustainable transport modes particularly when accounting for the rural location of the development.
- 5.61 As such, it is considered the proposed development would comply with policy DP21 of the MSDP but also would result in an overall reduction in vehicle trips compared to the existing uses. As such the proposed development would comprise a more sustainable development than the existing site.
- 5.62 **Flood Risk and Drainage:** The application site is located within Flood Zone 1 and is at the lowest risk of flooding.
- 5.63 As per the submitted Foul and Surface Water statement, the proposal intends to utilise and access existing supply and drainage connections were possible, however, advice has not been obtained from relevant operators regarding capacity.
- 5.64 It is considered that a full drainage strategy should be able to be secured by way of a planning condition particularly owing to the significant removal of impermeable hardstanding on the site as part of the proposal.
- 5.65 Should operators confirm there is no existing capacity in the local network then the development would be able to incorporate soakaways and septic tanks.

- 5.66 It should be noted that the Drainage Authority confirmed in application DM/24/2053 the site has high to moderate infiltration potential and confirmed that a condition to provide a pre-commencement condition for details for foul and surface water would be appropriate to be secured by condition.
- 5.67 **Ecology and BNG:** A preliminary ecological survey has been undertaken for the site and confirmed that there are no protected species are present but recommends further bat emergence surveys for two of the existing buildings (having low bat roosting potential).
- 5.68 A bat emergence survey was undertaken following the PEA and did not identify any roosting bats in the buildings and confirms that as no bats were observed on site no further licenses nor surveys are required to proceed with development.
- 5.69 The PEA recommends the inclusion of bat boxes to promote the ecological benefits of the development, and it is considered this can be secured by condition.
- 5.70 The development has also been accompanied by a BNG assessment this confirms that the proposed development (see proposed landscaping plan) would provide a gain of 378.82% in hedgerow units but ultimately a habitat loss of 4.19% overall.
- 5.71 As such, to make up the shortfall of habitat units the applicant is currently exploring options to further increase the on-site provision (by substituting hedgerows and providing specific habitats for other areas of the site) but acknowledges that off-site provision may need to be sought.
- 5.72 It should be noted that the Biodiversity Net Gain condition would be able to adequately address this shortfall as paragraph 09 of the PPG states it would generally be inappropriate for decision makers, when

determining a planning application for a development subject to biodiversity net gain, to refuse an application on grounds that the biodiversity net gain objective will not be met.

5.73 As such, subject to compliance with the BNG condition the development would comply with ecological policies and legislation.

5.74 **Special Protection Area:** The site does not fall within the 7km of the Ashdown Forest Special Protection Area and Special Area of Conservation as such is considered acceptable in relation to **Policy DP17**.

5.75 **Affordable Housing: Policy DP31** requires the delivery of Affordable Housing in the form of a 30% on-site contribution for development providing 11 dwellings or more or a maximum combined gross floorspace of more than 1000m².

5.76 The proposed development only proposes 5 dwellings with a combined gross floorspace of less than 1000m². As such, no contribution is required.

5.77 **Planning Balance and Material Considerations:** Whilst it is considered the proposed development would be acceptable it has to be acknowledged the development is unable to comply with DP15 and therefore material considerations (including the Framework) are required to be considered and a planning balance undertaken.

5.78 For the reasons previously outlined it is considered that only **limited weight** can be given to non-compliance with DP15 owing to its inconsistency with the Framework and underpinning an out of date Spatial Strategy.

5.79 Notwithstanding, the Spatial Strategy being out of date it should be noted that owing to the recent changes in the NPPF it is considered that owing to the plan being more than 5 years old (and its need

being out of date) that the 'tilted balance', paragraph 11.d of the Framework is engaged. This is also engaged by the LPA being unable to demonstrate a 5 year supply of housing.

- 5.80 It is considered the development complies with all relevant paragraphs of the Framework and is not in an area designated by footnote 7. As such, the presumption in favour of sustainable development affords **significant weight** in favour of the submission.
- 5.81 Based on the LPAs most recent publicly available supply figure of 5,821 (July 2023 figure), the LPA under the current Standard Method of 1,336 dwellings per annum (+5% buffer as required by paragraph 78 of the Framework) would result in the LPA having a supply figure of circa. 4.08. As such, the delivery of 5 dwellings should be afforded **significant weight** in favour of the development.
- 5.82 The proposed dwelling would provide an appropriate housing mix for family sized market housing which is required by the SHMA and this is considered to be afforded **moderate weight** in favour of the development owing to the limited number of units.
- 5.83 The proposed develop would seek to utilise previously developed land to deliver the LPAs increased housing need as advocated for by paragraph 124 of the Framework which seeks for LPAs to make as much use of previously developed land as possible. The development would also provide other environmental benefits by reducing the overall number of vehicle movements to and from the site and taking advantage of sustainable transport modes. Notwithstanding, it should be noted that Paragraph 83 is unequivocal that it considered rural housing in locations which would benefit a rural community (such as Copthorne and Crawley Down) is itself considered to be a form of sustainable development. As such, it is considered the above factors

would be afforded **significant weight** in favour of the development collectively.

- 5.84 The landscaping enhancements of the scheme are ubiquitous with the proposal removing a number dilapidated and dated buildings which are visual detractors from the verdant setting. The scheme is landscape led in this regard and provides a development that better accords with the local Character Area. This is considered to be a benefit of **moderate weighting** owing to the fact the site cannot be seen from public viewpoints.
- 5.85 The ecological enhancements (secured by condition) in conjunction with the requirement to deliver a 10% betterment of Biodiversity (whether on or off site) is considered to be a benefit, however, as the BNG would not likely exceed the 10% requirement this can only be afforded **limited weight** in favour of the development.
- 5.86 The benefits to the amenities of The Hut are considered to boost the appeal of the dwelling and will likely see it be re-registered for council tax and make a meaningful contribution in the housing stock for a smaller unit. The benefits to future occupiers of the dwelling are considered to be afforded **limited weight** in favour of the development.
- 5.87 Finally, it should be noted that the refused applications for the conversions of the existing buildings are being considered at appeal. Should these appeals be successful (and this application remains undetermined) these would comprise relevant fall back positions on site for 4 dwellings. When viewed in conjunction with the activity of the existing mobile home, the proposal would no doubt offer more sustainable and improved planning outcomes than these permissions. Whilst these appeals are being considered no weighting can be applied to them however, it is still relevant for the LPA to consider.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable and makes an efficient use of land in the context of a current shortfall in housing supply.
- 6.2 The development would provide a meaningful mix of house types and overall visual and landscape improvement, whilst reducing the number of overall vehicle movements to the site. There would be no adverse impacts to the character of the area nor neighbouring residents.
- 6.3 The benefits of the scheme are ubiquitous and clearly outweigh any non-compliance with the development plan regardless of the presumption in favour of sustainable development.
- 6.4 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.



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