

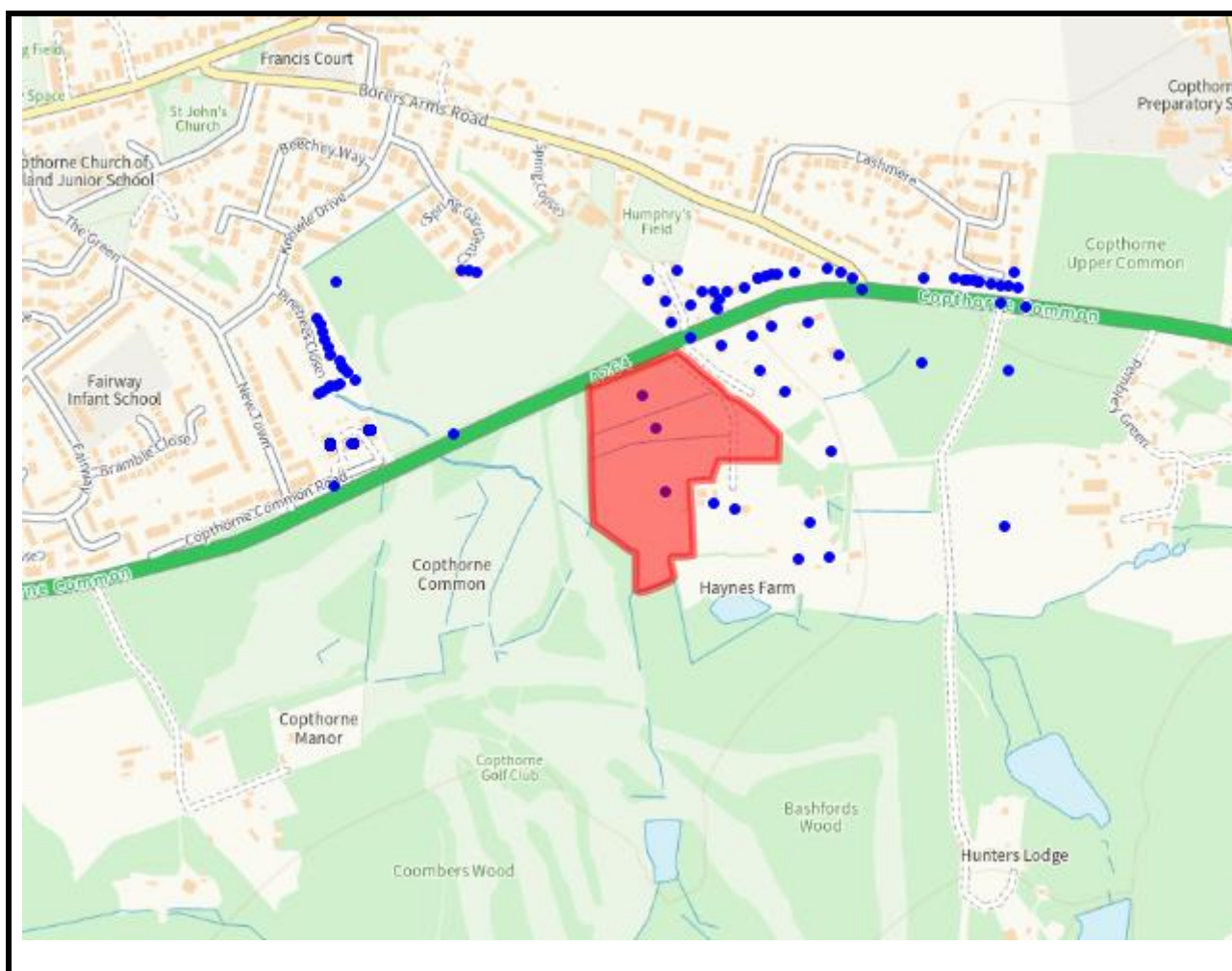
District Planning Committee



Recommended for Permission

15th October 2026

DM/25/3021



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Site:	Land To The West Of Courthouse Farm Copthorne Common Copthorne West Sussex
Proposal:	Outline planning application for the erection of residential dwellings (Use Class C3), including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road.
Applicant:	Option Two Development Ltd
Category:	Smallscale Major Dwellings
Target Date:	23rd January 2026

Parish:	Worth
Ward Members:	Cllr Graham Casella / Cllr Christopher Phillips /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T6A25SKT04L00>

1.0 **Purpose of Report**

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 **Executive Summary**

- 2.1 This application seeks outline planning permission for the erection of residential dwellings (Use Class C3), including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road at Land to the west of Courthouse Farm, Copthorne Common, Copthorne.
- 2.2 It is the means of access that is to be determined at the outline stage with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 2.3 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Copthorne Neighbourhood Plan (CNP).
- 2.4 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.
- 2.5 The NPPF states that planning should be genuinely plan led and that development proposals should apply a presumption in favour of sustainable development.
- 2.6 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Copthorne as defined by the District and Neighbourhood Plan. As such the site is located within the defined countryside.
- 2.7 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.8 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. Whilst the proposal conflicts with policies DP12, DP6 and DP15 of the MSDP and policies CNP1.1 and CNP10-CA3 of the CNP, these policies have very limited weight because they are materially inconsistent with national decision-making policies in the NPPF. Whilst policy DP15 is considered to have

full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.

- 2.9 Policy S5 of the NPPF relates to the principle of development outside settlements. It sets out a list of the types of development that should be approved outside of settlements unless the benefits of doing so would be substantially outweighed by any adverse effects. Policy S5 1(j) allows for development which would address an evidenced unmet need and where the development would be physically well-related to an existing settlement.
- 2.10 The Council is currently unable to demonstrate a five-year housing land supply, and therefore, the development of this site would address an unmet need for the District's housing. In addition, Officers consider that the site is physically well-related to the existing settlement of Copthorne. The off-site highway improvements would assist in providing opportunities for sustainable travel from this site through walking, cycling and public transport.
- 2.11 The proposed new vehicular access from Copthorne Common Road, together with associated pedestrian improvements, is considered acceptable and would not result in a severe impact on the local highway network. The Local Highway Authority raises no objection to the proposal.
- 2.12 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective set out in chapter 6 of the NPPF of supporting the delivery of a substantial increase in the supply of homes and policy S5. Officers consider that these landscape impacts are localised and can be appropriately mitigated through landscaping, retention of existing vegetation, additional planting and a landscape-led design approach to be secured at the reserved matters stage.
- 2.13 The development would provide up to 86 new homes including 30% affordable housing, on-site public open space and children's play provision; Biodiversity Net Gain and ecological enhancements. The proposal complies with policies DP30, DP31 and DP38 of the MSDP.
- 2.14 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition.
- 2.15 The submitted technical evidence demonstrates that satisfactory drainage, ecological mitigation, biodiversity enhancements, air quality measures, contamination remediation, access arrangements and infrastructure provision can be secured through conditions and legal agreement obligations.
- 2.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.17 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and Policies CNP1.1 and CNP10-CA3 of the

CNP. However, the weight to be attached to policies DP6 and DP12 is very limited because they are materially inconsistent with national decision-making policies in the NPPF. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.

- 2.18 Overall, officers conclude that although the development would result in some adverse impacts, principally through the change in the sites character from a greenfield to a housing development, those impacts are not considered to substantially outweigh the significant benefits of delivering much-needed market and affordable housing in a relatively sustainable location.
- 2.19 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP26, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP and policies CNP1.1 and CNP10-CA3 of the CNP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing.
- 2.20 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 2.21 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that part 1j of policy S5 in the NPPF applies.
- 2.22 The proposal would provide up to 86 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 17 of the NPPF.
- 2.23 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact.
- 2.24 The proposal would change the character of this part of the district from a green field site to a housing development, which some people would regard as a negative change.
- 2.25 It is your Planning Officer's view that the adverse effects of the development would not substantially outweigh the benefits when assessed against the national decision-making policies in the NPPF. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this application.
- 2.26 When assessed against the National Planning Policy Framework as a whole, the proposal is considered to represent sustainable development and the benefits of approving the development would substantially outweigh the harm. Accordingly, the application is recommended for approval.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, Travel Plan, off site highway works, play space, the biodiversity net gain requirements and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 15th January 2027 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

‘The proposal fails to provide the required infrastructure contributions, affordable housing, off-site highway works and the biodiversity net gain requirements. The application therefore conflicts with Policies DP20, DP31 and DP38 of the Mid Sussex District Plan, the Mid Sussex Supplementary Planning Documents ‘Affordable Housing’, Appendix 5 of the Submission Draft District Plan and Policies DM6(1), HO8 and N2 of the NPPF.’

4.0 Summary of Representations

- 4.1 A total number of 33 representations have been received. The representations have raised the following issues which can be summarised as follows:
- 4.2 32 letters of objection received, raising the following concerns

Principle

- Does not fall within the District or Neighbourhood Plan.
- Copthorne does not need any more houses.

Highways and Access

- A264 is a busy road at all times of the day and will add to the issue.
- Development would be isolated as crossing the A264 would be unsafe, and cars would be used to access amenities.
- Interference in traffic flows with additional traffic movements.
- Lack of connectivity to the village.
- Not in a sustainable location.
- Contrary to policy DP21 of the District Plan.
- Concerns on safety from construction traffic and infrastructure installation.
- Inadequate sight lines to the east towards Bowers Arm junction and bend.
- Too close to a number of other junctions and pedestrian crossing causing hazards and interference with traffic flows.

Infrastructure

- Schools and doctors are full to capacity.

- Infrastructure needs to be in place prior to any future development.
- Copthorne has a lack of spaces for recreation and organised sport. To add more housing without additional sport and recreation facilities is detrimental.

Design and Impact on character of area.

- Detrimental change to the appearance of the area contrary to policies DP12 and DP26 of the District Plan.
- Neighbourhood Plan seeks to prevent development south of the A264 to preserve the views of common land and the wider countryside.
- Loss of 'green ring' and contrary to CA3 of the Neighbourhood Plan.
- Elevations of buildings will be visible when viewed from western approaches.
- Not in keeping with the appearance of the area.
- Overdevelopment of the site.
- Properties show no architectural merit.

Drainage

- Southern side of highway lower lying land with regular flooding and surface water remaining during wetter times of the year.
- A pumped land drainage solution is not sustainable.
- If pump fails it would result in existing houses being flooded.
- Result in significant increase in surface water discharge.
- Sewerage and wastewater treatment infrastructure serving the area is already operating at or beyond capacity.
- No correspondence with South East Water. Copthorne suffers from poor water supply and water pressure is often low in the area with several disruptions to supply.

Residential amenity

- Noise, air and traffic pollution result in disturbance, health and safety risks to the community.
- Concerns on wayward ball strike from hole 9 of golf course onto site.

Ecology and Trees

- Development too close to common boundary and likely impact the root protection zone of existing mature trees many which are located within the boundary of Copthorne Golf Club.
- Site is of environmental importance to the area and is home to dormice and other wildlife.
- Well established area for bats, badgers, hedgehogs and deer.
- Loss of a significant number of trees which make an important contribution to the area.

- Contrary to policies DP37 and DP38 of the District Plan.

General comments

- Lack of community engagement and public consultation.
- Misleading statistics on walking distances as too generalised.

4.3 1 letter of support raising the following issues:

- support developments reliance on a strong existing bus network. The modest enhancements to bus stop infrastructure and pedestrian access and travel incentives would strengthen the schemes sustainability credentials. Would welcome the enhancements.

5.0 Summary of Consultees

5.1 Consultation responses are available to view in full on the planning file available on the online planning register.

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions towards Education, Libraries and Total Access Demand.

WSCC Local Lead Flood Authority

No objection subject to conditions.

WSCC Highway Authority

No objection subject to conditions and securing the inclusion of off-site mitigation improvements to local bus stop facilities and travel plan auditing fee within the s106.

WSCC Fire and Rescue Service

Request conditions regarding fire hydrants.

Sussex Police Crime Prevention

Makes recommendations regarding the layout and design of the scheme.

Sussex Police Infrastructure

Require an infrastructure contribution. The Police will need to recruit additional staff and officers and equip them; payment towards one additional vehicle in the Copthorne, Worth, Crawley Down and Turners Hill Neighbourhood Police Team, investment into two further Automatic Number-Plate Recognition (ANPR) cameras.

NHS Sussex

Require an infrastructure contribution which will be used for patient capacity increases at one or all the GP practices which will serve the catchment population of this proposed development.

Southern Water

The development site is not located within Southern Water's statutory area for water supply or drainage services.

South East Water

No comments received.

Thames Water

No objection in respect of foul water network capacity. Informative suggested to an approval.

Ecological Consultant

No ecological objection subject to conditions. We are satisfied that there is sufficient ecological information available for determination.

Nature Space (Great Crested Newts)

Planning conditions and informatives will be required, for the Council to be able to then authorise this development under the District Licence.

Landscape Consultant

Concerns raised regarding the proposed development, particularly in reference to the disconnection from the settlement boundary. We would not be supportive of this application from a landscape perspective due to concerns regarding the proposed layout design and number of houses within the scheme.

Heritage Consultant

No objection. Recommends a condition on archaeological trial trenching and excavation.

MSDC Planning Policy

Comments in relation to policy requirements, site selection process. The site is on the long list of sites proposed for allocation in the submitted District Plan, although no weight can be given in the decision-making process to this as it is subject to further consideration during the District Plan Examination.

MSDC Contaminated Land Officer

Recommend approval subject to conditions in relation to contaminated land.

MSDC Environmental Protection Officer

Recommend approval subject to conditions including on soundproofing, air quality, construction management and construction and deliveries during development phase.

MSDC Housing Enabling Team Manager

The applicant is proposing a development of 86 units, which gives rise to a minimum on-site affordable housing requirement of 30% in accordance with District Plan Policy DP31. This equates to 26 affordable housing units as proposed. The affordable housing provided will need to be split 25% Low-Cost Home Ownership (7 units) and 75% Social Rented or Affordable Rented housing (19 units). Our preference for this site is to deliver First Homes, but should the situation arise, we would consider the 25% Low-Cost Home Ownership to be delivered as Shared Ownership.

MSDC Tree Officer

The access will result in the loss of a Cat B oak (T29) and some partial Cat B groups, which are a constraint to development, however, there is adequate space within the development to provide mitigation. It is also accepted that this may be the least damaging point of access, in terms of trees, from Copthorne Common.

MSDC Section 106 & Infrastructure Manager

Requires infrastructure contributions towards community buildings, other outdoor provision for older children, formal sports and local community infrastructure. A play area for younger children would be provided on site and so no contribution would be required for play space.

MSDC Architect/Urban Designer

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. Being an outline proposal, the scheme is short of information. This makes it difficult to assess its design merits in detail. Comments made in respect of access, layout/massing and architecture.

MSDC Street Name and Numbering

Informative regarding formal address allocation.

NATS Safeguarding

No safeguarding objection.

Gatwick Airport – Aerodrome Safeguarding

No objection subject to conditions.

6.0 Parish Council Observations

Worth Parish Council OBJECT to planning applications DM/25/3021 and DM/25/3020 on the following substantive planning grounds:

1. Conflict with the emerging District Plan
2. Conflict with the Copthorne Neighbourhood Plan
3. Insufficient infrastructure and unsustainable location
4. Material impacts on school provision, highways, water/ sewage and local green space
5. Developer intentions and delivery risk
6. The site is not allocated under the district plan, currently in Reg 19 stage, and lies outside the settlement boundary or the area intended for development in the Neighbourhood Plan.

1. Development Plan – Mid Sussex District Plan (2014–2031 / 2021–2039)

The Mid Sussex District Plan forms the statutory development plan against which these applications must be assessed. Policies that are particularly relevant include those on infrastructure, transport, character/design, water, and sustainable development.

Policy DP20 – Securing Infrastructure

New development must demonstrate that infrastructure (including education, health, utilities, and transport) is available or provided to serve the development. There is no evidence that existing local infrastructure can accommodate these applications. The Fairway/Primary school sector in Copthorne is at capacity, and there are insufficient school places within Copthorne itself. This is contrary to DP20.

Policy DP21 – Transport & Accessibility

DP21 seeks to secure accessibility and sustainable transport modes. There is no safe pedestrian route to the nearest crossing or village services. Services and facilities are more than a 20-minute walk away. The only facility within a 20-minute walk would be the Esso Petro station along the A264, this location has limited parking facilities and products. The lack of safe and direct footpaths increases dependence on private cars in direct conflict with the policy's sustainability aims.

Policy DP26 – Character and Design

DP26 requires development to reflect local character, reinforce village identity, and respect rural settings. These proposals would significantly alter the rural character and setting west of Copthorne Common, eroding the landscape that is not allocated for development.

Policy DP42 – Water Infrastructure and Environment

Developments should not place undue pressure on water and sewage infrastructure. Copthorne continues to experience water scarcity (hosepipe bans) and existing sewage

capacity concerns—yet the application does not convincingly demonstrate that these issues will be resolved. This conflicts with DP42.

2. Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan (2021–2031) is part of the statutory development plan and must be afforded weight in decision making. Once formally ‘made’ it holds equal status in planning decisions alongside the District Plan.

General Development Requirements (CNP1)

CNP1 establishes local criteria for acceptable development. Although the Plan does not explicitly allocate sites west of the A264 for housing, its general requirements reflect community priorities for sustainable, context-aware development. The applications fail to align with this policy’s emphasis on local character and access.

Character and Local Green Space Protection

The Neighbourhood Plan includes character area designations and seeks to safeguard valued green spaces. Introducing large residential and care uses on this greenfield site materially undermines those objectives.

NOTE ON SITE LOCATION: If the site lies outside the settlement boundary or the area intended for development in the Neighbourhood Plan, it carries even greater weight against these proposals where they are not allocated for growth.

3. Infrastructure and Sustainability

Lack of Local School Capacity

Copthorne’s primary school(s) are at or near capacity. There is a clear local need for schooling within Copthorne for children already resident here—not further afield—yet these proposals would add future demand without securing dedicated new local school capacity.

Pedestrian Accessibility

There is no safe footpath connection to the pedestrian crossing or to local services, contrary to transport and sustainability policies and increasing reliance on private vehicles (contrary to DP21).

Water Supply & Sewage Constraints

Copthorne remains subject to water use restrictions (hosepipe bans). Introducing additional dwellings increases risks of exacerbating pressures on potable water supply and sewage capacity, contrary to DP42 and wider environmental objectives.

4. Loss Of Greenspace & Rural Character

The site is currently open, greenfield land contributing to the rural character of Copthorne. Development here would result in the permanent loss of greenspace and negatively impact local landscape character, contrary to DP26 and the Neighbourhood Plan policies designed to protect character areas and local green spaces.

5. Developer Intentions And Delivery Risk

Residents are justifiably concerned that the applicants may not intend to build the development themselves but rather sell the site on. These risks piecemeal or speculative development which often results in delayed or diluted delivery of infrastructure obligations

required under S106 agreements. The planning system should guard against speculative planning where infrastructure and community needs are not securely tied to delivery.

Conclusion

For the reasons above, these applications:

- Conflict with Mid Sussex District Plan policies on infrastructure, transport, character, and water.
- Conflict with key Copthorne Neighbourhood Plan objectives protecting local character and guiding appropriate development.
- Would place unacceptable pressure on local services and infrastructure.
- Would erode valuable greenspace and rural character.

Therefore, Worth Parish Council respectfully request the Council to refuse planning permission for DM/25/3021 and DM/25/3020.

7.0 Introduction

- 7.1 This application seeks outline planning permission for the erection of residential dwellings (Use Class C3), including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road at Land to the west of Courthouse Farm Copthorne Common, Copthorne.
- 7.2 It is the means of access that is to be determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.

8.0 Relevant Planning History

- 8.1 There is a concurrent outline planning application under consideration for the same application site under planning reference DM/25/3020 for the erection of an extra-care retirement community (Use Class C2) and community pavilion, including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road.

9.0 Site and Surroundings

- 9.1 The site is set to the south of the Copthorne Common Road (A264) and comprises a number of fields separated by hedging, trees, and timber post and rail fencing.
- 9.2 The front part of the site is used as a secure dog walking field whilst other parcels are separated into paddocks for horses. An eastern parcel of land subject of the application site is separated from the wider site by the existing access drive leading to Courthouse Farm.
- 9.3 To the north is a bund separating the site with Copthorne Common Road, to the east is the driveway access to Courthouse Farm with trees and vegetation beyond. To the south are trees and vegetation screening on the boundary with fields beyond. To the west of the site is Copthorne Common and land used by the golf club. On this western boundary are trees.
- 9.4 The site is currently accessed from Copthorne Common Road via the existing farmhouse access.
- 9.5 There is a paved footpath on the opposite side of the highway leading to bus stops and the centre of Copthorne. There is a signalised pedestrian crossing approximately 140m west of the site which provides a crossing for users of Copthorne Golf Club.

- 9.6 The application site lies outside of the development boundary of Copthorne and thereby falls within the countryside as defined in the District and Neighbourhood Plans.

10.0 Application Details

- 10.1 This application seeks outline planning permission for the erection of residential dwellings (Use Class C3), including associated parking, outdoor amenity space, landscaping and drainage, with all matters reserved except for the new access proposed from Copthorne Common Road.
- 10.2 It is the means of access that is to be determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 10.3 The means of vehicular access is to be from the northern boundary onto the A264 Copthorne Common Road through a new priority junction with a ghost island right turn lane.
- 10.4 A new pedestrian footway connecting to the existing signal-controlled crossing on Copthorne Common Road, and a new uncontrolled crossing provided with a refuge island in the vicinity of the site access is also proposed.
- 10.5 The application is supported by a number of plans including a site layout and landscape masterplan which shows how the site could be configured to accommodate the development that has been applied for. These plans show up to 86 residential dwellings on the site.
- 10.6 The site plan and landscape masterplan shows that the tree belts within the site would be retained to provide wildlife corridors. The land to the east on the opposite side of the access drive of Courthouse Farm would not be accessible and be used as part of the BNG for the site.
- 10.7 The existing access drive would be retained for Courthouse Farm only.
- 10.8 The application has been accompanied by a number of supporting statements for consideration consisting of:
- Design and Access Statement
 - Planning and Affordable Housing Statement
 - Statutory Biodiversity Metric
 - Biodiversity Net Gain Feasibility Assessment
 - Ecological Impact Assessment
 - Reptile Survey Report
 - Hazel Dormouse Survey Report
 - District Licence Report
 - Impact Plan for Great Crested Newts
 - Bat Activity Survey Report
 - Landscape and Visual Appraisal

- Transport Assessment
- Road Safety Design Audit
- Residential Framework Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Heritage Assessment
- Archaeological Desk Based Assessment
- Arboricultural Impact Assessment
- Energy and Sustainability Strategy
- Statement of Community Involvement.
- Phase 1 Contamination Risk Assessment

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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.'*
- 11.3 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.'*
- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Copthorne Neighbourhood Plan (CNP).
- 11.7 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.

11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 **Mid Sussex District Plan (MSDP) 2014-2031**

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

Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP13 - Preventing Coalescence

DP15 – New Homes in the Countryside

DP20 - Securing Infrastructure

DP21 – Transport

DP23 - Communication Infrastructure

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

11.11 **Mid Sussex Site Allocations Development Plan Document (SADPD)**

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

Relevant policy:

SA38 Air Quality

11.12 **Copthorne Neighbourhood Plan (CNP)**

The Copthorne Neighbourhood Plan was made in September 2021.

Relevant policies:

CNP1 – General Development Requirements

CNP10 – CA3: Copthorne Common and Woodland

CNP14 – Sustainable Transport

CNP15 – Car parking

11.13 **Other Legislation**

Countryside and Rights of Way Act (CRoW) 2000

11.14 **Other Material Considerations**

11.15 **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 is currently at Examination with initial hearings held in February/March 2026. The Council has consulted on Main Modifications which are required to ensure the plan is legally compliant and sound with further Hearings taking place in November 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPS6 - Health and Wellbeing

DPN1 - Biodiversity, Geodiversity and Nature Recovery

DPN2 – Biodiversity Net Gain

DPN4 – Trees, Woodland and Hedgerows

DPN9 – Air Quality

DPC1 – Protection and Enhancement of the Countryside

DPC2 – Preventing Coalescence

DPC3 – New Homes in the Countryside

DPB1 – Character and Design

DPT1 – Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPH1 – Housing

DPH2 – Sustainable Development – Outside the Built-Up Area

DPH7 – Housing Mix

DPH8 – Affordable Housing

DPH9 – First Homes

DPH11 – Dwelling Space Standards

DPH12 – Accessibility

DPI1 – Infrastructure Provision

DP12 – Planning Obligations

11.28 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.

11.29 Affordable Housing Supplementary Planning Document (SPD)

11.30 Position Statement 1: Delivering Sustainable Development in Mid Sussex (December 2025)

11.31 WSCC: Guidance on Parking at New Developments (September 2020)

11.32 National Planning Policy Framework (NPPF) (August 2026)

11.33 The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts. The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication.

11.34 Annex A of the NPPF states '*Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.*'

- 11.35 Policy S3 of the NPPF relates to the presumption in favour of sustainable development and states:

'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'

- 11.36 National Planning Policy Guidance (PPG)

12.0 Assessment

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

- The principle of development;
- Transport matters;
- Landscape Impacts;
- Design and layout;
- Sustainability;
- Residential amenity;
- Housing mix and Affordable housing;
- Air quality;
- Contaminated land;
- Trees;
- Ecology and BNG;
- Flood Risk and Drainage;
- Infrastructure;
- Ashdown Forest; and
- Planning Balance and Conclusion

12.2 Principle of Development

- 12.3 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Copthorne as defined by the adopted District Plan. As such the site is located within the defined countryside.
- 12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that 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 necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.6 Policy DP6 of the MSDP states in part that:
- 'Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built-up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*
- 12.7 The proposed residential development does not meet all these criteria.
- 12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.9 The proposed residential development does not meet any of these special justifications.
- 12.10 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site.
- 12.11 The policies contained within the NPPF are material considerations which must be taken into account in the determination of this application.
- 12.12 Annex A of the NPPF further confirms that development plan policies (or parts of those policies) which are materially inconsistent with the national decision-making policies in the Framework should be given very limited weight, unless they have been examined and adopted (or made) against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to publication of the Framework.
- 12.13 The presumption in favour of sustainable development is set out in Policy S3 which states that decisions on development proposals should apply a presumption in favour of sustainable development. This means:

'1. Policy S4 in this Framework should be applied when considering development proposals within settlements;

2. Outside settlements, policy S5 should be applied; and

3. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.'

- 12.14 For development proposals outside of settlements, National decision-making policy S5 in the NPPF states in part *'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.'*

It then goes on to list those type of development that should be approved outside settlements. This includes under S51 (j) where development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), and where the development would:

'i. Be physically well-related to an existing settlement.'

- 12.15 Paragraph 2 of policy S5 states that *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'*
- 12.16 Following the publication of the NPPF in August 2026, it is considered that policies DP6 and DP12 of the MSDP have very limited weight due to the publication of the NPPF and greater weight should be given to Policy S5 of the NPPF which relates to the principle of development outside settlements.
- 12.17 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development set out in Policy S3 of the NPPF. Where development accords with the relevant provisions of Policy S5 of the NPPF, this weighs strongly in favour of granting planning permission. The Local Planning Authority must undertake an overall planning balance, assessing the benefits of the proposal against any adverse effects having regard to the national decision-making policies contained within the Framework as a whole.
- 12.18 While the Council has performed excellently in respect of housing delivery, the most up-to-date local housing need figure generated through the standard method exceeds the housing requirement contained within the adopted District Plan. As a consequence, and having regard to the requirement to apply the appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with Plan-making policy HO3 and Annex D of the NPPF.
- 12.19 The Council published Position Statement 1: Delivering Sustainable Development in Mid Sussex in December 2025 to outline the Council's approach to delivering sustainable development. Whilst this was written in the context of the 2024 NPPF, it is still considered relevant. Para 4.3 of this document sets out that *'For sites that are not currently allocated, or were not proposed for allocation in the Submission Draft District Plan (i.e. those listed in Section 5), the Council will positively consider sites'* subject to a number of criteria. This criteria includes that the site accords with the settlement hierarchy as set out in Policy DP6, by delivering development appropriate to the scale and function of the settlement it

relates to and is in general conformity with the Development Principles set out in Section 6 of the Position Statement.

- 12.20 During the District Plan Examination earlier this year, the Inspector indicated that the Council needs to increase the number of new homes to meet the unmet needs of adjoining authorities. As such the Council has needed to identify a number of additional sites from that provided in the Reg 19 draft of the District Plan.
- 12.21 Following this, the Council on the 15th May published a 'long list' of sites which could be brought forward, subject to in-combination testing. This list included the application site. The decision to include the site on the long list indicates an in-principle acceptance by the Council that whilst the site is located within the countryside, that it would be an appropriate location for additional housing due to its relationship with the Copthorne which is a category 2 settlement, and due to the need for the additional contribution to meeting the needs of neighbouring authorities which the District Plan Inspector is asking Mid Sussex to make.
- 12.22 Subsequent to the in-combination testing, the Council published a number of main modifications to the draft District Plan including additional site policies on the 27th July 2026. This formally included the site as an additional housing site policy (MM69) for 86 dwellings. The consultation for the main modifications ended on the 7th September.
- 12.23 The inclusion of sites entailed an in-principle acceptance that the additional need identified by the District Plan Inspector outweighs any site-specific concerns relating to matters such as impact on the character of the countryside, relative sustainability or impact on heritage assets.
- 12.24 It is acknowledged that the draft site allocation policy is subject to consideration by the District Plan Inspector, and is therefore not a material consideration in the determination of this application. However, the principle of this site for additional housing is considered appropriate in this instance due to the new NPPF setting out a presumption in favour of sustainable development and supporting additional development outside of settlements (in the countryside) where it accords with Policy S5.
- 12.25 In light of the above, the key rest that must be undertaken when assessing this application is as set out within Policies S3 and S5 of the NPPF.
- 12.26 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to set out whether the benefits of approving such a development are likely to be substantially outweighed by adverse effects.
- 12.27 **Transport Matters**
- 12.28 Policy DP21 of the MSDP seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals. Policy CNP14 of the Neighbourhood Plan relates to sustainable transport and has a similar ethos. It is considered that these policies have very limited weight as they are materially inconsistent with the NPPF and greater weight should be given to policies TR3, TR4 and TR6 of the NPPF instead.
- 12.29 Policy TR3 of the NPPF relates to locating development in sustainable locations and sets a number of principles proposals should reflect. Section (e) of this policy sets out that *'In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.'*

- 12.30 Policy TR4 of the NPPF relates to street design, access and parking and sets out that to contribute to well-designed places, transport considerations should be integral to the design of the development. This should include giving priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas and also providing a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.
- 12.31 Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*
- 12.32 The proposal has been supported by a Transport Assessment, a Design Audit and Residential Framework Travel Plan. All these documents have been carefully considered by the Local Highway Authority (LHA), and their full comments can be found in full on the planning file.
- 12.33 There are several differing highway elements that need to be considered when determining this application; access arrangements; impact on highway network; sustainable transport; and parking. All these elements will be considered separately in the following paragraphs.
- 12.34 Access arrangements and off-site works
- 12.35 Access to the site will be provided through a simple priority T-junction on the northern site boundary onto the A264 Copthorne Common Road. The highway at this point is subject to a 50-mph speed limit.
- 12.36 The access to serve the development will include a 6metre wide carriageway and 2metre wide footway either side of the access for pedestrian access. Additionally, a 3metre wide ghost island right turn lane will be provided along the A264, with 3.5m wide running lanes either side. This ghost lane will facilitate safe turning into the site access.
- 12.37 Visibility splays of 4.5metres x 160metres can be achieved at the access junction, with forward visibility splays of 160metres shown to the proposed pedestrian crossing.
- 12.38 A new pedestrian footway would be created outside of the site connecting to the existing signal-controlled crossing on Copthorne Common Road to the west. In addition, a new uncontrolled crossing with tactile paving would be provided with a refuge island to the east of the site access to enable safe crossing to the existing pedestrian footway at the northern boundary of the A264.
- 12.39 The LHA are satisfied with the proposed access and visibility to serve the development. Your Planning Officer has no reason to disagree with the views of the LHA in respect of these matters. It is considered that a satisfactory access point can be provided to serve the development, and the proposed off-site works are reasonable. Such off-site highway works could be secured within the legal agreement.
- 12.40 Impact on the highway network
- 12.41 An Automatic Traffic Counter (ATC) was placed on the A264 Copthorne Common Road in the vicinity of the proposed access for a week between the 26th June and 2nd July 20205. The average daily flows were 13,591 vehicles eastbound and 13,150 vehicles westbound.

- 12.42 Copthorne Common Road at this point is subject to a 50mph speed limit. The 85th percentile speeds from the automatic traffic counts were below the speed limit of 45.2mph eastbound and 46.8mph westbound.
- 12.43 The trip generation for the proposed development has been calculated using trip rates derived from the industry standard TRICS trip rate data base. Based on 86 dwellings the expected trips in the AM peak hour (8am – 9am) would generate 44 two-way trips (13 IN, 31 OUT) and in the PM peak hour (5pm – 6pm) would generate 41 two-way trips (13 IN, 41 OUT).
- 12.44 The Transport Assessment includes junction analysis which has demonstrated that the proposals would not have a material impact on the operation of key location junctions and considers future year scenarios following the inclusion of development traffic.
- 12.45 Based on the above development distribution, the proposals are predicted to generate a maximum of 23 additional peak hour movements at the Brookhill Road / Copthorne Common Road / Copthorne Way roundabout to the west and a maximum of 22 additional movements at the Dukes Head.
- 12.46 The LHA does not raise a capacity concerns with the anticipated amount of additional vehicular movements onto the local network.
- 12.47 In addition, the LHA raises no objection to the proposal and advise that the proposal would not have 'severe' impact on the operation of the highway network. As such there are no transport grounds to resist the proposal.
- 12.48 The test in both policy DP21 in the MSDP and policy TR6 (4) of the NPPF, is that development proposals should only be refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.
- 12.49 Sustainable Transport
- 12.50 Copthorne is a category 2 settlement as defined in the settlement hierarchy in the MSDP. Category 2 settlements are defined as larger villages acting as local service centres providing key services. These benefit from a good range of services and facilities including employment opportunities and access to public transport.
- 12.51 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Residential Framework Travel Plan (RFTP) which has been assessed by the LHA.
- 12.52 In line with guidance in the NPPF, the applicants identify opportunities to promote sustainable travel modes for the site in their Transport Assessment (TA). The TA refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite highways improvements.

- 12.53 In addition, the submitted RFTP identifies the site has access to a variety of services and amenities within a reasonable walking distance. The closest set of bus stops are provided on Copthorne Common Road between circa 350m and 550m from the proposed site access. A number of facilities including schools, churches, a doctors surgery and the village stores are less than a 1.7km walking distance of the site.
- 12.54 Localised existing infrastructure such as bus stops and existing footways and crossings provides opportunities for residents to travel to and from the site through other means than the private car. The proposal is to form a new pedestrian footpath to the front of the site to connect with the existing pedestrian signalled crossing to the west of the site. In addition, a pedestrian footway to the east outside of the site with an uncontrolled crossing would be created to provide access to the footway on the opposite side of the highway. This would enable residents to be able to walk to nearby bus stops as well as the village centre.
- 12.55 The RFTP identifies a number of potential measures which could be considered within the Travel Plan including a Travel Pack Information for all residents identifying information on walking, cycling, public transport and details on local car clubs/car sharing. In addition, it identifies the provision of a new pedestrian footway connection to the existing signalled crossing and an uncontrolled crossing by the site access, potential discount schemes towards bikes for residents and the inclusion of a car club.
- 12.56 Additionally, the LHA identifies the inclusion of improvements to local bus stop facilities in relation to Real Time Information. This could be secured within the legal agreement as off-site mitigation works.
- 12.57 It is considered that the above measures are reasonable mitigation in relation to promoting sustainable transport options to access the site.
- 12.58 Car and Cycle Parking
- 12.59 As this is an outline planning application, future reserved matters applications will deal with the provision of car and cycle parking. The applicant has advised that these will be provided having regards to current standards or any other subsequent standards that may be adopted at that time. There are no reasons to think that a satisfactory level of cycle and vehicle parking could not be provided at the reserved matters stage.
- 12.60 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging infrastructure will be provided in accordance with the adopted EV charging standards at the time of the reserved matters application, which is currently a minimum of one charging point for each new dwelling.
- 12.61 Construction stage
- 12.62 It is normal practice on major developments such as this, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.
- 12.63 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed. The requirement for a CMP can be dealt with by condition.
- 12.64 Transport Conclusions

- 12.65 To summarise on transport matters, it is considered that the applicants have demonstrated that a satisfactory vehicular access points can be formed onto Copthorne Common Road. The level of vehicular movements that would be generated by the proposed development would not result in a severe impact on the highway network, which is the relevant test.
- 12.66 The site is considered to be reasonably located to the adjoining settlement of Copthorne to encourage travel by sustainable modes including the use of walking, cycling and public transport to provide appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car.
- 12.67 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that their views should be afforded significant weight. With planning conditions to secure the details of the access and highways works, and a legal agreement to secure the Travel Plan and the off-site highway works, it is considered that there are no sustainable reasons to resist the application on highways grounds.
- 12.68 Consequently, the proposal is considered acceptable on highway safety and transport grounds and complies with policy DP21 of the MSDP, policy CNP14 of the CNP, and policies TR4 and TR6 (4) of the NPPF.
- 12.69 **Landscape Impacts**
- 12.70 As the site falls outside of the built-up area (within the countryside) it is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.
- 12.71 Policy DP12 of the MSDP requires in part proposals to maintain or where possible enhance the quality of the rural and landscape character of the district. Policy CNP1.1 of the CNP requires proposal to sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each character area. Policy CNP10-CA3 relates to Copthorne Common and Woodland, and requires development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity.
- 12.72 The above policies are considered to be materially inconsistent with national decision-making policies in the NPPF and should be given very limited weight, greater weight should therefore be given to policy N2 in the NPPF.
- 12.73 Policy N2 of the NPPF relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced'*.
- 12.74 The application has been supported by a Landscape and Visual Appraisal (LVA) and a Landscape Response has been provided following the comments from the Councils Landscape Consultant.
- 12.75 Within the Landscape Character Assessment of West Sussex (2003), the site is located within the HW1 High Weald Landscape Character Area (LCA). Key characteristics of this LCA that are relevant to the site include: wooded, confined rural landscape of intimacy and complexity, significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees, pattern of small, irregular-shaped assart fields, some larger fields and small pockets of remnant heathland. The site is also located within LCA7 High Weald Plateau within the Landscape Character Assessment of Mid Sussex (2005).

- 12.76 Within the Neighbourhood Plan the site is located within the character area of Copthorne Common and Woodland (Policy CNP10 – CA3). The pre-text to this policy sets out a number of positive aspects to this area including large areas of woodland which have a high degree of connectivity stretching across the local character area west to east and have a rural character and provide a sense of enclosure and tranquillity; large areas of common land, views of rural landscapes either of woodland or agricultural landscapes and providing a verdant backdrop to the settlement of Copthorne.
- 12.77 The submitted LVA concludes that the proposed scheme has the potential to cause some medium adverse impacts upon landscape resources in the short term at the site scale. The assessment considers that these adverse impacts relate to the fundamental change in the land use and vegetation cover characteristics of the site. It sets out that the impacts upon landscape character are assessed as being neutral, and negligible to low magnitude. The LVA submits that the site does not make a significant or unique contribution to any of the published Landscape Character Areas to the extent that the proposed change would fundamentally alter the character of the LCA.
- 12.78 In terms of visual impact, the submitted LVA concludes that the development would generally only be visible from a highly restricted, localised area and typically only from locations where residential development is within the immediate vicinity of the view origin. The proposed scheme has the potential to cause some low magnitude adverse visual impacts in the short term, but these are limited to a small number of visual receptors in close proximity to the site. Medium magnitude adverse visual impacts have been identified for one receptor being the south end of PRow 20W, but these are limited to locations in very close proximity to the site.
- 12.79 The Council's Landscape Consultant has considered the submitted documents and illustrative plans. Concerns are raised in respect of the proposed development being disconnected to the settlement boundary. Whilst they consider that there is some scope for development within the site, they consider that the scheme would benefit from a reduction in housing numbers to facilitate more open space, creation of a countryside edge, and enhancement of the 'green ring'
- 12.80 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in policy S3 of the NPPF where there is a presumption in favour of sustainable development, and policy HO7 of the NPPF which sets out that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.
- 12.81 As set out above, the applicant's supporting information has been assessed by the Council's Landscape Consultant, and their comments are summarised at the start of the report and set out in full on the planning file. Your Planning Officer considers that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP and policies CNP1.1 and CNP10 – CA3 of the CNP.
- 12.82 Notwithstanding this general conflict with the above policies, as set out in the report, policies DP12 and CNP10 CA3 are materially inconsistent with national decision-making policies and should be given very limited weight. Consideration should therefore be given to the NPPF and the presumption in favour of sustainable development.

- 12.83 It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside can be mitigated to a reasonable extent through existing and additional boundary screening with additional planting to the bund to the front of the site. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings.
- 12.84 It is acknowledged that the proposal does not follow the scale and layout of dwellings along the southern side of Copthorne Common and lies outside of the built-up area boundary. Whilst the site falls within the character area of Copthorne Common, it is private and enclosed not forming part of the common land. The site is generally well screened and a landscape led design would assist to reduce both the landscape and visual effects of the development of the site.
- 12.85 It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12 of the MSDP and policies CNP1.1 and CNP10-CA3 of the CNP, it would not be appropriate to seek to resist the application because of the conflict with these policies.
- 12.86 As the site is not a protected landscape it is considered that the localised adverse effects to the area are limited and can be sufficiently mitigated. Therefore, it is not considered that benefits of the development are substantially outweighed by the localised adverse landscape impacts through the development of this green field site.
- 12.87 The proposal is thereby considered to accord with policy N2 of the NPPF.
- 12.88 **Design and layout**
- 12.89 Policy DP26 of the MSDP relates to character and design. In addition, policy CNP1 of the CNP sets out general development requirements where policy CNP1.1 requires proposals to sustain or reinforce the positive aspect that make up the individual character and distinctiveness of each character area. Policy CNP10 – CA3 relates to the character area of Copthorne Common and Woodland and requires proposals to deliver high-quality development taking into account the immediate locality. However, these are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.
- 12.90 Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.
- 12.91 The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition, there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

- 12.92 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.
- 12.93 The application is accompanied by a site plan, landscape masterplan and indicative elevations for the dwellings proposed. The illustrative layout sets out that the dwellings would be arranged around a single main residential road with a number of cul-de-sacs coming off this. The development would respond and incorporate the existing natural features within the site and provide new features of an attenuation pond, play area and enhanced planting within the site and on the boundaries.
- 12.94 The submitted Planning Statement sets out that the *'Parameters Plan submitted with the application defines the main development parcels within the site which are reflective of the constraints and opportunities outlined previously. This also emphasises the extent of the site that could be available for public open space, helping to soften the appearance of the development and offering recreational opportunities for existing and future residents to enjoy.'*
- 12.95 The Council's Urban Designer has considered the proposal and raises concerns on the details submitted in respect of the design and layout of the proposal which does not align with the principles of the Mid Sussex Design Guide.
- 12.96 Officers agree with the comments made, However, it is noted that such details in respect of appearance, layout and scale would be subject to a reserved matters application and are therefore not matters for consideration as part of this outline application.
- 12.97 The principal consideration for the LPA at this stage is whether the applicant has demonstrated that the proposed quantum of development is capable of being delivered on the site in principle. It is considered that sufficient evidence has been submitted to support this conclusion.
- 12.98 It is therefore considered that in terms of design and layout, the parameter site and landscape plans, show that the application complies with policy DP26 in the MSDP and policy CNP1.1 of the CNP and policy DP3 of the NPPF.
- 12.99 **Sustainability**
- 12.100 Policy DP21 of the MSDP in part it requires schemes to be *'sustainably located to minimise the need for travel'*. Policy DP39 of the MSDP relates to sustainable design and construction. Policy CNP14 of the CNP relates to sustainable transport and requires proposals to demonstrate that adequate transport links existing or will be provided as part of the development. These policies are considered to be materially inconsistent with national decision-making policies in the Framework and should be given very limited weight.
- 12.101 Policy CC2 of the NPPF relates to the mitigation of climate change. It sets out the requirements for proposal in order to contribute to climate change mitigation and the transition to net zero. This includes the prioritisation of sustainable patterns of movement and the use of design approaches to conserve energy and other resources.
- 12.102 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly,

the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

- 12.103 The applicants Energy and Sustainability Strategy and Planning Statement sets out that the development would utilise a fabric first approach in the design and layout of the site. The documents identify a range of measures which would be embedded into the design and function of each new home to improve the energy efficiency and carbon footprint of the development as a whole. These measures would include air source heat pumps, Photovoltaic Panels (PV), improved building fabric with low air permeability and thermal bridging and water saving devices such as low flow taps and showers to reduce water use.
- 12.104 As this is an outline planning application, the final details of exactly what sustainable features will be incorporated into the development would need to be identified in the subsequent reserved matters application/s.
- 12.105 It is considered that the applicants have sufficiently addressed this issue at the outline stage in accordance with policies DP21 and DP39 of the MSDP, policy CNP14 of the CNP and CC2 of the NPPF.
- 12.106 **Residential Amenity**
- 12.107 Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight as it is materially inconsistent with the NPPF and greater weight should be given to policy P3 of the NPPF.
- 12.108 Policy CNP1 of the CNP sets out general development requirements. Policy CNP1.2 sets out that *'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.'* Due to other criteria set out in Policy CNP1, this policy as a whole is considered to have limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy P3 of the NPPF.
- 12.109 Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'.*
- 12.110 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.
- 12.111 Nonetheless, it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted.
- 12.112 The closest neighbours to the site are Barn View and Courthouse Farm which are to the south-east and Victoria Oak, Pella and Providence to the east. These dwellings are set away from the site with the dwellings to the east being separated by the existing access drive which serves Courthouse Farm and dense tree and vegetation screening.
- 12.113 The existing boundary planting and trees would be retained as part of the proposal which would provide visual separation from the proposal. Additional planting is to be proposed

on the boundaries to soften the development further which would provide additional screening.

- 12.114 Concerns have been raised by Copthorne Golf Club in respect of the impact to future residential amenities through golf ball strike from hole 9 of the golf course. It has been submitted that there is a risk of balls entering the neighbouring land by golfers. From the illustrative plans there could be a risk to the rear gardens and properties on the western boundary. Whilst this is noted, the plans are indicative and the final layout is to be dealt with at the reserved matters stage. In the consideration of such details, suitable high fencing may be required to be installed on the boundary to prevent the impact from the golf club. This would need to be undertaken by the developer and would need to be considered at the reserved matters stage.
- 12.115 In respect of concerns raised by noise and air pollution during the construction phase a suitably worded condition in respect of a Construction Management Plan could be placed on a permission to reduce the impact on neighbouring amenity.
- 12.116 Overall based on the illustrative plans, it is your Officers view that the development would not be obtrusive or overbearing, and therefore not result in an unacceptable level of harm to residential amenity of existing occupiers by means of loss of privacy, overlooking, loss of light or by noise and disturbance. The application thereby complies with policy DP26 of MSDP, policy CNP1.2 of the CNP and policy P3 of the NPPF in this respect.
- 12.117 **Housing Mix and Affordable Housing**
- 12.118 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. This policy is given full weight as it complies with the NPPF.
- 12.119 Policy DP31 of the MSDP seeks to secure 30% affordable housing on sites such as this (of developments of 11 dwellings or more). This policy is given full weight as it complies with the NPPF.
- 12.120 Policy HO7 of the NPPF relates to meeting the needs for homes where substantial weight should be given to the benefits of providing homes which will contribute towards meeting evidenced accommodation needs of the community.
- 12.121 Policy HO8 of the NPPF relates to providing affordable homes. This in part states that *'Development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location'*.
- 12.122 The illustrative mix of housing is set out below:

	Market Housing	Affordable Housing
1-bed		4
2-bed / 3 person		4
2-bed / 4 person		15

3-bed	54	2
4-bed / 8 person	6	1
TOTAL	60	26

- 12.123 The submitted Planning Statement sets out that the site would provide a mix of 75% social or affordable rent and 25% intermediate homes in line with Policy DP31 of the MSDP.
- 12.124 Notwithstanding the above, as the application is outline, the final mix and details would be dealt with at the reserved matters stage. However, a condition could be placed on a permission to control the maximum number of dwellings on the site.
- 12.125 The Council's Housing Officer has considered the proposal and has provided detailed comments which are available to view on the file. They set out that the affordable housing provided will need to be split 25% Low-Cost Home Ownership (7 units) and 75% Social Rented or Affordable Rented housing (19 units). There would be a preference for this site to deliver First Homes.
- 12.126 The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitably distributed (pepper potted) within the site and tenure blind to accord with the Councils policies.
- 12.127 The proposal is thereby considered to comply with policies DP30 and DP31 of the MSDP and policies HO7 and HO8 of the NPPF.
- 12.128 **Air Quality**
- 12.129 Policy SA38 of the SADPD relates to air quality and requires applicants to demonstrate that there is not an unacceptable impact on air quality. It seeks developments to minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development. Within this there is a requirement for proposals to provide mitigation measures to demonstrate how the proposal would minimise any impact associated with air quality and to make a positive contribution to the aims of the Council's Air Quality Action Plan.
- 12.130 The Council's Air Quality Strategy sets out that the impacts of new developments within the district on air quality will be addressed through the planning regime, and decisions involved in key infrastructure initiatives such as large housing projects.
- 12.131 Policy P3 of the NPPF relates to living conditions and pollution. Part 2(c) of this policy requires proposals to *'Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies'*.
- 12.132 The site is not located within an Air Quality Management Area (AQMA).
- 12.133 The application is accompanied by an Air Quality Assessment. This considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, it identifies the control of dust emissions from construction site activities and relies upon management provision and mitigation

techniques to reduce emissions of dust and limit dispersion. In terms of the operational phase when the dwellings are occupied, it identifies that future occupants would be unlikely to be exposed to elevated concentrations of nitrogen dioxide and particulate matter.

12.134 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (January 2023), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'. The calculated central damage cost value over a five-year period is £8,046.51 which can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.

12.135 The Council's Environmental Protection Officer has considered the proposal in relation to air quality. Whilst they accept the calculated mitigation cost, concerns are raised in respect of the mitigation measures of a travel plan as this is already required for the development. As such additional measures would be required. This could be dealt with by a pre-commencement condition to ensure details of a scheme of mitigation measures to improve air quality relating to the development are submitted in accordance with the air quality and emissions mitigation guidance for Sussex.

12.136 In light of the above it is reasonable to conclude that the proposal will not have a significant impact on air quality, and with the use of appropriate conditions, the application complies with policy SA38 of the SADPD and policy P3 of the NPPF.

12.137 **Contaminated Land**

12.138 Policy P2 of the NPPF relates to ground conditions and requires sites should be suitable for their proposed use taking into account ground conditions including risks from contamination and the extent to which risks can be mitigated and the potential impacts on the natural environment arising from remediation.

12.139 The application is supported by a Phase 1 Contamination Risk Assessment. This concludes that *'Given the site's agricultural history and current land use, there is a potential for contamination in the underlying soils, particularly from metals and pesticides. In the absence of a more detailed contamination assessment, the risks to human health, plants, and water resources are considered to be low-moderate.'*

12.140 The Council's Contaminated Land Officer has considered the proposal and raises no objection subject to conditions in relation to a scheme to deal with the risks associated with contamination of the site and a verification report.

12.141 With such conditions in place, it is considered that the application would comply with policy P2 of the NPPF.

12.142 **Trees**

12.143 Policy DP37 of the MSDP relates to trees, woodland and hedgerows. It seeks to protect and enhance trees, woodland and hedgerows and encourage new planting. Policy DP37 is materially inconsistent with the NPPF and therefore has very limited weight, greater weight should be given to Policy N6 of the NPPF.

12.144 Policy N6 of the NPPF relates to areas of particular importance for biodiversity and geodiversity. Within this there is a requirement that proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 12.145 An Arboricultural Impact Assessment (AIA) and Tree Survey has been submitted as part of the application. This sets out that a category B Oak tree (T29) is to be removed and there would be a partial removal of G2, G31 and G32 which are also category B trees in order to facilitate the development.
- 12.146 Whilst the layout submitted is indicative, the submitted AIA and Tree Protection Plan identifies the root protection areas (RPAs) of 9 trees and 2no. group trees which would be encroached by the development footprint. However, as layout would be a reserved matter determined at a later stage, such details cannot be considered as part of this outline scheme.
- 12.147 A Landscape Masterplan accompanies the application. This sets out the existing bund of trees on the northern boundary of the highway would be retained to provide a landscape buffer. In addition, the existing boundary trees and hedgerows would be retained. The proposal would also provide new planting of native trees.
- 12.148 The Council's Tree Officer has considered the proposal. They note that the development would result in the loss of a category B Oak tree and some partial removal of category B group trees which are a constraint to development. They accept that the location of the access may be the least damaging point of access in terms of trees. They acknowledge that there is adequate space within the site to provide mitigation planting.
- 12.149 There is no objection raised in respect of the scheme from the Council's Tree Officer. It would be at the reserved matters stage, when a detailed layout is put forward, and it is therefore known whether there was any proposed incursion into root protection areas that these issues would be assessed again. It is only necessary at the outline stage to establish that the principle of the development is acceptable with regards to policy DP37 in the MSDP.
- 12.150 Given the above, your Planning Officer considers that the principle of the application is acceptable and complies with policy DP37 of the MSDP and Policy N6 of the NPPF.
- 12.151 **Ecology and BNG**
- 12.152 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 Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, 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).
- 12.153 Policy DP38 of the MSDP relates to biodiversity and seeks to protect and enhance biodiversity. However, this policy is materially inconsistent with national decision-making policies and should be given very limited weight. Greater weight should be given to policy N2 of the NPPF.
- 12.154 Policy N2 of the NPPF seeks to improve the natural environment. Part 1f of this policy requires proposals to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Part 2 of this policy sets out that *'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.'*
- 12.155 The application is accompanied by an Ecological Impact Assessment (EIA), Hazel Dormouse Survey Report, Bat Activity Survey Report and Reptile Survey Report, Biodiversity Net Gain Assessment and Biodiversity Net Gain Feasibility Assessment.

- 12.156 The submitted EIA sets out that habitats on-site include the extent of an existing farm with grassland fields, horse paddocks, hedgerows and tree lines associated with ditches as well as hardstanding access road. It identifies that Copthorne Common Local Wildlife Sites (LWS) is situated immediately to the west of the site.
- 12.157 The Reptile Survey Report identifies the presence of reptiles on the site. However, this is considered to be low. As such, appropriate avoidance, mitigation and compensation measures will need to be adopted and implemented to minimise the risk of the proposed works adversely affecting reptiles. The submitted EIA sets out that the retention of existing tree lines and ditches as well as enhancement of existing grassland to a more structurally diverse grassland mix and inclusion of new species-rich native hedgerows would result in improvement of reptile habitat suitability in the longer term.
- 12.158 The submitted Bat Activity Survey Report recorded an assemblage of at least seven bat species, including common pipistrelle, soprano pipistrelle, serotine, noctule, Leisler's, brown long-eared and at least one Myotis species considered likely to be a Daubenton's. The site is considered to be of 'moderate' suitability for foraging and commuting bats. The EIA sets out mitigation and compensation measures for bats to include the creation and enhancement of habitats, the installation of additional roost provision of bat boxes or bricks and bat-sensitive lighting.
- 12.159 A Hazel Dormouse Survey Report has been submitted that sets out that Hazel Dormice are present on the site and that the site supports a good quality habitat for this species. A precautionary working method statement is to be adopted to minimise impacts on hazel dormice through habitat removal. The EIA sets out that the provision of dormouse nest boxes will be installed on trees within the retained on-site woodland to provide protection from cats and offer safe nesting and breeding opportunity. In addition, the provision of brash piles, log piles or dormouse boxes will provide additional sheltering and hibernation habitat for this species, including being a refuge from predators.
- 12.160 In terms of Badgers the EIA identifies that suitable habitat for badger foraging (grassland, hedgerows, tree lines and woodland) was noted as present across the site, however there was limited suitability for sett formation given the relative topography was flat and open. Following surveys, it considers that based on the extent of recorded badger presence immediately off-site and the availability of suitable foraging habitat only on-site, badgers are considered to be of negligible importance.
- 12.161 The Council's Ecology Consultant has considered the proposal and the submitted documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. They raise no objection subject to conditions. They support the mitigation measures identified in the submitted reports in order to conserve and enhance protected and Priority species and recommend a wildlife friendly lighting strategy.
- 12.162 Policy N2(1f) of the NPPF states development proposals should incorporate integrated nest boxes (known as swift bricks) into their construction. Such detail would be required as part of the reserved matters stage where details on the appearance of the development would be considered.
- 12.163 Officers support the comments and recommendations from the Council's Ecology Consultant.
- 12.164 With regards to GCN, the applicant is following the District Licensing Scheme. The District Licence Report by NatureSpace and submitted by the applicant is available to view in full on the planning file. This report details the results of the assessment undertaken by NatureSpace Partnership on 6th May 2026. The assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Mid

Sussex District Council (WML-OR177) and this report summarises how the proposed development can be dealt with under the District Licence. As per the report and licence requirements, three conditions are required, with these set out in Appendix A, as follows:

- A condition that links the planning consent to the district (organisational) licence WML-OR177.

- A condition that requires the developer to submit a certificate from NatureSpace to the planning authority. Upon receipt of the second stage payment, NatureSpace Partnership will issue that certificate to confirm that all necessary payments have been made and that the development can be covered under the District Licence.

- A condition that requires development is carried out in accordance with Part 1 of the Great Crested Newt Mitigation Principles and compliance with imposes some working restrictions and on-site mitigation measures, including the requirement for some works to be timed to avoid sensitive periods (relating to any areas of potential hibernation habitat), capture methods and fencing and pitfall trapping of prior to development.

12.165 Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management, and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and annual reporting to Natural England.

12.166 Officers support the District Licence scheme and the conditions and informative recommended by NatureSpace.

12.167 Local Wildlife Site

12.168 Land to the north, south and west of the site of Copthorne Common is a designated Local Wildlife Site (LWS). Policy DP38 requires development to avoid damage to protect and enhance the special characteristics of Sites of Nature Conservation Importance (now known as Local Wildlife Sites).

12.169 It is important that any potential direct or indirect impacts on the Local Wildlife Site from the development proposal are fully assessed and mitigated. There may also be opportunities to create or enhance ecological connectivity as part of the development layout and design including with reference to the priorities and measures in the emerging West Sussex Local Nature Recovery Strategy.

12.170 The submitted EIA sets out that to minimise the impact of construction to the adjacent LWS that a Construction Environment Management Plan be provided to set out measures to minimise the impacts of construction. A condition could be placed on such a permission to consider this.

12.171 In terms of the impact of the development, the site whilst adjacent, lies outside of the LWS. Details in respect of layout and landscaping would be subject to any subsequent reserved matters application. However, the proposal is to be landscape led and the illustrative landscape masterplan identifies that the retention and enhancement of tree and hedgerows on the site. This could soften the development and form enhancements to the adjoining site.

12.172 Biodiversity Net Gain

12.173 Biodiversity net gain (BNG) 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 is deemed to have been granted subject to the

biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

- 12.174 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15).'

- 12.175 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

- 12.176 The submitted BNG Metric sets out that the site would result in a biodiversity net gain of 11.18% of area habitat units and a gain of 23.96% of hedgerow units.

- 12.177 The submitted site plan indicates that an area of land within the application site would be secured for Biodiversity Net Gain. This would be on land to the east beyond the driveway which serves Courthouse Farm. This land would be secured within the legal agreement to ensure that it is retained and managed for such purposes.

- 12.178 The Council's Ecology Consultant considers that there is sufficient information provided at this stage and that the application would be subject to the BNG condition.

- 12.179 Overall, the proposal subject to conditions thereby complies with policy DP38 of the MSDP and policy N2 of the NPPF.

12.180 **Flood Risk and Drainage**

- 12.181 Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere. This policy is materially inconsistent with the NPPF and has very limited weight and greater weight should be given to policies CC3 and F8 of the NPPF.

- 12.182 Policy CC3 of the NPPF relates to the adaptation to climate change and requires proposals to consider the current and potential impacts of climate change over the lifetime of the scheme. In part this requires proposals to be located where the risk of flooding is minimised and incorporate sustainable drainage systems to manage surface water flow rates and reduce volume of runoff.

- 12.183 Policy F8 of the NPPF relates to sustainable drainage systems and watercourses. Part 1 of this policy states *'Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.'*

- 12.184 The site lies within Flood Zone 1 and is at a low-level risk of flooding. However, there is a surface water flooding on parts of the site.

12.185 The application is accompanied by a Flood Risk and Drainage Strategy and a Surface Water Infrastructure document.

12.186 Surface Water

12.187 The site is a greenfield site and surface water drainage is via natural infiltration / evaporation / evapotranspiration and natural runoff. Due to the local topography, runoff from the site is intercepted by the existing ditches crossing the site and those immediately to the west and south.

12.188 The surface water drainage arrangements for any development site need to be such that the peak flow rates and volumes of surface water leaving the developed site are no greater than the rates and volumes prior to the proposed development.

12.189 The submitted Flood Risk and Drainage Strategy sets out that a number of SuDS techniques would be appropriate for the site including rainwater harvesting, pervious surfacing, sub-surface storage and a pond.

12.190 Due to the existing ditch bed levels, it would not be possible to provide a gravity connection to the outfall. Therefore, a surface water pumping station would be required to control the flow of water.

12.191 In respect of the surface water pump station, a maintenance contract / agreement would be put in place with an approved pump station contractor to ensure a quick response during plant failure.

12.192 The LLFA has considered the proposal in relation to surface water flooding and has raised no objection subject to conditions including detailed designs of a surface water drainage scheme.

12.193 Foul Drainage

12.194 The site is a greenfield site and consequently there are no existing foul sewers serving the site.

12.195 The submitted Flood Risk and Drainage Strategy sets out that foul water from the proposed development will connect by gravity to the on-site pumping station. Flows would be pumped to the site entrance where a short length of gravity sewer will connect to the existing public foul sewer in Copthorne Common Road.

12.196 Thames Water has considered the proposal and raise no objection in regard to foul water network capacity.

12.197 Water Supply

12.198 Policy DP42 states in part that proposals that increase the demand for offsite service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development. This policy has very limited weight as it is materially inconsistent with the NPPF and greater weight should be given to policy DM7 of the NPPF.

12.199 No information has been received from the applicant confirming agreement with the water supplier for the area that there is adequate water supply to serve the development. No objection has been received from the water supply company to the proposal.

12.200 However, as set out under Policy DM7 (1) of the NPPF *'Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular*

development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.'

- 12.201 In addition, para 2 of Policy DM7 sets out that *'Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes'*.
- 12.202 Whilst concerns have been raised on whether there is an adequate water supply to serve the development there is no clear evidence that the development cannot be provided with a water supply in accordance with the requirements of the Water Industry Act 1991.
- 12.203 In light of the above, it is considered that the proposal complies with policies DP41 and DP42 of the MSDP and policies DM7 and F8 of the NPPF.
- 12.204 **Infrastructure**
- 12.205 Policy DP20 of the MSDP relates to securing infrastructure. It is considered that this policy has very limited weight due to the publication of the NPPF and consideration should be given to policy DM6 of the NPPF.
- 12.206 The Council has two approved Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) An Affordable Housing SPD
 - b) A Development Viability SPD.
- 12.207 Policy DM6 of the NPPF relates to the use of planning conditions and obligations. It sets that *'Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition.'* (DM6(4)).
- 12.208 The PPG – Planning obligations sets out that:
- 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:*
- necessary to make the development acceptable in planning terms;*
 - directly related to the development; and*
 - fairly and reasonably related in scale and kind to the development.*
- These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations)' Paragraph: 002 Reference ID: 23b-002-20190901*
- 12.209 As Members will know, developers are only required to mitigate the impact of their proposed development: there is no requirement to address any pre-existing infrastructure deficiencies. Infrastructure will be secured through the use of planning obligations as set out under policy DM6 of the NPPF.
- 12.210 Build costs have risen substantially since the "Development Infrastructure and Contributions" SPD was adopted in July 2018. It is critical that new development mitigates its impact on local residents and communities. The Council revoked the SPD on 14th July 2025 and now relies on more up-to-date evidence on infrastructure costs by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration. This Position Statement applies to all application received from 11th December 2025. As this application was received in October 2025, Appendix 5 of the Submission Draft District Plan has been used to calculate all Section 106 contributions

due as this is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.

- 12.211 Having regard to the relevant policy in the NPPF, the SPDs and Regulation 122, the infrastructure set out below is to be secured via a planning obligation.
- 12.212 Whilst there are figures provided for some infrastructure contributions, the final figure will not be known at this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.

West Sussex County Council Infrastructure Requirements:

- 12.213 Primary, secondary and further secondary education school contributions are required as part of the development and would be calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required.
- 12.214 The primary education contributions generated by this proposal shall be spent on additional facilities at Fairway Infant School and/or Copthorne CofE Junior School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.215 The secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.216 The further secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.217 The library contribution generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.
- 12.218 A contribution towards sustainable transport of Total Access Demand (TAD) has been identified by the County Council. The contribution generated by this proposal shall be spent on the A22/A264 Transport Corridor Improvements.
- 12.219 The legal agreement would also secure a Travel Plan Monitoring fee.

Mid Sussex District Council Infrastructure Requirements (including police and health requirements)

- 12.220 A contribution towards community buildings would be required. This would be calculated by a formula as the housing mix is not known. The contribution for community buildings would be used for improvements to the Parish Hub, Bowers Arms Road; and/or improvements to Copthorne Village Hall, Copthorne Bank.
- 12.221 The Planning Statement confirms that a 415 sqm play area will be provided on site. Therefore, no contribution for play space for younger children is required.

- 12.222 A contribution towards other outdoor provision calculated by a formula as the housing mix is not known would be required for the development. The contribution for older children for 'other outdoor provision' would be used for improvements at Copthorne Recreation Ground, Copthorne Bank; and /or improvements at Copthorne Jubilee Pavilion, Copthorne Bank.
- 12.223 A contribution towards formal sports would be calculated by a formula as the housing mix is not known would be required for the development. The contribution for formal sports would be used for improvements to sports provision and facilities at Copthorne Pavilion, Copthorne Bank; and/or improvements to MUGA facilities at Copthorne Recreation Ground, Copthorne Bank; and/or improvements at King George's Playing Field, Copthorne; and/or improvements at Copthorne Cricket Club.
- 12.224 A contribution towards Local Community Infrastructure would be calculated by a formula as the housing mix is not known would be required for the development. The contribution for 'local community infrastructure' would be used for street lighting upgrades on streets connecting site with village services, e.g. Bowers Arms Road, Copthorne Common Road, Brookhill, Newtown, Copthorne Bank, Church Lane and Church Road; and/or CCTV/ANPR on Shipley Bridge Lane/Bowers Arms Road/Copthorne Common Road/Brookhill/Newtown/Copthorne Bank/Church Lane/Church Road; and/or speed indicator devices in the parish.

NHS Sussex

- 12.225 Based on the housing mix on the tariff, an estimate contribution of £140,842 is required to go towards NHS GP service site(s).

Sussex Police

- 12.226 A contribution of £21,014.61 is required to go towards the future purchase of infrastructure to serve the proposed development in relation to an additional dedicated officer, additional support staff, one additional vehicle in the Copthorne, Worth, Crawley Down and Turners Hill Neighbourhood Policing Team to deliver policing the site and surrounding area and 2 additional fixed APNR cameras at Copthorne Bank and the A264 Snow Hill.
- 12.227 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.
- 12.228 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policy DP23 of the MSDP, the relevant SPDs, Regulation 122 and policy DM6 in the NPPF. In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

12.229 Ashdown Forest

- 12.230 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).
- 12.231 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.

- 12.232 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.233 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.
- 12.234 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.
- 12.235 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.236 Increased traffic emissions as a consequence of new development may result in 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.
- 12.237 The proposed development has been modelled in the Mid Sussex Transport Study as a development proposed to be allocated through the main modifications of the draft Mid Sussex District Plan (2021-2039) such that its potential effects are incorporated into the overall results of the transport model, which concludes that the Mid Sussex District Plan will not result in adverse effects on the integrity of the Ashdown Forest SPA/SAC regarding atmospheric pollution, either alone or in combination with other plans or projects.

Conclusion of the Habitats Regulations Assessment

- 12.238 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.
- 12.239 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.240 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.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Copthorne Neighbourhood Plan (CNP).

- 13.2 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.
- 13.3 The NPPF states that planning should be genuinely plan led and that development proposals should apply a presumption in favour of sustainable development.
- 13.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Copthorne as defined by the District and Neighbourhood Plan. As such the site is located within the defined countryside.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. Whilst the proposal conflicts with policies DP12, DP6 and DP15 of the MSDP and policies CNP1.1 and CNP10-CA3 of the CNP, these policies have very limited weight because they are materially inconsistent with national decision-making policies in the NPPF. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.7 Policy S5 of the NPPF relates to the principle of development outside settlements. It sets out a list of the types of development that should be approved outside of settlements unless the benefits of doing so would be substantially outweighed by any adverse effects. Policy S5 1(j) allows for development which would address an evidenced unmet need and where the development would be physically well-related to an existing settlement.
- 13.8 The Council is currently unable to demonstrate a five-year housing land supply, and therefore, the development of this site would address an unmet need for the District's housing. In addition, Officers consider that the site is physically well-related to the existing settlement of Copthorne. The off-site highway improvements would assist in providing opportunities for sustainable travel from this site through walking, cycling and public transport.
- 13.9 The proposed new vehicular access from Copthorne Common Road, together with associated pedestrian improvements, is considered acceptable and would not result in a severe impact on the local highway network. The Local Highway Authority raises no objection to the proposal.
- 13.10 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective set out in chapter 6 of the NPPF of supporting the delivery of a substantial increase in the supply of homes and policy S5. Officers consider that these landscape impacts are localised and can be appropriately mitigated through landscaping, retention of existing vegetation, additional planting and a landscape-led design approach to be secured at the reserved matters stage.

- 13.11 The development would provide up to 86 new homes including 30% affordable housing, on-site public open space and children's play provision; Biodiversity Net Gain and ecological enhancements. The proposal complies with policies DP30, DP31 and DP38 of the MSDP.
- 13.12 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition.
- 13.13 The submitted technical evidence demonstrates that satisfactory drainage, ecological mitigation, biodiversity enhancements, air quality measures, contamination remediation, access arrangements and infrastructure provision can be secured through conditions and legal agreement obligations.
- 13.14 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.15 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and policies CNP1.1 and CNP10-CA3 of the CNP. However, the weight to be attached to policies DP6 and DP12 is very limited because they are materially inconsistent with national decision-making policies in the NPPF. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.16 Overall, officers conclude that although the development would result in some adverse impacts, principally through the change in the sites character from a greenfield to a housing development, those impacts are not considered to substantially outweigh the significant benefits of delivering much-needed market and affordable housing in a relatively sustainable location.
- 13.17 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP26, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP and Policies CNP1.1 and CNP10-CA3 of the CNP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing.
- 13.18 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.19 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that part 1j of policy S5 in the NPPF applies.
- 13.20 The proposal would provide up to 86 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.

- 13.21 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact.
- 13.22 The proposal would change the character of this part of the district from a green field site to a housing development, which some people would regard as a negative change.
- 13.23 It is your Planning Officer's view that the adverse effects of the development would not substantially outweigh the benefits when assessed against the national decision-making policies in the NPPF. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this application.
- 13.24 When assessed against the National Planning Policy Framework as a whole, the proposal is considered to represent sustainable development and the benefits of approving the development would substantially outweigh the harm. Accordingly, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of eighteen months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. Notwithstanding the details submitted pursuant to any reserved matters application, the development hereby permitted shall not exceed 86 residential dwellings.

Reason: To define the scope of the permission, to secure an appropriate form and scale of development, and in the interests of the proper planning of the area in accordance with policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031 and Policies DP3 and N2 of the NPPF.

Approved Plans

3. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

Pre commencement

4. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures in accordance with best practice;
 - details of public engagement both prior to and during construction works;
 - measures to deal with surface water run-off from the site during construction

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014-2031 and Policies P3(2) and TR4 of the NPPF.

5. Prior to or in conjunction with the submission of each reserved matters application (phased development), in accordance with the submitted FRA and Drainage Strategy (dated 23 January 2026, Reference 25-0093, Revision 2), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be constructed and will be implemented prior to the first occupation of the development (or any phase). The scheme shall address the following matters:

1. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s, as stated within paragraph 10.3.4 of the FRA and Drainage Strategy.

Or

If infiltration is proven to be unfavourable, surface water runoff rates will be attenuated to Qbar or 3l/s/ha based on the proposed impermeable area, as stated within paragraph 10.3.8 of the FRA and Drainage Strategy.

2. Provision of interception for the first 5mm of rainfall for the majority of rainfall events.

3. Provision of multiple surface water attenuation storage features, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP and 1% AEP rainfall events (both including allowances for climate change).

4. Detailed designs, modelling calculations and drawings of the of the drainage storage and conveyance network in the: a. 3.33% AEP critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
b. 1% AEP critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does

not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

c. Attenuation features will half drain their runoff volume rainfall events up to the 3.3% AEP critical rainfall event within 24 hours for infiltration and 48 hours for lined systems.

d. Urban Creep of 10% shall be added to impermeable areas of residential properties and a CV value of 1 should be used.

5. Detailed drainage layout plan, which corresponds with the hydraulic calculations.

6. An exceedance flow routing plan demonstrating no increase in surface water flood risk off site. The plan must include proposed levels and flow directions.

7. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015 or any update), including appropriate biodiversity, amenity and treatment stages for water quality prior to discharge.

8. Construction method statement for the surface water drainage system and any ordinary watercourses within or adjacent to the site.

9. Site-specific maintenance and management plan for all elements of the surface water drainage system and any ordinary watercourses/culverts within the development.

10. Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Reason: To prevent flooding in accordance with National Planning Policy Framework plus National SuDS Standards 1 to 7, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031 and Policies CC3, F4, F7 and F8 of the NPPF.

6. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR177, or a 'Further Licence') and with the proposals detailed on plan "Land To The West Of Courthouse Farm: Impact plan for Great Crested Newt District Licensing (Version 1)", dated 10th March 2026.

Reason: In order to ensure that adverse impacts on Great Crested Newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

7. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR177, or a 'Further Licence'), confirming that all necessary measures regarding Great Crested Newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the District Newt Licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to Great Crested Newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

8. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR177, or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on Great Crested Newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR177, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:
- a) A site investigation scheme, based on the Phase 1 Contamination Risk Assessment prepared by Ground and Environmental Services Ltd, dated October 2025, Reference: 13601-1/Phase 1 CRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to the completion of the development hereby permitted, a verification report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that any remediation scheme required and approved has been implemented in full and in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Archaeological trial trenching and excavation
- (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
 - (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy HE4 of the NPPF.

12. Prior to the commencement of any development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment Revision PO2 (Lloydbore Ltd., October 2025), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Bat Activity Survey Report Revision PO2 (Lloydbore Ltd., November 2025), Ecological Impact Assessment Revision PO2 (Lloydbore Ltd., October 2025), Hazel Dormouse Survey Report (Lloydbore Ltd., October 2025) and Reptile Survey Report Revision PO2 (Lloydbore Ltd., October 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for Hazel Dormouse in Sections 6.68 to 6.73, the Precautionary Method Statement for Badger in Sections 6.82 to 6.85, and the Precautionary Method Statement for reptiles and mobile protected and Priority species in Sections 6.35 to 6.39 and 6.110 of the Ecological Impact Assessment Revision PO2 (Lloydbore Ltd., October 2025). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

15. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and emissions in accordance with policy SA38 of the Site Allocation DPD and Policy P3 of the NPPF.

16. Prior to the commencement of the development, details of a scheme for protecting the proposed dwellings and other noise sensitive uses from external traffic noise shall be submitted to and approved in writing by the LPA. The scheme shall ensure that, upon completion of the development, good acoustic design (GAD) will be used to achieve good acoustic standards. Once approved in writing, all the noise mitigation measures shall be implemented and thereafter retained.

Reason: To preserve the amenity of future occupiers of the site and in accordance with policy DP29 of the Mid Sussex District Plan 2014-2031 and Policy P3 of the NPPF.

17. Prior to the commencement of this development, details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

18. No development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The species, number and spacing of trees and shrubs

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site.

19. No development shall commence until details of the pond have been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include details of:

- Profiles and dimensions of the pond
- Details of marginal planting.

No subsequent alterations to the approved SUDS/pond are to take place unless first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of Birds and an increase in the bird hazard risk of the application site.

20. No development shall take place until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment or glint and glare issues.

Construction Stage

21. Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: In the interests of residential amenity and in accordance with Policy DP29 of the Mid Sussex District Plan 2014-2031 and Policy P3(2) of the NPPF.

22. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Pre-occupation

23. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing PL01 and titled "PROPOSED RESIDENTIAL ACCESS ARRANGEMENT".

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T4 of the NPPF.

24. Upon completion of the surface water drainage scheme and prior to the first occupation of the development a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum:

1. CCTV survey of underground structures,
2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
3. Demonstration that vegetation has become established.
4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
6. Name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policy DP41 of the Mid Sussex District Plan and policies CC3 and F8 of the NPPF.

25. Prior to occupation, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and Hazel Dormouse that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

26. Prior to the first occupation of any new build dwellings forming part of the proposed development, the required fire hydrants shall be fully installed and made operational in the approved location. The fire hydrants shall be maintained thereafter for the lifetime of the development.

Prior to the first occupation of any of the new build dwellings forming part of the proposed development, they will notify the West Sussex County Council's Fire and Rescue Service that the fire hydrant(s) have been installed and are operational, to ensure that the Fire and Rescue Service are aware that the hydrant(s) is now a usable asset in the event of a fire. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional work on or off site, particularly in very large developments. (BS9999 Section 6: Para 21 & 22) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

27. No dwellings shall be occupied until details of the play area(s) have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play area(s) shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031 and Policy DP3 of the NPPF.

28. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

29. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - o No burning of construction waste materials shall take place on site.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Highway Agreements Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority. It is advised to discuss proposals for any works at an early stage of proposals. Further details, including how to apply, can be found here: Ordinary watercourse land drainage consent - West Sussex County Council.
4. In respect of condition 15 (air quality) in order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer. The submitted calculated value of £8,046.51 is accepted.
5. In respect of condition 16 (soundproofing) a good acoustic design process should be followed in accordance with 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the internal noise criteria are achieved with windows open. Where the standards above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.
6. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR177, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

7. In respect of condition ** (SUDs/Pond details) it is requested that there be dense marginal vegetation planted all the way around the pond to ensure that there is no terrestrial access by water birds . Otherwise, depending on the final design of the pond and the marginal planting, it has the potential to attract significant numbers of water birds which can be hazardous to aviation.

Dense marginal vegetation will have the added benefit of providing a biodiverse area.

8. Given the nature of the proposed development it is possible that a crane or tall reaching construction equipment may be required during construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome for further information please visit Cranes | Permits | London Gatwick Airport or email cranes@gatwickairport.com . The operator is also required to submit details to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system at Crane notification | Civil Aviation Authority (caa.co.uk)
9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
10. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £298 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made, and you will be liable to enforcement action.
11. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
12. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Access Plan	1810-17	PL01	25.11.2025
Location Plan	ECF485_104	P1	25.11.2025