

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1870	Case Officer:	Susan Dubberley
Application Type:	Full Application		
Proposal:	Amendment of the northern site boundary approved under planning permission DM/23/2360, comprising the removal of the existing boundary wall and the installation of a new boundary treatment, together with all associated works.		
Site:	Francis Court, Borers Arms Road, Copthorne, Crawley, West Sussex, RH10 3LQ, ,		
Validation Date	29 Jul 2026	Overall Expiry Date:	21 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Sep 2026
Target Date:	23 Sep 2026	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	5
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	23 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1870

**Francis Court, Borers Arms Road, Copthorne, Crawley, West Sussex, RH10 3LQ,
Amendment of the northern site boundary approved under planning permission DM/23/2360,
comprising the removal of the existing boundary wall and the installation of a new boundary
treatment, together with all associated works.**

Mr James Mell

SUMMARY OF REPRESENTATIONS

5 representations received objecting:

- o Any new boundary needs to be human friendly. This is a nasty corner where the footpath is too narrow and traffic speeds past. There has already been an elderly couple badly injured on this path by speeding traffic. The footpath needs widening and any fence needs to be designed to protect the pedestrians, not something that will slice someone up if pushed into the fence by a vehicle.
- o Surprised to note that the wall has been demolished prior to the closing date for comments on this application.
- o Bank Farm, the site of the present development, was well established by the 1870s, being shown on the Ordnance Survey map of that time. The wall that is planned for demolition marked the boundary of Bank Farm and its land. Similar walls, either at full height or about one metre tall, are evident in Borers Arms Road, Church Road in front of Weir Cottage once one of the three pairs of semi detached Bank Farm Cottages, and beyond Corners, the former Summer House for Bank Farm, alongside the village green and along Newtown.
- o To demolish this wall would destroy one of the few remaining relics of Copthorne's history. If the wall is deemed to be unsafe, then I firmly believe that it should be rebuilt in its existing style
- o I recall that when the convent was demolished, the planning consent for the original care home contained a requirement that the boundary wall should remain unchanged.
- o This wall, which helps hide the building's very large bulk and anchors the building in its village historical context, linking the development to the rounded end of the former Bank Farm stables block which looks over the road.
- o I feel that replacement of the brick wall would expose the full looming height of the new structure which, while pleasant enough, has no matching context nearby.
- o The care home residents might find traffic noise would become more of a problem.
- o There is not enough space to inset the proposed railing to give a wider footway. A recent accident by the wall in question put a local couple into hospital (vehicles disobey the speed limit at that point).
- o Whilst we are pleased to see the state of this unstable brick wall addressed, and have no objection in theory to the replacement of it with a hooped top fence, we are concerned that what little privacy we have been left with from the brick wall will be completely removed. We will be left with no screening between us and the kitchens directly opposite. The previous landscaping afforded us some protection from sounds and smells from the kitchen and it would be nice to be reassured that this will be the case again

SUMMARY OF CONSULTATIONS

b WSCC Highways:

No objection

Worth Parish Council:

Worth Parish Council fully supports this application. The proposed boundary amendment will facilitate a wider, safer pedestrian pathway for residents and Pavilion users. The Council welcomes improved accessibility and pedestrian safety benefits and therefore strongly supports the proposal.

INTRODUCTION

This application planning permission for the amendment of the northern site boundary approved under planning permission DM/23/2360, comprising the removal of the existing boundary wall and the installation of a new boundary treatment, together with all associated works.

RELEVANT PLANNING HISTORY

DM/25/1102 - Variation of condition No: 2 relating to planning application DM/23/2360 - to amend the drawing list as the site plan has been updated. Approved 05.08.2025.

DM/23/2360 - Demolition of existing care home and construction of a 78-bedroom care home (Use Class C2), with associated access, plant, parking, landscaping and site infrastructure. Approved 02.04.2024.

SITE AND SURROUNDINGS

The application site is located between Borers Arms Road and Copthorne Bank. The site formerly contained a vacant two storey care home and following consent for a new care home on the site, the old care home has been demolished, and the construction work is almost complete on the new care home. On visiting the site, it was noted that the boundary wall had also been demolished.

There are two existing vehicle accesses to the site, the main access is off Borers Arms Road with a service access on the northern boundary off Copthorne Bank.

The surrounding area is predominantly residential in character. To the north of the site is Copthorne Bank, which has a number of detached residential dwellings set in sizable plots, which face the application site. To the west of the application site lies an open green area and to the east is St Francis Gardens, a residential development, with a terrace of four houses adjoining the eastern boundary of the site. St Francis Gardens is sited on land that was previously part of the convent that was demolished and replaced by the former care home.

The site is located in the built-up area of Copthorne.

Application Details

The application is for the replacement of the existing northern boundary wall, which fronts Copthorne Bank, with a 1.5 metre high powder-coated steel hoop-top railings. The proposed fencing would run along the whole of the northern boundary of the site and turn to continue for a short distance along the western boundary to meet the existing boundary wall. The fencing would also be set in slightly from the existing boundary by some 0.5m at the maximum point, to allow the potential for the footpath along Copthorne Bank to be widened in the future.

LEGAL FRAMEWORK AND LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018. 2018 and forms part of the development plan. Relevant policies include:

Policy DP26: Character and Design
Policy DP21: Transport

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

None relevant

The Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan was made September 2021 and forms part of the development plan. The relevant policies are considered to be:

CNP1.1 - Design and Character

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 is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration.

Assessment

As such the main issues are design and impact on adjoining properties, and highway safety.

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design. In addition, policy CNP1.1 of the Neighbourhood Plan has a similar ethos. However, policy DP26 and Neighbourhood Plan policy 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.

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 use of materials and architectural features.

The objections to the loss of the wall are noted and it is recognised that the wall has been part of the site for many years and is a well-established feature along Copthorne Bank. However, as set out above the wall has been demolished and it is relevant that this aspect of the proposal did not need consent and it is the replacement 1.5 fencing which requires consent.

The comments regarding the loss of screening of the care home building from the street are also noted. However, the design of the care home was carefully considered when consent was granted for the new building, and it does replace a similar sized building that was previously on the site. The approval of the care home was not dependent on the wall screening the development.

It is considered that the 1.5 metre high powder-coated steel hoop-top railings are an acceptable replacement for the wall and it is noted that the approved landscaping set immediately behind the fencing will in time, provide some screening and softening of the boundary treatment.

In view of the above it is considered that the proposal would comply with policy DP26 of the District Plan, policy CNP1 of the Copthorne Neighbourhood Plan and DP3 of the NPPF.

Residential Amenity

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. As already identified, this policy is considered to be materially inconsistent with the NPPF and greater weight should be given to the relevant policies in the NPPF.

Policy L2(dii) of the NPPF, requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'*.

An objection regarding overlooking from Glendevon, a residential property located on the opposite side of Copthorne Bank, has been received along with concerns over sounds and smells from the kitchen. However, the property is in on the opposite side of the road and there is a distance of some 21m between the property and the boundary and such a relationship is not uncommon in a urban setting. It is therefore not considered that there would be any significant overlooking. In regard to noise and odours, part of the planning permission for the care home included conditions relating to odour control and noise control of any plant or machinery which have been approved in consultation with environmental health officers.

Given the above, it is not considered that the proposal will give rise to any significant concerns in regard to impact on residential amenity. Accordingly, the proposal is considered to comply with the provisions of policy L2 of the NPPF and policy DP26 of the District Plan.

Highway issues

Policy DP21 of the District Plan 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 DP21 is considered to have very limited as it is materially inconsistent with the NPPF, and greater weight should be given to policy TR6 of the NPPF.

Policy TR6 of the NPPF states:

'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'.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on the variation of condition and have raised no objection commenting:

From inspection of the submitted plans and application documents, the proposals seek an amended red line boundary, replacement of northern boundary wall with hoop-top railings and associated minor works. Such proposals are minor and not anticipated to adversely impact highway safety or capacity.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

The comments of the Parish Council are also noted who have stated that they fully supports this application:

as the proposed boundary amendment will facilitate a wider, safer pedestrian pathway for residents and Pavilion users. The Council welcomes improved accessibility and pedestrian safety benefits and therefore strongly supports the proposal.

The application therefore is considered to comply with policy DP21 of the District Plan in regard to highway safety and TR6 of the NPPF.

Conclusion

In conclusion, it is considered that the proposal would not significantly impact on the overall appearance of the development as a whole, or the street scene in general, on highway safety or on residential amenity. The proposal therefore complies with policies DP21 and DP26 of the District Plan, CNP1.1 of the Copthorne Neighbourhood Plan and policies DP3, L2 and TR6 of the NPPF.

Decision: Permission

Case Officer: Susan Dubberley