

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2805	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Proposed extension of car repair workshop to provide a separate area for an MOT lane and relocation of the existing office building.		
Site:	Timing Chain Gatwick Ltd, Formerly Armstrong Auto Services, Copthorne Common, Copthorne, Crawley, West Sussex, RH10 3LF,		
Validation Date	10 Dec 2025	Overall Expiry Date:	2 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jan 2026
Target Date:	4 Feb 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	26 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2805

Timing Chain Gatwick Ltd, Formerly Armstrong Auto Services, Copthorne Common, Copthorne, Crawley, West Sussex, RH10 3LF

Proposed extension of car repair workshop to provide a separate area for an MOT lane and relocation of the existing office building.

Mr James Reynolds

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

Environmental protection has no specific concerns and has no objection to this development.

PARISH COUNCIL OBSERVATIONS

Defer to Officer.

INTRODUCTION

The application seeks full planning permission for a proposed extension of the existing car repair workshop to provide a separate area for an MOT lane and the relocation of the existing office building.

RELEVANT PLANNING HISTORY

WP/086/93 - Proposed automatic car wash with plantroom and replacement toilet/store. granted

WP/165/99 - Replacement workshops. Granted

01/02327/FUL - Extension of existing car repair workshop to provide parts storage area. Granted

12/01922/FUL - Proposed additional use to allow the operation of a vehicle hire franchise (Sui generis use) in addition to existing vehicle repair bodyshop (class B2 use). Granted

DM/19/2639- Remove existing double entrance gates and adjacent fencing for the erection of new 2.4m high green powder coated. Permission.

SITE AND SURROUNDINGS

The application property consists of a large single storey commercial building to the eastern side of the site with a separate office building to the west of the existing workshop. To the west of the buildings is an existing concrete parking area with gates which access onto Cottage Place, and then onto the southern side of Copthorne Common Road.

The application site lies outside the built-up area boundary of Copthorne. Neighbouring properties are located to the north, east and south. A track lies to the west. The application property is bordered to the north and south with high boundary fences and walls. The fence line to the north of the property is also perceived to have a greater height as it is constructed on the higher ground level of the filling station to the north.

The locality has a rural character with mainly residential properties of varying forms, scales and materials, positioned close to the highway with low front boundary fences and hedges.

APPLICATION DETAILS

The proposed extension would be positioned along the northern side of the existing car repair workshop.

The proposed extension would measure some 11.9 metres in length and some 4 metres in depth. This would have a flat roof, with a maximum height of some 4.6 metres. This would be constructed of powder coated corrugated metal sheets and would be finished to match the existing. It is proposed to use this as an MOT lane.

The development proposal also seeks to reposition the existing office building slightly further east towards the existing workshop.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP1 - Sustainable Economic Development

DP12 - Protection and Enhancement of Countryside

DP14 - Sustainable Rural Development and Rural Economy

Site Allocations DPD

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

Relevant policies.

Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan was made in 2021.

Relevant policies:

CNP1 - General Development Requirements

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPE1 - Sustainable Economic Development

DPE2 - Existing Employment Sites

DPB1 - Character and Design

DPS2 - Sustainable Design and Construction

DPC1 - Protection and Enhancement of the Countryside

DPT4 - Parking and Electric Vehicle Charging Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development

plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Principle of Development
- Design and Impact on the character and appearance of the area
- Neighbouring Amenities
- Parking arrangements
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principal of Development

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

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

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

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

Section 38(6) of the 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."

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be

resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Copthorne Neighbourhood Plan.

Mid Sussex District Plan policy DP12 seeks to protect the intrinsic character and beauty of the countryside, with development permitted provided that it maintains or where possible, enhances the quality of the rural and landscape character of the district. Development would have to be necessary for the purposes of agriculture or supported by a specific policy in the District Plan or Neighbourhood Plan.

District Plan policies DP1 and DP14 support the sustainable growth and the vitality of existing businesses.

It is therefore considered that the proposal would be in accordance with DP1 and DP14 and consequently in accordance with DP12 of the Mid Sussex District Plan and acceptable in principle.

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy CNP1.6 of the Neighbourhood Plan requires that extensions to existing buildings will be supported where they are no higher than the existing building, do not conflict the traditional boundary treatment of the area and use materials which are compatible with materials of existing/ surrounding buildings.

The majority of the locality consists of residential properties, which have a distinctly different character to the application property and the adjacent filling station. The proposed extension would be set back from the front of the property, helping to define the original building. The proposal would be located to the side of an existing commercial property and would be seen in this context. It would also be seen against the existing high boundary treatments. The proposed works would be characterised by external materials similar in appearance to those used in the existing workshop building.

As such the proposed works are considered to address the character and scale of the existing and surrounding buildings and landscape. Therefore, the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan, Policy CNP1.6 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Neighbouring Amenities

Policy DP26 in part seeks to ensure that development:

"does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);".

Policy CNP1.2 of the Neighbourhood Plan requires that *'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.'*

As such there is some conflict between the two policies.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflict 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. As such, policy CNP1.2 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to the amenities of existing nearby residents.

The Council's Environmental Health Officer has been consulted on the proposal and raised no objection. The proposal is modest in nature and would be located an acceptable distance from residential properties. It is not considered that the proposal would result in levels of noise which are significantly above the existing. As such the proposal is considered to protect the quality of people's lives from unacceptable levels of noise and it would not cause unacceptable harm to the amenities of nearby residents.

Consequently, the proposal is not considered to cause an unacceptable impact upon neighbouring amenities and is deemed to comply with Policy DP26 and DP29 of the Mid Sussex District Plan and policy CNP1.2 of the Neighbourhood Plan.

Parking arrangements

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.

The proposal would be located within the existing car park that services the workshop. There are an existing 8 off-street parking spaces at the site. Submitted plans show that the existing parking spaces would remain. The West Sussex County Council Parking Guidance states that some 5 parking spaces should be provided at a site of this use and size. As such, the parking arrangement is greater than the above guidance and is considered to be adequate.

The proposal is therefore considered to comply with policy DP21 of the Mid Sussex District Plan.

Biodiversity Net Gain

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

PLANNING BALANCE AND CONCLUSION

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

The proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area, and would not cause harm to the amenities of neighbouring properties.

Therefore the proposal complies with Mid Sussex District Plan policies DP1, DP12, DP14, and DP26, Policy CNP1 of the Copthorne Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

Decision: Permission

Case Officer: Catherine Cardin