

Permission in Principle: Residential development of up to 2 self-build homes

Land at Copthorne Common, RH10 3LF

Planning Statement

Published: 18 September 2025

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Document Information

About

This document has been prepared for John and Elizabeth Smith by Squires Planning Thames Valley office.

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Revision History

Revision	Revision date	Details	Author	Checked
1	27 th August 2025	Draft for internal review		n/a
2	29 th August 2025	Draft for external review	AH	MC
3	18 th Sept 2025	Final	AH	MC

Graphics & Mapping

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Contents

1. Introduction	4
Site & Situation	4
Planning History	5
Pre-application Advice - West Sussex County Council Highways Authority, January 2023	6
2. The Proposed Development	7
3. Planning Policy Context	8
Mid Sussex District Plan 2014-2031	8
Copthorne Neighbourhood Plan	9
National Planning Policy Framework	10
4. ‘In Principle’ Matters	12
Location	12
Land Use	14
Amount	15
Self-Build Need	16
5. Conclusion & Planning Balance	19

Figures

Figure 1 - Graph showing the numbers on the local Self and Custom Build Register verses the provision of such plots in Mid Sussex	17
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1. Introduction

- 1.1. This Planning Statement has been prepared by Squires Planning in support of an application for Permission in Principle (PiP) at land at Copthorne Common, RH10 3LF by John and Elizabeth Smith for the:

'Residential development of up to 2 self-build homes'
- 1.2. The PiP route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail of the development. The PiP consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed.
- 1.3. The scope of the PiP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should only be considered at the technical details consent stage.
- 1.4. This document provides an overview of the site and its context, and the proposed development before considering issues relevant to those 'in principle' matters (i.e. location, land use and amount).

Site & Situation

- 1.5. The site is situated to the south of Copthorne Common Road, to the side/rear of 3 Heathview Cottages. It is located circa 1.8 km northwest of Crawley Down, 200m east of Copthorne.
- 1.6. Site access is provided by an existing access to the north onto Copthorne Common Road adjacent to the western boundary of 3 Heathview Cottages.
- 1.7. We understand the application site historically formed part of the grounds of Orchard House (the Orchard House property was renamed 'Four House' in approximately 1998) and was originally the 'kitchen garden' to Orchard House, containing a large greenhouse and other outbuildings with mains water and electricity connection. Previous buildings on the site have since been demolished, and water and electricity connections removed.
- 1.8. There are a number of trees on the site, none of which are subject of a Tree Preservation Order or otherwise protected.
- 1.9. The site is bordered to the north by Copthorne Common Road, to the north-east by the curtilage of nos. 1 & 3 Heathview Cottages, to the east by undeveloped land to rear of properties fronting Cottage Place, to the south by an adjacent parcel of land alongside the curtilages of dwellings fronting Pembley Green, and to the west by the curtilages of the remaining properties on Pembley Green, including the property/site known as Four House (previously called Orchard House) which is an allocated existing employment site (Policy SA34, Mid Sussex Site Allocations DPD).
- 1.10. The site is outside of the 'Built-Up Area Boundary' defined by the Development Plan. It is entirely within Flood Zone 1 and there are no nearby designated heritage assets.

Planning History

1.11. There is a limited planning history relating to the site, and no planning history more recent than 2005.

Reference	Description	Decision
WP/027/85	Outline application – erection of 6 dwellings – 4 semi-detached and 2 detached all with garages.	Refused
WP/225/88	Erection of two detached houses/	Refused – Appeal Dismissed
05/00156/OUT	Erection of two 4 bedroom quality houses with associated driveways on land to rear.	Refused – Appeal Dismissed

1.12. The most recent application (05/00156/OUT), for the erection of 2x 4bed houses, was refused on 18th March 2005. The reasons for refusal were:

- 1) The site lies in a Countryside Area of Development Restraint and the proposal being unrelated to the essential needs of agriculture, forestry, the extraction of minerals, the deposit of waste, the implementation of Policy H6 or for quiet information recreation would be contrary to Policy LOC2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C1 and H11 of the Mid Sussex Local Plan which seeks to protect the countryside for its own sake from development which does not need a countryside location.
- 2) The proposal would involve development within the East Grinstead and Crawley strategic gap, resulting in a coalescence of settlements contrary to Policy CH3 of the adopted West Sussex Structure Plan 2001-2016 and Policy C2 of the Mid Sussex Local Plan.
- 3) The increased use of the existing access to the public highway of Copthorne Common Road would add to the hazards of the highway users to an unacceptable degree and therefore conflicts with Policy DEV4 of the adopted West Sussex Structure Plan 2001-2016 and Policy T4 of the Mid Sussex Local Plan.
- 4) The access is unsatisfactory to serve the proposed development by reason of inadequate visibility and therefore conflicts with Policy DEV4 of the adopted West Sussex Structure Plan 2001-2016 and Policy T4 of the Mid Sussex Local Plan.

1.13. The refused application was subsequently appealed. The appeal was dismissed on the grounds that development would: erode the (then defined) strategic gap between East Grinstead and Crawley; would have harmful impacts on the form and setting of the locality and would unacceptably impact on highway safety by virtue of an obstruction of the visibility splays caused by vehicles stopping at the bus stop.

1.14. The policy basis for the refused application and dismissed appeal, has since been superseded and no longer forms part of the development plan.

Pre-application Advice - West Sussex County Council Highways Authority, January 2023

- 1.15. Pre-application advice specifically in respect of vehicle access matters relating to the potential development of the site for up to two dwellings was sought from WSCC Highways Authority in Dec 2022. The pre-application advice followed earlier advice from WSCC Highways in 2017 (ref PRE-095-17) which raised concerns regarding possible obstructed visibility to the east of the site access point as a result of potential car parking within a (then) unregulated bus stopping point some 60m east of the site.
- 1.16. The 2022 pre-application submission confirmed the site access was historically the vehicle access to Four House (Orchard House as it was then called) and that a second vehicle access to Four House from the A264 had been established sometime prior to 1985 at which point the original access then provided (and has continued to provide) the vehicle access to the application site only.
- 1.17. The WSCC Highways advice – ref PRE-109-22 - dated 10 Jan 2023, acknowledges that the site access *“has held a varying degree of vehicular use over a significant period of time. The historical use of the access is material when considering the application and any highway safety impact that may be generated.”* The WSCC advice also notes that the previously unregulated bus stopping point west of the site *“has now been improved with the implementation of bus cage road markings. This effectively prohibits on street car parking taking place and visibility in this direction is materially different”* to that assessed previously.
- 1.18. The advice concludes that *“it would be difficult to substantiate any highway safety objection citing visibility”*, and raises no objection or concerns in relation to any other highways matter, advising only that *“Should an application come forward, you would be advised to ensure that the internal layout provides a turn on site and suitable car and cycle parking provision that accords with current WSCC policy.”* and that *“Consideration also needs to be given to refuse/emergency access requirements.”*
- 1.19. Car turning space, parking provision and consideration of refuse/emergency access requirements are ‘detailed design’ matters that fall outside the scope of the ‘permission in principle’ stage, and are therefore not relevant to this PIP application.

2. The Proposed Development

- 2.1. This application is for '*Residential development of up to 2 self-build homes*'.
- 2.2. The proposed development would utilise the existing access onto Copthorne Common Road.
- 2.3. As a 'Permission in Principle' application, no detailed layout, form or design of the proposed dwellings, or landscaping details are provided. All such relevant details would be provided and confirmed at the technical details stage.

3. Planning Policy Context

- 3.1. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning decisions to be taken in accordance with the development plan unless material considerations indicate otherwise.
- 3.2. In this case, the development plan comprises:
- Mid Sussex District Plan 2014-2031
 - Copthorne Neighbourhood Plan
- 3.3. Policy contained in the National Planning Policy Framework (NPPF) published in December 2024 (and updated in February 2025) is also material in the determination of this application.
- 3.4. The policies most relevant to the principle of development for this PiP application are set out below.

Mid Sussex District Plan 2014-2031

- 3.5. The Mid Sussex District Plan was adopted in March 2018.
- 3.6. Key strategic objectives of the Local Plan include:
- To promote development that increases the sustainability of communities
 - To provide the amount and type of housing that meets the needs of all sectors of the community
- 3.7. **Policy DP4: Housing** states that the District's objectively assessed need is 14,892 dwellings over the plan period, and the District Plan expects to deliver 876 dwellings per annum until 2023/2024 and 1,090 dwellings per annum thereafter. This quantum of development is expected to be achieved by the build out of existing housing commitments, delivery of strategic sites, plus windfall sites and sites anticipated to be allocated by subsequent site allocation documents and neighbourhood plans.
- 3.8. **Policy DP6: Settlement Hierarchy** permits development within towns and villages with defined built-up area boundaries. Outside of defined built-up area boundaries development is also supported where it accords with policy criteria:
- 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*
- 3.9. The policy text is accompanied by a settlement hierarchy which applies a settlement category to existing settlements within the District. Five categories of settlement are defined and, for each, the hierarchy provides a description of the 'settlement characteristics and function'.

- 3.10. Settlement Categories 1 - 4 relate to specific defined settlements including Burgess Hill, East Grinstead and Haywards Heath (Category 1) through to Ansty, Staplefield, Slaugham, Twineham and Warninglid (Category 4).
- 3.11. Category 5 settlements are not specifically defined. Category 5 settlements are referred to as “*small settlements* [that] *have very limited or no services*”. Five existing settlements - referred to as ‘hamlets’ - are provided as an example of such Category 5 settlements (Birch Grove, Brook Street, Hickstead, Highbrook and Walstead). The application of Policy DP6 therefore must recognise that other built up areas will constitute “*settlements*” under the terms of the policy, including settlements /built up areas with “*very limited or no services*”.
- 3.12. Copthorne Common, including the residential and commercial development surrounding the application site, as a minimum satisfies this definition and therefore must be considered a settlement in the context of the settlement hierarchy and the intent and objective of Policy DP6.
- 3.13. The supporting text to Policy DP6, confirms that the settlement hierarchy “*has been developed which identifies five categories of settlement within Mid Sussex*” and that “*The amount of development planned for in each settlement will need to have regard to this hierarchy, but also take account of local development needs including housing and any significant local constraints to development.*”
- 3.14. **Policy DP12: Protection and Enhancement of Countryside** states that ‘*Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District*’ and is either 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*”.
- 3.15. **Policy DP13: Preventing Coalescence** says development that accords with Policy DP12 “*will be permitted*” providing it “*does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptable urbanising effect on the area between settlements*”.
- 3.16. **Policy DP15: New Homes in the Countryside** permits residential provision in the countryside (defined elsewhere in the Local Plan as land outside of built-up area boundaries) “*where special justification exists*”. The policy defines ‘special justification’ in four ways, including that “*the proposed development meets the requirements of Policy DP6: Settlement Hierarchy*”.

Copthorne Neighbourhood Plan

- 3.17. The Copthorne Neighbourhood Plan was made in February 2021 and is intended to cover the period to 2031.
- 3.18. **Policy CNP1: General Development Requirements** provides general development requirements that all proposed development is expected to reflect, including matters such as character, amenity, landscaping, highways, maintaining separation between settlements and extensions to buildings.
- 3.19. **Policy CNP10: CA3: Copthorne Common and Woodland** seeks to ensure that development proposals should deliver high quality development which takes account of their immediate locality. Development proposals are expected to sustain or reinforce the positive aspects of the character area

and respond positively to the identified “*sensitivity to change*” matters included in the Copthorne Heritage and Character Assessment, May 2019.

- 3.20. The Heritage and Character Assessment identifies key characteristics for the “*Copthorne Common and Woodland*” Landscape Character Area (LCA), including “*a wooded landscape*”, “*a key vehicle corridor*”, “*plentiful public access*” and “*PRoW network*”. The key characteristics are mapped by Fig 7 “LCA 03:Copthorne Common and Woodland” at section 4.6 of the Heritage and Character Assessment. None of the ‘key characteristics’ are identified for the application site other than the A246 Copthorne Common Road adjacent to the northern boundary of the site and from the which the site is accessed.
- 3.21. The “*positive aspects of character*” for the area are described by the Heritage and Character Assessment as relating to “*amenity value and rural character provided by the woodland and network of PRoW within proximity to residential areas*” and further detail is provided by a list of eight specific aspects of character. Neither of the ‘proximity of woodland’ and ‘PRoW’ aspects will be affected by the development, nor would any of the more specific character aspects.
- 3.22. The “*sensitivity to change*” elements for the Character Area (at section 4.7.3 of the Heritage and Character Assessment) relate to: potential growth of commercial development; the potential exacerbation of severance along transport corridors; the sensitivity of rural land to developments; and potential for development to change the “*rural character and verdant backdrop of views from Copthorne and developments within the LCA*”. Due to the application site’s location, enclosed by surrounding development, none of those elements will be negatively affected or influenced by the proposal.

National Planning Policy Framework

- 3.23. The NPPF is the overarching national policy framework for England. It provides a framework within which locally prepared plans can provide for housing and other development in a sustainable manner. As set out in paragraph 2, the NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 3.24. Of particular importance to this application is paragraph 11 which sets out the presumption in favour of sustainable development. It states that plans and decisions should apply a presumption in favour of sustainable development.
- 3.25. For decision-taking this means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this*

Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'

- 3.26. Footnote 8 of the NPPF in reference to Paragraph 11(d) states that '*This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*
- 3.27. In this case, as set out through recent decisions such as DM/25/1864, Mid Sussex District Council is not currently able to demonstrate a 5 year supply of deliverable housing sites. Therefore, in accordance with NPPF Footnote 8, for applications involving the provision of housing (such as this application), the development plan policies which are most important for determining the application are deemed out-of-date.
- 3.28. For this application, this includes the policies identified above, most notably policies DP4, DP6, DP12, DP13 and DP15. Moreover, as these District Plan policies are out-of-date, the defined "*built-up area boundaries*" defined by the Development Plan in the context of policies DP6, DP12 and DP15, are similarly deemed out-of-date.
- 3.29. Criterion i of NPPF Paragraph 11(d) relates to "*protected areas and assets of particular importance*". These are listed in NPPF Footnote 7 and relate to habitat sites and/or designated as Sites of Special Scientific Interest, Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast, irreplaceable habitats, designated heritage assets (and other heritage assets of archaeological interest), and areas at risk of flooding or coastal change. None of these designations apply to the application site, and thus criterion i does not apply in this case.
- 3.30. Criterion ii of NPPF Paragraph 11(d) sets out that permission should be granted for this application unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits.
- 3.31. Paragraph 14 of the NPPF is also relevant. It states that '*In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date at which the decision is made; and*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70'*
- 3.32. In this case, the Copthorne Neighbourhood Plan was adopted less than 5 years ago, however it does not include policies and allocations to meet its identified housing requirement. Accordingly, the provisions of NPPF Paragraph 14 does not apply in this case.

4. 'In Principle' Matters

- 4.1. In this section the 'in principle' matters relevant to the proposed development (i.e. those relating to location, land use and amount) are assessed. Only issues relevant to these 'in principle' matters should be considered at the PiP stage.

Location

- 4.2. The site is previously developed, and is enclosed by existing residential and commercial development and abuts both existing residential development and an existing employment site that is allocated and protected by Policy SA34 of the Development Plan (an intensification of the use of the allocated employment site is also supported in principle by Policy SA34). This existing neighbouring built development effectively surrounds the site.
- 4.3. As such, despite the site formally falling outside of the 'built-up area' defined by the development plan it is clearly within a built-up area and must be considered contiguous with adjoining, surrounding built development.
- 4.4. In the context of Policy DP6 (see Section 3 above) development of the site, at this location, is supported providing three specific criteria are met:

- *the proposed development is for fewer than 10 dwellings;*

In this case the proposed development is for a maximum of two dwellings. It therefore complies with this policy criterion.

- *The site is contiguous with an existing built up area of the settlement;*

The site, as noted above, abuts and is surrounded by existing built development, comprising existing residential and commercial uses that together form part of the surrounding settlement within which the site sits. The site, by definition, is therefore contiguous with the existing built up area of the settlement (of Copthorne Common).

- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The settlement hierarchy (as set out at Policy DP6 of the Local Plan - see section 3 above) does not define by name all Category 5 settlements but rather defines the settlements by reference to their character and function which it describes as "*small settlements [that] have very limited or no services*". This part of Copthorne Common, as a minimum, satisfies this definition and therefore must be considered a settlement in the context of the settlement hierarchy and the intent and objective of Policy DP6.

As the site must be considered to be within a Category 5 settlement under the terms of Development Plan policy, by definition this also determines that the site is sustainable with regard to the site location, context and the scope and scale of development proposed.

The above notwithstanding, the sustainability of the site is supported by its accessibility by different modes of transport and the availability of services provided within the local area.

Pedestrian access to the site is provided by the pavement along Copthorne Common Road, which enables safe, easy and convenient access to convenience shopping provided by the nearby (and recently improved and enhanced) local Asda store approximately 80m from the site to the east, with additional services including a pub a short distance further east. And with additional shops and services available within Copthorne village (a defined Local Service Centre and Category 2 settlement) circa 400m to the west and additional shops and services also available within Crawley Down (also a defined Local Service Centre and Category 2 settlement) some 1.4km to the southeast.

The ‘‘Cottage Place’’ bus stop is located only 50m east of the site. The stop is served by a number of bus routes, providing regular bus services to a variety of locations including Crawley Down, Copthorne, Crawley, Caterham and East Grinstead.

The nearest train stations are Three Bridges Station (circa 4.8km southwest) and East Grinstead Station (circa 5.76km southeast). These stations provide rail services north to London and south to Brighton, Portsmouth and Bognor Regis.

The site is also well served by an intricate network of public rights of way, including WOR-27W towards Crawley Down and WOR-15W to WOR-22W, which provide routes north and west, and WOR-28W which heads south to Rowfant.

Both by reference to its settlement location and the location of the site relative to existing service and transport links, the site therefore is demonstrably sustainable both in the context of the relevant criterion of Policy DP6 and with regard to the sustainability considerations relevant to ‘*tilted balance*’ considerations.

- 4.5. In the context of Policy DP12 (see Section 3 above) development of the site, at this location, is supported. Policy DP12 permits development in the countryside (defined as the area outside of the defined built-up area boundaries) “*providing it maintains, or where possible enhances the quality of the rural and landscape character of the District, and:*
- *It is necessary for the purposes of agriculture; or*
 - *It is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan’*
- 4.6. In this case, as we have established, the proposal is supported by “*specific policy reference*” Policy DP6.
- 4.7. In respect of “*rural and landscape character*”, the rural and landscape character of the District is not defined by the site, nor will be impacted by development of the site.
- 4.8. The application site is a small site (only 0.16ha), previously part of the residential curtilage of Four House, and enclosed on all sides by existing urban development comprising residential and commercial uses. In itself, the site exhibits no inherent landscape quality and by virtue of its enclosed nature (and historic previous use) it does not contribute to the prevailing rural and landscape character of the wider district, or even the more immediate countryside surrounding the built development and settlement within which the site sits.
- 4.9. We set out above (Section 3) consideration of the site in the context of Policy CNP10 of the Neighbourhood Plan, which seeks to ensure that development proposals sustain or reinforce the

positive aspects of the character area and respond positively to the identified “*sensitivity to change*” matters included in the Copthorne Heritage and Character Assessment, May 2019. Assessed against the expectations and objectives of CNP10, it is evident that the positive aspects of the character area will be sustained and none of the elements of “*sensitivity to change*” will be negatively affected or influenced by the proposal.

- 4.10. On that basis development here would, as a minimum, maintain the quality of the rural and landscape character of the District and thereby satisfy the expectations of Policy DP12 and CNP10.
- 4.11. Policy DP13 seeks to maintain the identity and amenity of settlements by preventing coalescence of settlements, by development that accords with Policy DP12. Given the site’s location - enclosed by existing residential and commercial development - development of the site would have no effect on the existing separation of settlements, and the existing identity and amenity of its settlement (and all other settlements) would be maintained. The proposal thereby satisfies the expectations of Policy DP13.
- 4.12. Policy DP15 - New Homes in the Countryside permits residential provision in the countryside (defined elsewhere in the Local Plan as land outside of built-up area boundaries) “*where special justification exists*”. The policy defines ‘special justification’ in four ways, including that “*the proposed development meets the requirements of Policy DP6: Settlement Hierarchy*”.
- 4.13. As we demonstrate above, the requirements of Policy DP6 are met by this proposal, and hence the development also demonstrably accords with Policy DP15.

Land Use

- 4.14. The history of the site indicates the site has previously been in residential use, as part of the grounds of the adjacent Four House. That notwithstanding, the site currently is not in active use.
- 4.15. The proposed development seeks the use of the land to provide up to 2 residential dwellings. There are no policies in the development plan that would apply and influence such use of the land apart from those identified and addressed above which seek to steer residential development to specific areas. Each of those policies are deemed out-of-date, but in any event are demonstrably met by this proposal.
- 4.16. Regarding access, the site is served by an existing access to the north onto Copthorne Common Road which is complete with a dropped kerb. There is good visibility to the east and west to enable safe entrance into and exit out of the site in either direction.
- 4.17. The suitability of the access has been agreed and confirmed by the Highways Authority (via pre-application PRE-109-22 see section 1 above).
- 4.18. We note that in the determination of 05/00156/OUT, it was noted that the bus stop on the southern side of Copthorne Common Road would act as an obstruction to visibility and therefore a hazard for safety. However, that planning application decision significantly pre-dates and is now at odds with the very clear consideration and pre-application advice of WSCC Highways (which includes acknowledgement of improvements to the previously unregulated bus stopping point by way of the implementation of bus cage road markings) that “*it would be difficult to substantiate any highway safety objection citing visibility*”.

- 4.19. Additionally, according to CrashMap data¹, between Pembley Green to the west and Cottage Place to the east, there have been just 5 road traffic collisions in the 25+ years between 1999 and present day, all of which were categorised as 'Slight'. Available evidence therefore indicates that there are no inherent safety issues associated with the use of the road and/or access onto or from it. The proposed development therefore '*protects the safety of road users and pedestrians*' in accordance with Policy DP21. Given the very limited scale of the proposed development, there would be very minor intensification of the site and a very minor increase in trip generation from the site (although not if judged in the context of the historic use of the site as the principal access for Four House / Orchard House). This would have negligible impact on congestion or highway safety.
- 4.20. There are no on-site constraints that would constrict or adversely affect residential development at the site. Whilst design considerations are for consideration at the technical details stage, the overall size of the plot and the limited amount of development proposed will ensure there is scope for sufficient physical separation between dwellings, including neighbouring dwellings, and so there would not be '*unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight and sunlight) of existing and future occupants, both on site and nearby*' in accordance with Policy CNP1 and development would '*not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings*' in accordance with Policy DP26.
- 4.21. Residential development is therefore appropriate at the site.

Amount

- 4.22. The proposed development seeks the provision of up to 2 dwellings. The site area measures 0.16ha therefore the proposed development would have a density of 12.5 dwellings per hectare. This relatively low density appropriately reflects the prevailing character of the area, particularly on the adjacent Pembley Green, which comprises low density, detached dwellings on either side of the road, and aligns with the expectations of Policy DP26 for development to address '*the character and scale of the surrounding buildings and landscape*' (albeit that matters such as siting, design, and scale are outside the remit of consideration at Stage 1 of a Permission in Principle procedure). Limiting the amount of development to maximum 2 dwellings also ensures the amenity of neighbouring residents and occupiers will be maintained, and the amenity of future occupants of the dwellings will be acceptable.
- 4.23. Policy DP13 states that '*development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements*'. As we note above, given the site's location - enclosed by existing residential and commercial development – development of the site would have no effect on the existing separation of settlements, and the existing identity and amenity of its settlement (and all other settlements) would be maintained. The proposed development would therefore meet the criteria of Policy DP13 and would be '*laid out to maintain the perception of*

¹ <https://www.crashmap.co.uk/Search>

separation between Copthorne Village and the other surrounding settlements' in accordance with Policy CNP1.

Self-Build Need

- 4.24. The proposed development comprises up to 2 self-build homes. The adopted development plan is largely silent on self-build homes but does make one minor reference to them in Policy DP30. This relates to housing mix rather than the principle of custom-build homes and states that to support sustainable communities, housing development will “*meet the current and future needs of different groups in the community including... those wishing to build their own homes. This could include... the provision of serviced self-build plots*”.
- 4.25. Whilst the development plan provides no clear guidance in relation to self-build housing, paragraph 70 of the NPPF does. It states that ‘*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, are often built-out relatively quickly. To promote a good mix of sites local planning authorities should:*
- B) Seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing’*
- 4.26. The NPPF provides a clear steer that self-build and custom-build housing should be supported wherever possible.
- 4.27. It is first important to consider whether the units in this area would fall under the definition of self-build homes. Section 1 of the Self-Build and Custom-Housebuilding Act 2015 (as amended) (known hereout as “The Act”) describes self-build and custom-housebuilding as ‘*the building or completion by (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals*’. In this case, the self-build homes would be available for the persons in (a) to (c) and will therefore constitute self-build homes.
- 4.28. Section 2 (1) of the Act states that ‘*Each of the authorities mentioned in subsection (2) must have regard to each register under section 1 that relates to its area when carrying out the functions mentioned in subsection (4)*’. This requirement applies to District Councils, and the ‘functions’ referred to by Section 2 include ‘planning’. Paragraph (2) of section 2A of the Act goes on to state that ‘*An authority to which this section applies must give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period*’.
- 4.29. This is supported by paragraph 023 (Reference ID: 57-023-201760728) of the Planning Practice Guidance which also states that ‘*Relevant authorities must give suitable development permission to enable suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority’s register during a base period*’.

- 4.30. Policy DPH6 of the emerging District Plan includes a policy relevant to self-build dwellings, but which proposed a percentage-led approach which would likely be insufficient to meet the recognised need. In any event, the Inspector for the submitted District Plan examination concluded at the Stage 1 Findings on the 4th April 2025, that the Council failed to comply with its duty to cooperate and has recommended that the plan be withdrawn. To date, the emerging District Plan has not yet been formally withdrawn, but as it stands, Policy DPH6 would hold little weight.
- 4.31. Data produced by the Department for Levelling Up, Housing and Communities and the Ministry of Housing, Communities & Local Government and analysed by The National Custom and Self Build Association and LivedIn highlights that in Mid Sussex 439 self and custom-build plots are required to meet the total register demand and 404 plots are required to meet the legal duty after the local connection test was applied in 2018.

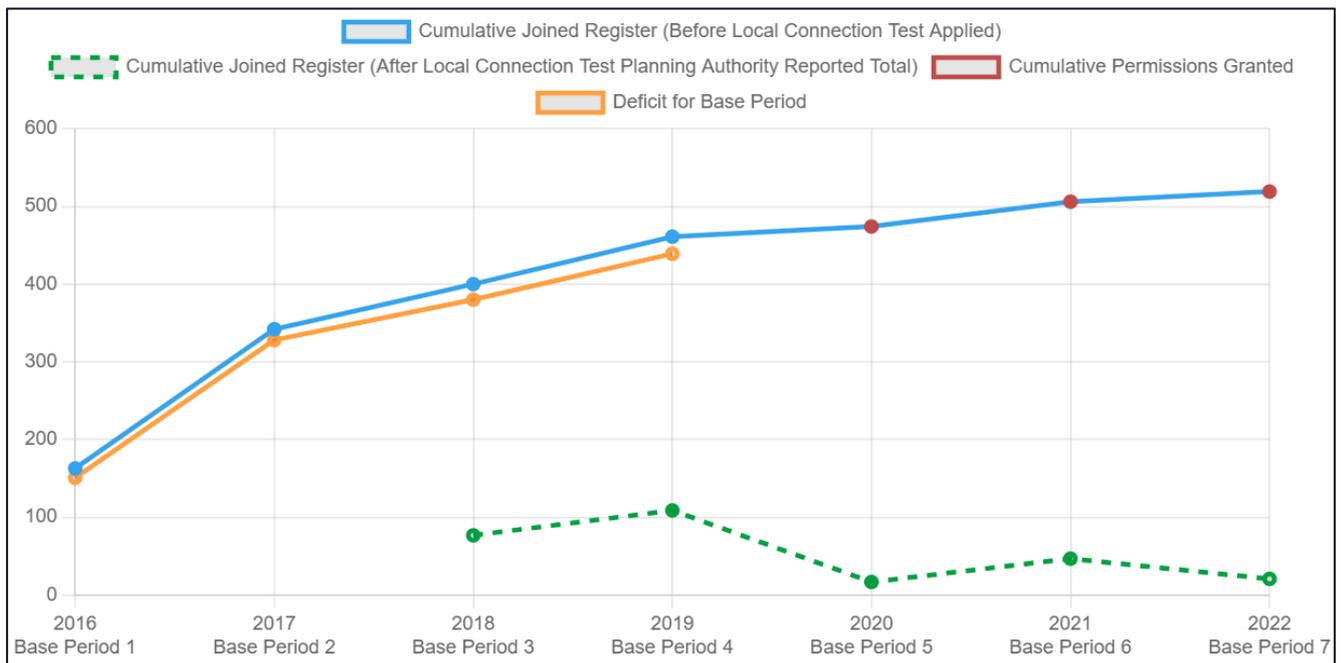


Figure 1 - Graph showing the numbers on the local Self and Custom Build Register versus the provision of such plots in Mid Sussex

- 4.32. Mid Sussex District Council therefore have a legal duty to grant planning permission for suitable serviced plots such as those proposed, and there are no policies in place (or emerging) that address or deliver that legal duty.
- 4.33. Available evidence indicates the legal duty, currently, is for 404 plots. This is a material consideration that should hold significant weight in the determination of this application.
- 4.34. It is noted that there are several recent appeals where the Inspector afforded substantial weight towards meeting an unmet need for self-build dwellings, including for small proposals. These are summarised below:

Location	Reference	Decision	Key Points
Wilestone, Herts	APP/A1910/W/25/3360073	Allowed	The site was situated outside of any defined settlement boundaries. The Inspector concluded that <i>'In light of the shortfall in provision, the need to increase the supply of SBCH is an</i>

Location	Reference	Decision	Key Points
			<i>important planning consideration which carries substantial weight</i> '.
Lower Halstow, Kent	APP/V2255/W/24/3339042	Allowed	The site was situated outside of any identified development boundary. The Inspector concluded that ' <i>Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing 3 additional self-build dwellings towards the supply of housing of which there is an identified local need. These combined benefits therefore attract significant weight</i> '.
Orwell, Cambs	APP/W0530/W/24/3347379	Allowed	The site was situated outside of the development framework for Orwell. The Inspector concluded that ' <i>the very significant weight given to the benefit of self-build housing on this particular site would outweigh the conflict with the relevant development plan policies which deal with the location of new housing</i> '.
Caxton, Cambs	APP/W0530/W/24/3352408	Allowed	The site was outside of the village boundary of Caxton. The Inspector concluded that ' <i>the need to provide for self-build and custom-build housing, and to meet the Council's legal duty in this regard, is a very important material consideration</i> . In this case, in view of the large shortfall in permissions for this type of development in the District, and the apparently worsening position, I consider that the benefit of providing one additional plot should carry substantial weight '.
Framlingham, Suffolk	APP/X3540/W/24/3347785	Allowed	The site was outside of the settlement boundary for Framlingham. The Inspector concluded that ' <i>It is not in dispute that the Council has not granted permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The Council also acknowledges that the demand for such homes is likely underestimated. The appellant has submitted a legal agreement which would ensure that the proposed dwelling would meet the definition of self-build. Given the duty imposed by s2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), I attach significant weight to this</i> '.

- 4.35. Whilst all the above appeal examples related to development outside development boundaries, the development in this case - as we demonstrate above – meets the requirements of Policy DP6 and is acceptable in principle.

5. Conclusion & Planning Balance

- 5.1. This application seeks Permission in Principle for '*Residential development of up to 2 self-build homes*'.
- 5.2. The Council are unable to demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.
- 5.3. There are no protected areas or assets which would be adversely impacted by the proposed development. Permission should therefore be granted unless "*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*".
- 5.4. The proposed development would result in the provision of less than 10 dwellings, the site is contiguous with the existing built-up area of the settlement it is situated within, and is in a highly sustainable location with regard to sustainable transport options and the availability, and proximity to, local shops and services. The location of the proposed development is supported by policy, including DP6, DP12 and DP15.
- 5.5. The site is served by an existing access, and there are no on-site constraints which would affect residential development, and, in accordance with policies CNP1 and DP26, there would be no significant impacts on residential amenity. The proposed land use is therefore acceptable.
- 5.6. The proposed development is of an appropriate density relative to the existing residential character of the area. It is enclosed by existing development, and will not lead to any coalescence effect between settlements. The amount of development is therefore acceptable.
- 5.7. The proposal will contribute towards the demonstrably unmet need for self-build homes in the District (currently 404 plots). Other recent appeal decisions have identified that this should be given significant weight in the planning balance.
- 5.8. Whilst the proposal is policy compliant, the 'tilted balance' set out by paragraph 11 of the NPPF is engaged. In this case, 'adverse impacts' are limited to a barely perceptible impact from a very marginal increase in traffic generation. The benefits include:
- Contribution towards the District's overall shortfall of housing delivery in the District. **Significant weight.**
 - Contribution towards the District's shortfall in self and custom-build housing in the District. **Significant weight.**
 - Residential development in a highly sustainable area that utilises an existing access. **Significant weight**
 - Economic contributions through the creation of jobs and use of locally sourced material to implement the development. **Moderate weight.**

- Biodiversity net gain which will be achieved through the technical details stage of the PiP.
Moderate weight.

- 5.9. These benefits would clearly outweigh the potential very minimal impact from a very marginal increase in traffic generation. At the very least, **the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.** The planning balance therefore falls clearly and heavily in favour of granting permission for the proposal.
- 5.10. Accordingly, in the context of the shortfall of housing provision in Mid Sussex and the Council's 5 year housing land position, the application site's location surrounded by existing development and its relationship to the existing settlement with convenient and sustainable access to facilities and services is supported by both the sustainable development expectations of the NPPF and development plan policy.
- 5.11. Consequently, the proposal complies with the NPPF and Development Plan, and there is an overwhelming justification for the permission in principle to be granted.



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