

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2621	Case Officer:	Jessica Szollosi
Application Type:	Full Application		
Proposal:	Retrospective application for the use of converted garage as self-contained studio		
Site:	45 Lashmere, Copthorne, Crawley, West Sussex, RH10 3RR, , ,		
Validation Date	7 Jan 2026	Overall Expiry Date:	31 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	15 Apr 2026
Target Date:	4 Mar 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	15 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2621

**45 Lashmere, Copthorne, Crawley, West Sussex, RH10 3RR, ,
Retrospective application for the use of converted garage as self-contained studio
Mr Keyur Shah**

SUMMARY OF REPRESENTATIONS

Letters of representation have been received from two neighbouring properties in response to this application, objecting to planning permission on the following grounds:

- Building and fire regulations
- Over-development of low-density area
- Retrospective nature of application
- Parking provision
- Noise and disturbance resulting from increase in people and vehicles to property
- Shared central heating

SUMMARY OF CONSULTEES

Highways Authority

'This is a retrospective application for the use of converted garage as self-contained studio. The site is located on Lashmere, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

There are no proposed changes to the existing access arrangements. As this application is for a single dwelling only, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site. The applicant proposes to retain two existing vehicle parking spaces with one parking space for both the existing and proposed dwellings. On-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement that has been operating with no known safety concerns.

The WSCC Car Parking Demand Calculator indicates that the LHA would expect a dwelling of this size and location to provide two parking spaces. Therefore, any overspill parking would have to be accommodated on street. The LHA does not anticipate that the shortfall of one parking space would give rise to a highway safety concern; however, the LPA may wish to consider the potential amenity impacts on on-street parking. 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.'

Housing Standards

'There is a door connecting the separate units of accommodation. I have classed this a compartment wall and therefore would require a 60min fire resistance.

Given the means of escape from the accommodation is next to the kitchen I would suggest part of the front window is of adequate size to be used as an escape route.

Adequate smoke detection will be required.

How is the new accommodation heated, is it from the main dwelling or has its own system

The size of this unit for single occupation must be a minimum of 13m² or for a two person occupation 14m²

An EPC will be required as the structure should meet current building Regs for thermal insulation.'

Natural England

'Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.'

PARISH COUNCIL OBSERVATIONS

The Worth Parish Council deferred to Officer noting disappointment in the retrospective nature of the application.

INTRODUCTION

Retrospective planning permission is sought pursuant to S.73a of the Town and Country Planning Act 1990 (as amended) for the use of the converted garage as a self-contained studio.

The application is for change of use only and does not include any external alterations to the building.

RELEVANT PLANNING HISTORY

DM/22/2777 - Lawful Development Certificate pursuant to s.192 of the Town and Country Planning Act 1990 (as amended) for Garage Conversion - Approved 06/10/2022

WP/051/76 - Outline application, residential development (5.78 acres) - Approved 06/07/1976

WP/028/82 - Alteration of approved estate, 24 houses - Approved 23/06/1982

WP/162/82 - One dwelling house with extension - Approved 09/11/1982

SITE AND SURROUNDINGS

45 Lashmere is a northwest facing two-storey detached residential dwelling located within a cul-de-sac. The main dwellinghouse is constructed of brick with tile hanging, white uPVC fenestration and plain roof tiles. The main dwellinghouse has three double bedrooms, a study, a music room and an open plan living/kitchen/dining area and a large rear garden.

The proposed studio is located on the ground floor to the west of the main dwelling and is accessed via a separate entrance on the west elevation behind a close boarded fence.

The proposed studio measures approximately 18 square metres. Given that it is integrated in the main dwelling, it has been constructed in the same materials as the main dwelling and has windows on the north elevation facing the road and on the south elevation facing the rear garden. The entrance door is located on the west elevation with obscure glazed glass. The studio comprises an open-plan bedroom/kitchenette area and a bathroom with shower. It does not have access to its own outdoor amenity.

The properties surrounding the site are similar to the main dwellinghouse in scale, form and design; being two-storey detached properties constructed of brick with tile hanging or cladding, uPVC fenestration and plain tile roofs. There is one link-detached property to the northwest of the site. Similar to the application property, the surrounding properties have driveways forward of their garages. A tarmac runs adjacent to the northeastern property boundary between the application site and the neighbouring property to the northeast. Further residential properties surround the site to the north, east, south and

west. Parking within the cul-de-sac is limited due to the design and location of the driveways forward of the main dwellings, however, there are approximately 2 parking spaces within the cul-de-sac and no on-street parking restrictions. Parking provision is, however, available on Lashmere, south of the cul-de-sac.

The application property is located within the built up area of Copthorne.

APPLICATION DETAILS

This retrospective application seeks planning permission for the use of an already converted garage as a self-contained studio to be used as a separate residential unit. A lawful development certificate (planning reference: DM/22/2777) was granted pursuant to s. 192 of the Town and Country Planning Act 1990 (as amended) for the proposed conversion of the garage to a utility room and the physical works approved by that application have taken place. The current application therefore seeks solely to address the use of the former garage as a separate residential unit of accommodation.

The proposed dwelling is accessed via a separate pre-existing external side door on the west elevation, however, the proposed studio does not benefit from any external amenity space. No extensions or alterations are proposed to the building.

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,*
- 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 Copthorne Neighbourhood Plan.

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.

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards

Site Allocations DPD

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

There are no relevant policies.

Neighbourhood Plan

The Copthorne Neighbourhood Plan was formally made in June 2021.

Relevant policies:

CNP1 - General Development Requirements
CNP2 - Built-up Area Boundary
CNP15 - Sustainable Transport
CNP16 - Car Parking

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 hearings were concluded on the 19th March 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:

DPS2 - Sustainable Design and Construction
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPH1 - Housing
DPH11 - Dwelling Space Standards

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 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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

Technical Housing Standards

ASSESSMENT

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

- Principle and Housing,
- Parking Provision and highways
- Design and Character
- Impact on neighbouring amenity
- Standard of accommodation
- Impact on Ashdown Forest
- Other material considerations
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle and Housing

The proposal would result in the creation of one new dwelling. 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.

In terms of policy designations, the starting point for this assessment is that the application site falls within the built-up area of Copthorne as defined by the Copthorne Neighbourhood Plan. This is considered to be a sustainable location, with access to the local services in the town centre and to public transport links, with a bus stop located five minutes' walk from the application site on Borers Arms Road.

The retrospective application does not seek to increase the existing footprint of the property.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'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 policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas or assets of particular importance provides a strong reason for refusing 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.'

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy DP4 of the District Plan states that:

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.'

Policy DP6 of the Mid Sussex District Plan relating to Settlement Hierarchy states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

In this instance, the retrospective application seeks to use an already converted garage as a self-contained studio. The proposal would be considered an infill development and is located within the built up area boundary of Copthorne.

Parking Provision and highways

Policy DP21 of the Mid Sussex District Plan in part states:

'The scheme provides adequate car parking for the proposed development, taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

Policy CNP2.1 of the Copthorne Neighbourhood Plan states that:

'Suitable access and on-site parking are provided without causing unacceptable harm to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, twittens, and other Rights of Way.'

Policy CNP15.3 of the Copthorne Neighbourhood Plan states that:

*'New development should include car parking spaces in accordance with the greater of:
o The latest WSCC guidance at the time the application is submitted. OR
o For residential units, provision of on-plot / off street car parking spaces in accordance with the following table'*

The main dwellinghouse has three double bedrooms and the proposed studio has one bedroom. The site currently has off-street parking provision for two vehicles. The planning statement sets out that 'there is adequate parking for both the main dwelling and bedsit unit'. Per the above statement, the Council understands that one parking is allocated to the main dwelling and one parking is allocated to the proposed studio.

The WSCC guidance states that for a 3 bedrooms dwellinghouse in this location, 3 parking spaces are required, while for a 1 bedroom dwelling, 1 parking space is required. Given that 1 parking is allocated for the dwellinghouse and 1 for the proposed studio, there would be a shortfall of 2 parking spaces in total.

Policy CNP16.3 of the Copthorne Neighbourhood Plan sets out that a 3 bedroom dwelling would require 3 parking spaces and a 1 bedroom would require 2 parking spaces. Given the above, there would be a shortfall of 3 parking spaces in total.

On-street parking within the cul-de-sac is limited due to the location of the driveways forward to the surrounding properties. However, there are no on-street parking restrictions and there is space for

approximately 2 vehicles within the cul-de-sac and lay-bys on Lashmere to the south of the cul-de-sac providing additional overflow parking. Moreover, access to public transport is available with a bus stop approximately 5 minutes' walk from the site on Bowers Arms Road.

West Sussex County Council (WSCC) Highways Authority consulted on this application and found that:

'The WSCC Car Parking Demand Calculator indicates that the LHA would expect a dwelling of this size and location to provide two parking spaces. Therefore, any overspill parking would have to be accommodated on street. The LHA does not anticipate that the shortfall of one parking space would give rise to a highway safety concern; however, the LPA may wish to consider the potential amenity impacts on on-street parking.'

'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.'

Whilst the WSCC Highways Authority commented on the calculator providing for 2 parking spaces for the proposed studio, it did not refer to the loss of parking space to the main three bedroom dwelling which would only retain 1 parking, 2 parking spaces less than that provided for by the WSCC Parking Demand Calculator. Therefore, the shortfall is in fact 3 parking spaces in total.

The proposal would not be compliant with Policy CP15 of the Copthorne Neighbourhood Plan given the overall shortfall of 3 parking spaces which would be considered substandard. However, given the sites sustainable location within the built up area boundary of Copthorne, the availability of access to public transport and the additional parking to the south of the cul-de-sac on Lashmere, the shortfall would not be considered to cause substantial harm in terms of Policy DP21 of the Mid Sussex District Plan.

Character and Design

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside.'

All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design; o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Policy CNP2.1 of the Copthorne Neighbourhood Plan states that:

'Redevelopment and infill development is supported within the defined built up area subject to meeting the following criteria:

o The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it.'

The proposed does not include any external alterations to the dwelling, however, the change of use from utility room to self-contained studio would be considered a material change to the character of the property.

The proposed dwelling, measuring approximately 18 square metres, would appear incongruous with the existing character of the area as its siting, scale and form are wholly different to the surrounding properties; majority of which are two-storey detached residential dwellings comprising brick and clad or tile-hung walls, uPVC fenestration, plain tile roofs, integrated garages and large rear gardens. There is one link-detached property to the northwest of the site.

The development results in the creation of a semi-detached property within an area characterised by detached properties and would result in a cramped and overdeveloped plot causing harm to the character of the area. The granting of planning permission for the dwelling may also result in pressure for further development to create independent amenity spaces and the further physical separation of plots which would cause visual harm to the character and appearance of the area.

Consequently, the creation of a new small residential unit, in effect creating two semi-detached dwellinghouses of differing sizes and without sufficient amenity space would result in a poor standard of design of accommodation which would not be considered to comply with Policy DP6 and DP26 of the Mid Sussex District Plan and Policy CNP2.1 of the Copthorne Neighbourhood Plan.

Impact on Neighbouring Amenity

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'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'*.

Policy CNP2.1 of the Copthorne Neighbourhood Plan states that the development should *not cause unreasonable harm to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.'*

Policy CNP15.3 of the Copthorne Neighbourhood Plan states that:

'Proposals for new development should not cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

This application does not include any external alterations to the building and therefore daylight and sunlight, air and light pollution will not be considered.

The use of the studio would not be considered to cause any significant privacy concerns, however, given that the entrance door to the studio is located on the west elevation of the property facing 47 Lashmere, the movements of the occupant may pose some privacy impacts, however, these impacts would be considered limited given that the entrance to the studio is located behind a close boarded fence and the window within the studio door is frosted glass blocking views in and out of the studio. The proposal would not be considered to cause harm in respect of overlooking.

As raised in a third-party letter of representation, movement to and from the proposed dwelling will intensify, thereby raising noise levels. Given the residential nature of the premises and its size, the council would not consider the proposed studio to cause significant harm in relation to noise.

Given the above, it is considered that the proposal would not cause significant harm to the amenities of its nearby residents. The proposal is therefore considered to comply with the above-mentioned part of policy DP26 and the Mid Sussex Design Guide SPD.

Standard of accommodation

Policy DP27 of the District Plan states that:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- o Open market dwellings and affordable housing;*
- o The full range of dwelling types; and*
- o Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

These standards recommend that a 1 bedroom, one storey dwelling for 1 person should have a gross internal floor area of 39 square metres or 37 square metres with a shower.

Per comments from Mid Sussex Housing Standards, a bedroom for single occupation should measure a minimum of 13 square metres for one occupant and 14 square metres for two occupants.

The proposed studio fails to meet the above threshold with a gross internal floor space of approximately 18 square metres with a bedroom/living/kitchenette area of approximately 13 square metres. The size of this property would not be conducive to supporting the needs of all sectors of the community and would fail to provide accommodation which encourages a useable and flexible living environment providing for resident's changing needs.

The proposed studio does not benefit from private outdoor amenity space, which is not in keeping with the character of the surrounding properties which all have large rear gardens. Moreover, the absence of amenity space for the occupant and the substandard size of accommodation would lead to a poor quality of accommodation for present and future occupiers.

The applicant has failed to provide evidence to show exceptional circumstances exist to move away from the minimum nationally described standards of accommodation. Moreover, the planning statement refers to the studio being used by the applicant, however, following a visit to site, the Council confirmed that this studio is currently being rented out to a lodger and is considered to be a separate residential unit of accommodation.

Building regulations, heating and fire-safety concerns were raised by the neighbours in a third-party letter. These are not, however, planning considerations which can be taken into account in the determination of this application.

The proposed dwelling therefore represents a poor level of accommodation and would fail to comply with the relevant requirements of this standard and does not accord with policy DP27 of the Mid Sussex District Plan.

Impact on Ashdown Forest

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).

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

Recreational disturbance

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.

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.

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

Atmospheric pollution

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.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

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.

Other material considerations

Retrospective applications are a lawful part of the planning process as stated in s.73a of the Town and Country Planning Act 1990 and whilst the retrospective nature is regrettable, a retrospective planning application must be considered on its planning merits without penalisation.

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 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.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

This planning permission is also being granted on an application made under Section 73a of the Town and Country Planning Act 1990 and is therefore exempt from the requirement to provide 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.

It is considered that the application complies with Policy DP21 (sustainable transport) and part of policy DP26 (neighbouring amenity) of the Mid Sussex District Plan.

For the reasons set out within the assessment section, whilst the principle of a sustainably located new residential dwelling within the built up area is acceptable, by virtue of its scale, siting and design the unit of accommodation is unacceptably small with no external amenity space leading to a poor quality of accommodation which is considered to cause harm to the character of the area.

Therefore, it is considered that the application conflicts with the development plan when read as a whole and the proposal would not be acceptable in planning terms.

Consideration needs to be given as to whether there are any other material considerations that would warrant granting permission, which should otherwise be refused due to its conflict with the development plan.

Para 11d(ii) is relevant in this respect and while the proposal would create a new dwelling this would have little impact on the Council's housing land supply and therefore only attracts limited weight.

Significant harm has been identified in the assessment above due to the poor quality of the proposed accommodation and impact on the character and appearance of the area, and it is considered that these adverse impacts significantly and demonstrably outweigh the limited benefits of the proposal.

In light of the above, there are no other material considerations that would indicate that this application should be determined other than in accordance with the development plan. Given the identified harms and the conflict with the development plan, the application should be refused.

Decision: Refusal

Case Officer: Jessica Szollosi