

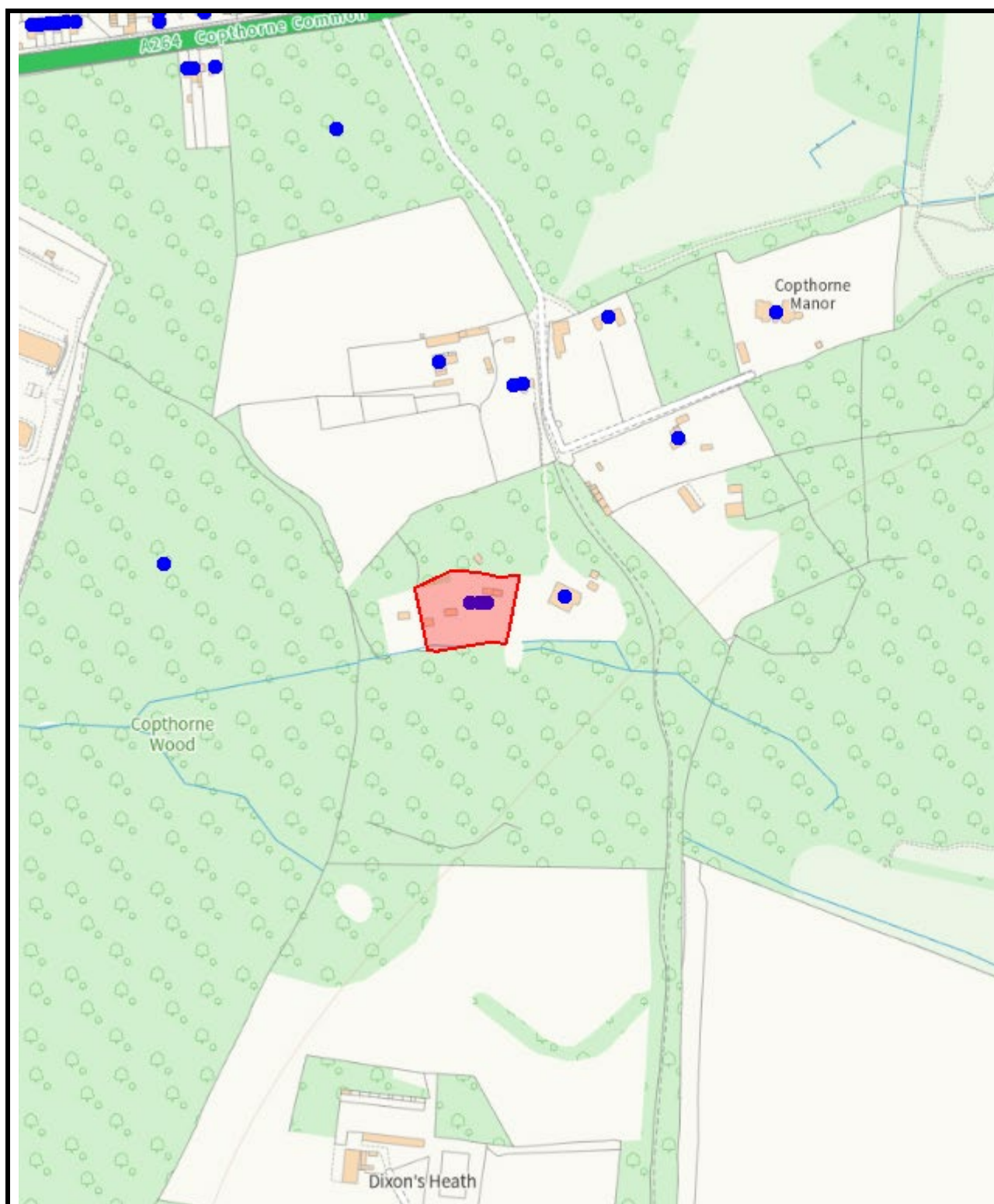
Planning Committee



Recommended for Permission

13th August 2026

DM/26/0207



Site:	Woodmans Copthorne Common Copthorne Crawley West Sussex
Proposal:	Change of Use from C1 (holiday use) to C3 (residential) Consolidation of two cabins into single storey 3 bedroom energy efficient dwelling and retention of third cabin as ancillary home gym.
Applicant:	M Vickery
Category:	Change of Use
Target Date:	18th May 2026
Parish:	Worth
Ward Members:	Cllr Graham Casella / Cllr Christopher Phillips /
Case Officer:	Andrew Horrell

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T9MCZGKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 Planning permission is sought for the change of Use from C1 (holiday use) to C3 (residential) with the consolidation of two cabins into single storey 3-bedroom energy efficient dwelling and retention of third cabin as ancillary home gym.
- 2.2 The application has been referred to the committee because the application is for a development of a single dwelling house located outside the defined built-up area where that new dwelling is being constructed adjacent to existing dwellings from which Council Tax has been collected for at least three years.
- 2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the 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.
- 2.4 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP21, DP26, DP27, DP38, DP39, DP41 and Neighbourhood Plan policies CNP1, CNP10, CNP14 and CNP15.

- 2.5 Although the application must be assessed against the policies of the Development Plan taken as a whole, this assessment has identified conflict with the Development Plan. This being in respect of what types of development are allowable under policies DP4, DP6 and DP15 of the District Plan. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.
- 2.6 As a result, it is considered that the application conflicts with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 2.7 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.8 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework 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), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.9 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:
- 2.10 The construction of the development will provide local jobs and employment opportunities which is a positive economic impact. Socially, the provision of a new dwelling will bring about positive impacts to the local community.
- 2.11 In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.
- 2.12 Weighing against the scheme is that the site is unsustainably located, with any future resident likely to be dependent upon the private car to meet their daily needs. As noted above however, the scale of development in this case is for a three-bedroom unit in the same locality where there currently are three one-bedroom holiday-let cabins. Therefore, it is unlikely to result in significantly high levels of private motor vehicles usage in relative terms. This being the case, it is considered that the proposal would not result in an unsustainable development with regard to transport modes in this specific case.
- 2.13 While the proposal conflicts with some policies in the Development Plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing one dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land. Mulberry House is a larger plot than those within the vicinity and has capacity to be subdivided in the arrangement proposed.

- 2.14 The neutral impacts relate to design, residential amenity, transport, drainage, ecology, trees and impact on Ashdown Forest.
- 2.15 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.16 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the Development Plan.
- 2.17 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A.

4.0 Summary of Representations

- 4.1 None received

5.0 Summary of Consultees

- 5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

MSDC Flood Risk and Drainage

No objection. Recommend condition.

Place Services Ecology

The proposal is acceptable subject to conditions.

MSDC Street Naming and Numbering

Application will require address allocation if approved. Suggested an Informative.

6.0 Copthorne Parish Council Observations

- 6.1 Defer to Officer

7.0 Introduction

- 7.1 Permission is sought for the change of Use from C1 (holiday use) to C3 (residential) with the consolidation of two cabins into single storey 3-bedroom energy efficient dwelling and retention of third cabin as ancillary home gym.

8.0 Relevant Planning History

- 8.1 DM/22/3539 - Application for change of use of land to allow for the siting of three glamping pods (approved)

9.0 Site and Surroundings

- 9.1 Woodmans (now named Mulberry House) is a large two storey hipped roofed dwelling on an access track off Copthorne Common Road serving Woodmans Farm, Woodmans Bungalow, Coomers Wood Farm and Copthorne Manor.
- 9.2 The site is characterised by existing three black timber clad cabins accessed from a gravel driveway off the access to the main house with parking for 3+ cars serving the cabins which are holiday lets approved in 2023.
- 9.3 The site is outside of the built-up area of Copthorne and the site is surrounded by ancient woodland.

10.0 Application Details

- 10.1 The existing three cabins were built under DM/22/3539. The cabins are served by an existing gravel driveway with a parking space for each cabin.
- 10.2 These cabins each measure approximately 10.5m in depth, 7.7m in width with a height of 3m.
- 10.3 Cabin 3 is to remain as existing to be used as an ancillary home gym.
- 10.4 Cabins 1 and 2 are to be infilled to combine measuring some 10.5m in depth, 23m in width with a height of 3m. This is to serve a three-bedroom dwelling with three ensembles, with a utility room, lounge and kitchen/dining room. It will use black timber cladding and uPVC doors and windows to match the existing holiday let cabins.
- 10.4 The plot is already subdivided from the main house (Mulberry House) by an established hedge of circa 8ft tall which runs along the red line boundary between Mulberry House and the existing cabins.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

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

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

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

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

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

- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Copthorne Neighbourhood Plan.
- 11.7 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 it is an important material consideration.

Mid Sussex District Plan (MSDP) 2014-2031

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

Relevant policies:

DP4 Housing
DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP17 Ashdown Forest SPA and SAC
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Site Allocations DPD

- 11.10 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.

Copthorne Neighbourhood Plan

- 11.11 The Copthorne Neighbourhood Plan was made on 29th September 2021, the relevant policies are considered to be:

Policy CNP1 General Development Requirements
Policy CNP10 Copthorne Common and Woodland
Policy CNP14 Sustainable Transport
Policy CNP15 Car Parking

Other Material Considerations

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

- 11.12 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 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:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN2: Biodiversity Net Gain

DPB1: Character and Design

DPC1: Protection and Enhancement of the Countryside

DPC3: New Homes in the Countryside

DPC6: Ashdown Forest SPA and SAC

DPT3: Active and Sustainable Travel

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPH1: Housing

DPH2: Sustainable Development - Outside of the Built up Area

DPH7: Housing Mix

DPH11: Dwelling Space Standards

DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.13 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.

WSCC: Guidance on Parking at New Developments (Sept 2020)

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

National Planning Policy Framework (NPPF) (December 2024)

- 11.14 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.
- 11.15 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.'

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

11.17 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.'

11.18 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.'

11.19 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 Design Guide

11.20 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.

11.21 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.

12.0 Assessment

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

- Principle
- Loss of Holiday Use
- Design and Impact on the character and appearance of the area
- Highways
- Impact on Neighbouring Amenities
- Impact on Future Occupiers of the Development
- Flood Risk and Drainage
- Sustainability

- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

- 12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Copthorne as defined by the District Plan and Neighbourhood Plan (CNP). As such the site is located within the defined Countryside.
- 12.4 Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the district, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.5 Policy DP6 of the District Plan states in part that:
- ‘Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built-up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*
- 12.6 The site is not contiguous with the existing built-up area of Copthorne nor is it allocated.
- 12.7 Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.8 The proposed residential development does not meet any of these special justifications.
- 12.9 Policy CNP2 of the Copthorne Neighbourhood Plan supports redevelopment and infill development but this is within the defined built-up area of Copthorne. This policy is not relevant and the Neighbourhood Plan has no specific policy relating to development outside of the built-up area.

- 12.10 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to maintain or enhance the quality of the rural and landscape character, as demonstrated in the design/visual amenity sub-section, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.
- 12.11 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.
- 12.12 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.
- 12.13 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).
- 12.14 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.'*
- 12.15 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as 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.
- 12.16 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 delivery 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.

- 12.17 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.
- 12.18 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).
- 12.19 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.
- 12.20 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.
- 12.21 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five-year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.22 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.23 Therefore, the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF. That is, whether to refuse the application where there are assets worthy of protection, or, whether there are adverse impacts that would significantly and demonstrably outweigh the benefits.
- 12.24 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Loss of Holiday Usage

- 12.25 The existing cabins as approved under DM/22/3539.
- 12.26 It was deemed that the diversification of part of the site to accommodate glamping for sustainable tourism is considered appropriate. It would allow the rural economy to be

supported. As set out further below in the report, due to the scale and design of the proposal, it is considered that the development would respect the character of the countryside.

12.27 Condition 5 of this approval in part stated " *The occupation of the pods shall at all times comply with the following:*

- a) The accommodation within the pods shall be occupied for holiday purposes only.*
- b) The building shall not be occupied as a person's sole or main place of residence*

Reason: To ensure the approved holiday accommodation is not used as a permanent residential unit and to comply with Policy DP19 of the Mid Sussex District Plan'.

12.28 The Justification Statement accompanying the application sets out that the key issues affecting the ongoing viability of the business include:

- *increasing competition from larger and more modern holiday accommodation providers within the wider area;*
- *seasonal demand and reliance upon short weekend stays rather than consistent longer-duration occupancy;*
- *extended periods of low or no midweek occupancy;*
- *rising utility, insurance, maintenance and compliance costs;*
- *increased cleaning, repair and upkeep requirements associated with high guest turnover;*
- *significantly increased electricity costs;*
- *the need to maintain competitive pricing within the market;*
- *the limited scale of the operation, restricting the ability to achieve meaningful economies of scale; and*
- *reduced profitability such that the existing tourism use no longer provides a reliable or sustainable source of income.*

12.29 The existing holiday cabins have been in place for three years and it is accepted from the reasons outlined above that the current usage has become unviable. It is noted that the locality is neither wholly rural or within the built-up area and therefore, whilst the loss of the holiday let is regretted, the existing holiday let cabins have the hallmarks of C3 (residential) use.

Design and Impact on the Character and Appearance of the Area

12.30 As set out above, the site is within the countryside where DP12 is relevant, which requires proposals to maintain or enhance the countryside.

12.31 Policy DP26 of the District Plan relates to character and design and requires development to well designed and be sensitive to the countryside, amongst other things.

12.32 Neighbourhood Plan policy CNP1 states:

'Proposals will be supported where they sustain or reinforce the positive aspects that make up the individual character and distinctiveness of each Character Area, as defined on the Policies Map, in which they sit.'

- 12.33 Neighbourhood Plan Policy CNP10 relates to the Copthorne Common and Woodland Character Area of the Neighbourhood Plan and states that:

'As appropriate to their scale and nature development proposals within the defined Character Area 3 – The Copthorne Common and Woodland Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019).'

- 12.34 The infill extension to create a larger dwelling is a similar size to the existing individual cabins. Whilst the unit is significantly larger than the cabins taken individually, the design of the proposed dwelling is visually similar to the existing cabins in materials and fenestration. Therefore, the proposal is not deemed out of character.

- 12.35 The design of the existing glamping units was deemed under DM/22/3539 being of *"an acceptable appearance and scale. Due to their position against a backdrop of woodland and vegetation and the materials proposed, it is considered that the pods will be sensitive to the landscape. The site is well contained which minimises the impact of the pods from wider views. It is thereby considered that the proposal would conserve the natural character of the surrounding countryside"*.

- 12.36 This view is unchanged with the wider infilled unit.

- 12.37 Therefore, it is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan, policies CNP1 and CNP10 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Transport

- 12.38 Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy,*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,*
- Access to services, employment and housing, and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- Appropriate opportunities to facilitate and promote the increased use of alternative means*

of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,

- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*
- 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,*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- The scheme protects the safety of road users and pedestrians, and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.39 The NPPF para 116 states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

12.40 CNP14 of the Copthorne Neighbourhood Plan among other matters requires new development proposals to demonstrate that adequate sustainable transport links exist.

12.41 Moreover, Policy CNP15 of the Neighbourhood Plan requires new developments to include sufficient offroad parking to meet the criteria of the WSCC guidance or with the provisions as set out within the Neighbourhood Plan. Both documents, suggest three off street parking spaces for three-bedroom dwellings.

12.42 The Local Highway Authority (LHA) had no objections to the cabins approved under DM/22/3539.

12.43 The cabins are served by parking spaces for at least 3 parking spaces which is sufficient for a dwelling of this size. As such the proposed parking arrangement is considered to comply with the above part of policy DP21 of the Mid Sussex District Plan, policy CNP15 of the Copthorne Neighbourhood Plan and the West Sussex County Council Parking Guidance.

12.44 As outside of the built-up area of Copthorne, the proposed site is an unsustainable location. Therefore, in terms of accessibility to services, and how these would be reached, the day-to-day services sought by occupiers as a dwellinghouse would be different to that of

holidaymakers and that there would be an over-reliance on the use of private motor vehicles. The public footpath from the unit to Copthorne Common is a narrow lane without street lighting. Access to services provided in Copthorne, which is about 450m to the public highway. Such factors are likely to be unattractive to future occupiers, especially older people, those with young children or those with mobility issues. As such, there is a strong likelihood that occupiers would be reliant on the private motor car to access day-to-day services. It is noted that Copthorne Common is served by regular bus services and Copthorne Village centre is accessed via public footpath.

- 12.45 With regards to sustainability, the NPPF recognises that opportunities to maximise sustainable travel solutions will vary between urban and rural area, however it also encourages development to be focused on locations that limits the need for travel.
- 12.46 It is not uncommon that within rural areas, where there is normally a wider geographical spread of services than in large towns or cities, residents may be more reliant on the use of the private motor car. Furthermore, the scale of development in this case, for a three-bedroom unit in the same locality where there would be three one-bedroom holiday-let cabins under DM/22/3539, is unlikely to result in significantly high levels of private motor vehicles usage in relative terms. This being the case, it is considered that the proposal would not result in an unsustainable development regarding transport modes in this specific case.
- 12.47 Therefore, in terms of highway safety, access and parking, the proposal is considered to meet with the Policy DP21 of the District Plan and the provisions of the NPPF.

Impact on Residential Amenity

- 12.48 District Plan Policy DP26 and policy CNP1.2 of the Neighbourhood Plan are relevant in the determination of this application with regards to the impact of the changes on residential amenities.
- 12.49 In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.
- 12.50 Policy CNP1.2 of the Copthorne Neighbourhood Plan states that proposals should not cause 'unacceptable harm' to neighbours' amenity, whereas policy DP26 of the MSDP states that development 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.
- 12.51 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. As such, Policy 9 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.
- 12.52 Under DM/22/3539, it was deemed that *"The nearest glamping pod is to be some 150 metres to the south of the nearest dwelling Woodmans Bungalow. Due to the siting of the*

glamping pods some distance away from the neighbouring residential properties within Copthorne Common, it is considered that the proposed use for tourist accommodation will not result in significant detriment by noise or a loss of privacy. Whilst there may be an increase in vehicular movements along the access road, these would be limited. It is considered that the proposal would not result in significant disturbance to the amenities of nearby residential properties”.

- 12.53 The proposed dwelling is some 50m from Mulberry House and any direct views are blocked by the converted Cabin 3. The boundary is served by 8ft hedging which sub divides the site.
- 12.54 The converted gym which is closer at some 35m from Mulberry House has no side windows are therefore would have no impact in terms of overlooking and privacy to Mulberry House
- 12.55 Due to the modest single storey nature of the building and due to the location of the proposed ground floor windows, they would not have direct views into residential properties private amenity spaces within the locality.
- 12.56 The unit like the existing cabins are accessed off a separate gravel track before the driveway of Mulberry House with parking spaces to the rear of the existing cabins.
- 12.57 Taking into account the above, it is not considered to cause unacceptable harm to the amenities of existing nearby residents and future occupants including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, are and light pollution. Therefore, the proposal in terms of neighbouring amenities complies with DP26 of the Mid Sussex District Plan and CNP1.2 of the Copthorne Neighbourhood Plan.

Impact on Future Occupants of the Development

- 12.58 The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.
- 12.59 Technical Nationally Described Housing Standards requires a three bed, 6 person dwelling according to national guidelines should be a minimum of 95 sqm. with 2.5 sqm of storage. The proposed dwelling will have an internal floor area of some 241.5sqm including storage area which more than meets minimum requirements.
- 12.6 As such, the application is over and above the minimum internal floor area required and complies with Technical Standards and DP27.

Flood Risk and Drainage

- 12.61 Policy DP41 of the Mid Sussex District Plan relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.
- 12.62 The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme, and they raise no objection to the proposal subject to the submission of a condition. The applicant has provided a foul and surface water drainage

plan showing that the means of drainage and discharge will match the existing holiday let cabins.

- 12.63 Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Ecology

- 12.64 Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*
- Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

- 12.65 Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the*

national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

- 12.66 The Council's Ecologist consultants have been consulted on the application and considered that the proposal is acceptable on ecology terms subject to conditions. This is agreed with by the officer.
- 12.67 As within the high-risk area, an informative would be placed on any consent for development to cease if Great Crested Newts are discovered during development.
- 12.68 It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Sustainability

- 12.69 Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

- 12.7 Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.

- 12.71 The application is supported by a sustainability statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes an Air Source Heat Pump, PV

panels, LED lighting, high efficiency appliances, thermal upgrades to insulation, a green roof, low flow taps and shower, dual flush WCs and EV charging points.

12.72 It is considered these measures address policy DP39 in the District Plan.

Ashdown Forest

12.73 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

12.74 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

12.76 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

12.77 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

12.79 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

12.80 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

- 12.81 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.82 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.83 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.

Biodiversity Net Gain

- 12.84 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.
- 12.85 Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 12.86 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:
- 'The condition is that the development may not be begun unless—*
- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15).'*
- 12.87 The Council's Ecologist has reviewed the submitted BNG Assessment, including the Baseline Habitat Map, and the Statutory Biodiversity Metric - Calculation Tool and is satisfied that the submitted information provides sufficient information at the application stage. They have recommended that a Biodiversity Gain Plan should be submitted prior to commencement of the development.
- 12.88 In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the 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.
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP17, DP21, DP26, DP27, DP29, DP38, DP39 and DP41 and Neighbourhood Plan policies CNP1, CNP10 and CNP15.
- 13.3 Although the application must be assessed against the policies of the Development Plan taken as a whole, this assessment has identified conflict with the Development Plan. This

being in respect of what types of development are allowable under policies DP4, DP6 and DP15 of the District Plan. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.

- 13.4 As a result, it is considered that the application conflicts with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.6 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework 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), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.7 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:
- 13.8 The construction of development will provide local jobs and employment opportunities which is a positive economic impact. Socially, the provision of a new dwelling which will bring about positive impacts to the local community.
- 13.9 In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.
- 13.10 Weighing against the scheme is that the site is unsustainably located, with any future resident likely to be dependent upon the private car to meet their daily needs. As noted above however, the scale of development in this case is for a three-bedroom unit in the same locality where there currently are three one-bedroom holiday-let cabins. Therefore, it is unlikely to result in significantly high levels of private motor vehicles usage in relative terms. This being the case, it is considered that the proposal would not result in an unsustainable development with regard to transport modes in this specific case.
- 13.11 While the proposal conflicts with some policies in the Development Plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing one dwelling, it would still contribute to the Council's much needed housing supply.
- 13.12 The neutral impacts relate to design, residential amenity, transport, drainage, ecology, trees, impact on Ashdown Forest and BNG.

- 13.13 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.14 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 13.15 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".
Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the application form and approved plans without the prior approval of the Local Planning Authority.
Reason: To protect the appearance of the building and the area and to accord with Policies DP26 of the Mid Sussex District Plan and CNP1 of the Copthorne Neighbourhood Plan.
4. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.
Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Biodiversity Net Gain

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

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

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175
4. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Human Rights Implications

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
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