



Appeal Decision

Site visit made on 3 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JULY 2025

Appeal Ref: APP/D3830/W/25/3361012

Firs Farm, Copthorne Common, Copthorne, West Sussex RH10 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matt Smith of DevTec Properties against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/2053.
 - The development proposed is conversion of two buildings to 1 x single family dwellinghouse (Use Class C3) with associated amenity space and parking provision.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of two buildings to 1 x single family dwellinghouse (Use Class C3) with associated amenity space and parking provision at Firs Farm, Copthorne Common, Copthorne, West Sussex RH10 3LF in accordance with the terms of the application, Ref DM/24/2053 subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Matt Smith against Mid Sussex District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would lead to an enhancement of the immediate setting of the site; and
 - Whether the proposal is an appropriate location for new housing having regard to the accessibility to services and facilities.

Reasons

Whether the proposal would enhance the immediate setting

4. The appeal site is located within the countryside and comprises two single storey buildings which have the appearance of stabling with timber walls, corrugated metal roofing and timber windows and door frames. The buildings run parallel to each other and have a certificate of lawful use for storage. The appeal site sits alongside a residential dwelling, other storage buildings, an industrial unit and open fields and woodland.
5. The proposed development is for the conversion of the two buildings into a one-bedroom residential property and incidental building.

6. Policy DP15 of the Mid Sussex District Plan 2014-2031 (MSDP) permits the re-use and adaptation of rural buildings for residential use in the countryside where it has not recently been constructed or little used for its original purpose and would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.
7. The use of the buildings for storage has been established through a Certificate of Lawful Use, therefore the key question is whether the proposal would lead to an enhancement to the immediate setting and maintain the character of the area.
8. The existing buildings are in a dilapidated condition and do not positively contribute to the setting of the site and rural character of the area. The degree of alteration proposed to the buildings external appearance would be limited and in keeping with the rural appearance of the building and its context. There would be no views from the road on account of its position away from Copthorne Common Road and as the buildings are surrounded by existing built form.
9. The proposal also includes additional landscaping works which could be undertaken without planning permission but equally, would further enhance the site. Details of landscaping would be controlled by condition.
10. Despite the Council's comments, in reality it is unlikely that a future occupier would remove the soft landscaping once laid out and thus I give this aspect of the Council's argument limited weight. However, the site is largely surrounded by hardstanding serving the industrial buildings and providing access to residential development to the north therefore an element of additional hardstanding is not in itself considered harmful. Residential paraphernalia is also found at the residential development to the north of the site so would not be uncharacteristic of the immediate area.
11. I note that a residential conversion would not be the only way to obtain enhancements to the buildings. However, the proposed works to the building and additional landscaping would be an appropriate means of restoring the buildings and would lead to enhancements to the immediate setting and would be consistent with the character of the surrounding area.
12. The Council note appeal decision (APP/D3830/W/24/3340329) was provided by the appellant which relates to a case where facilitative works were considered to provide an enhancement to the setting but note each case should be determined on its own merit.
13. In conclusion, the proposal would lead to an enhancement to the immediate setting. The proposal would comply with Policy DP15 of the MSDP insofar as it permits the re-use and adaptation of rural buildings for residential use in the countryside where it would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.

Accessible location

14. Paragraph 84 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside unless (amongst other considerations) development would re-use redundant or disused buildings and enhance its immediate setting. Isolated in this context simply means a dwelling that is physically separate or remote from a settlement. The proposal

would not be considered isolated as although it is not within a settlement boundary, it is adjacent to an existing dwelling and in an area of countryside which features a number of dwellings and commercial buildings.

15. The proposal would be within walking distance of public transport connections and there are footpaths to the nearest village where a wider range of services can be reached. The convenience store close by has recently been upgraded and although it is unlikely to fulfil day to day needs, the range is likely to provide a top up function. There is also a takeaway and pub within walking distance. Cycling would also be an option for proficient cyclists as although the road is busy, it is wide enough overall to allow vehicles to pass cyclists safely.
16. Whilst it is noted that the highway is busy and the pavements narrow in part, residents would have the option of public transport instead of walking as the bus stops would be very close to the site and the links good for a rural location. Whilst bus travel limits the amount of goods people can carry, this would be the case regardless of whether the site were in a rural or urban location.
17. I have been referred to three joint appeals (joint appeals) reference APP/D3830/W/20/3260708, APP/D3830/W/21/3268144, APP/D3830/W/21/3268145 on a site 200m to the west of this appeal site where the Inspector did not find the appeals site to be sustainably located and concluded that the proposed developments would not minimise the need to travel and support sustainable transport methods.
18. Whilst I recognise that consistency in the planning process is important and like cases should be decided in a like manner, it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence. In this regard there are differences between the joint appeals and this appeal in respect of scale and type of development with ancillary accommodation comprising a home office and gym providing work and leisure facilities within the proposal. I have been provided with sufficient evidence to convince me that the proposal would contribute to the objectives of limiting the need to travel and would have appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car.
19. In conclusion, the proposal would result in the creation of a new dwelling in a sustainable location, minimising the need to travel and with realistic alternatives to the private car from walking, cycling and public transport. The proposal would therefore comply with Policy DP21 of the MSDP and the aims of the Framework insofar as the occupants would have options to minimise the need to travel and realistic alternatives to travelling by private car.

Conditions

20. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.
21. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
22. A condition is necessary requiring materials in accordance with those shown on the approved plan to ensure the materials match those on the existing building.

23. Conditions requiring details of landscaping, lighting and biodiversity and ecological mitigation and enhancements are required to ensure a satisfactory appearance and safeguard protected species.
24. A condition requiring the appropriate level of car parking to be provided and maintained is required to ensure there is suitable parking on site. No separate building is required for the storage of bicycles as these could be contained within building 2.
25. A condition requiring details of foul and surface water drainage is required to ensure appropriate drainage is provided on site.
26. Restrictions regarding further development on the site and the use of building 2 are required to ensure the development remains appropriate to its rural context.
27. I have omitted a condition suggested by the Council requiring a schedule of external materials and finishes as this is not required alongside the materials condition requiring materials to be in accordance with those shown on the approved plan and application form.

Conclusion

28. The proposal accords with the development plan when read as a whole. I therefore conclude the appeal is allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos BP-01 Rev A (Site Location and Block Plan), E-01 Rev # (Existing elevations and Floor Plans), P-01 Rev A (Proposed Elevations and Floor Plans).
- 3) No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the local planning authority.
- 4) The development hereby permitted shall not commence unless details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied unless full details of a hard and soft landscaping scheme has been submitted to and approved by the local planning authority. These works shall be carried out as approved and prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) A Biodiversity Enhancement Layout Plan providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report (Collington Winter Environmental, August 2024) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained thereafter.
- 7) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (BP-01 Rev A). These spaces shall thereafter be retained at all times for their designated purpose.

- 8) A lighting design scheme shall be submitted to and approved in writing by the local planning authority prior to occupation. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.
- 9) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Nocturnal Bat Survey Report (Collington Winter Environmental, October 2024) and Preliminary Ecological Appraisal Report (Collington Winter Environmental, August 2024).
- 10) The building labelled building 2 within the submitted plans shall be occupied solely for purposes incidental to the occupation and enjoyment of building 1 and not be used as a separate unit of accommodation.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.