



Appeal Decisions

Site visit made on 12 August 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal A Ref: APP/D3830/W/25/3366245

Firs Farm, Copthorne Common, Copthorne 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/25/0053.
 - The development proposed is the conversion of a storage building to form two dwellinghouses (2 x Use Class C3 Single Family Dwellinghouses).
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Appeal B Ref: APP/D3830/W/25/3366246

Firs Farm, Copthorne Common, Copthorne 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/25/0047.
 - The development proposed is the conversion of two buildings (Use Class E) to form a three-bedroom family dwellinghouse (Use Class C3), associated outbuilding, amenity space and parking provision.
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Decision

1. Appeal A is allowed, and planning permission is granted for the conversion of a storage building to form two dwellinghouses (2 x Use Class C3 Single Family Dwellinghouses) at Firs Farm, Copthorne Common, Copthorne RH10 3LF in accordance with the terms of the application, Ref DM/25/0053, subject to the conditions in Appendix A.
2. Appeal B is allowed, and planning permission is granted for the conversion of two buildings (Use Class E) to form a three-bedroom family dwellinghouse (Use Class C3), associated outbuilding, amenity space and parking provision at Firs Farm, Copthorne Common, Copthorne RH10 3LF in accordance with the terms of the application, Ref DM/25/0047, subject to the conditions in Appendix B.

Application for Costs

3. An application for costs associated with both Appeal A and B was made by Mr Matt Smith of DevTec Properties against Mid Sussex District Council. This application is the subject of a separate decision.

Preliminary Matters

4. As set out above there are two appeals on this site. Both appeals relate to the conversion of existing storage buildings for use as dwellings within the land associated with Firs Farm. As such, whilst I have considered each proposal on its

individual merits, to avoid duplication I have dealt with the issues common to both schemes together.

5. My attention has been drawn to a previous appeal at Firs Farm¹. Although on the same site, the previous appeal and the appeals currently before me are different, in that they relate to the conversion of different buildings. Whilst I have had regard to the previous appeal decision as a material consideration, I have reached my own conclusions on the proposals based on the evidence before me.

Main Issues

6. In both appeals the main issues are:
 - whether the proposed development would lead to an enhancement of the immediate setting of the site; and
 - whether the appeal site would be an appropriate location for new housing having regard to the accessibility of services and facilities and sustainable transport options.

Reasons

Immediate setting

7. The appeal sites overlap and form part of the wider yard at Firs Farm. The appeal buildings comprise a collection of derelict storage buildings, predominantly characterised by timber cladding and white render walls, corrugated metal roofing and timber windows and doors. The yard comprises a significant area of hardstanding with areas of grass as well as mature trees to the north and east.
8. 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 is not a recently constructed agricultural building that has been 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. The parties agree that the appeal buildings are not recently constructed agricultural buildings.
9. The appeal 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 appearances would be limited and in keeping with the rural appearance of the site and surrounding area. The proposed landscaping works, which could be expanded and secured via condition, would also enhance the appearance of the wider site.
10. Whilst the landscaping works cannot be safeguarded indefinitely, it is unlikely that a future occupier would alter the scheme to such an extent, that would be detrimental to the character and appearance of the area. When viewed within the existing context which includes several large areas of hardstanding related to the existing use and surrounding properties, additional areas would not be harmful. Further, whilst the proposals would result in an increase of residential paraphernalia, this would not be uncharacteristic of the immediate area which includes a dwelling to the north.

¹ Appeal Reference: APP/D3830/W/25/3361012

11. Therefore, I conclude that the development in both Appeal A and Appeal B would lead to an enhancement of the immediate setting of the site. The proposals would comply with Policy DP15 of the MSDP as set out above. It would also accord with the National Planning Policy Framework (the Framework) where it supports development within the countryside that would re-use redundant or disused buildings, that enhance the immediate setting.

Location

12. The parties agree that Firs Farm is located outside of the settlement boundary of Copthorne. Although the sites are within the Countryside, the dwellings in both appeals would not be isolated.
13. Whilst Copthorne Common Road is busy with narrow pavements, the dwellings in both Appeal A and B would be within walking distance of the nearest village where there are a variety of services and facilities. In addition, there is a nearby takeaway, pub and convenience store, which although unlikely to fulfil day to day needs, would provide a top up function.
14. Cycling would also be an option for proficient cyclists as although the road is busy, it is wide enough to allow vehicles to pass cyclists safely. A nearby bus stop would provide another viable mode of transport, with good links provided for a rural location.
15. As such there would be a variety of modes of transport available to future residents, such that they would not be reliant on private car for their day-to-day journeys.
16. Consequently, I conclude that the appeal site in both Appeal A and Appeal B would be an appropriate location for new housing having regard to the accessibility of services and facilities and sustainable transport options. The proposals would accord with Policy DP21 of the MSDP where it requires development to encourage a healthy and enjoyable lifestyle by providing opportunities to walk, cycle or ride to common destinations and reduce carbon emissions. Similarly, it would accord with the aims of the Framework.

Conditions

17. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision. Due to their similarities, the reasons for conditions as described below relate to both Appeal A and B.
18. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2]. An additional materials condition is not necessary as the approved plans provide sufficient detail.
19. A condition requiring details of foul and surface water drainage is required to ensure appropriate drainage is provided on site [3]. A landscaping scheme is needed to ensure the development has a satisfactory appearance [4]. An additional condition is required to ensure adequate parking is provided for the lifetime of the proposal [5].

20. Conditions requiring details of lighting and securing biodiversity and ecological mitigation and enhancements are required to safeguard protected species [6,7].
21. While Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity, given the location of the proposal within the Greenbelt, in this instance, I am satisfied that it is necessary to prevent future enlargements, improvements or alterations as well as restrict buildings etc incidental to the enjoyment of the dwellinghouse to safeguard the rural character of the appeal site [8].

Conclusion

22. For the reasons given above, I conclude that the development in both Appeal A and Appeal B would accord with the development plan as a whole and the National Planning Policy Framework, and therefore Appeal A and Appeal B are allowed.

K Allen

INSPECTOR

Appendix A: 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 the following approved plans: BP-01-a, E-01-a, E-02-a, P-01-a and P-02-a.
- 3) Prior to first occupation, details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority. The scheme shall include an implementation plan and a management and maintenance plan for the lifetime of the development, arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be implemented in accordance with the approved details and implementation plan and thereafter retained.
- 4) Prior to first occupation, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include hard and soft landscaping, indications of all existing trees and hedgerows on the land, identifying those to be retained and measures for their protection in the course of development and an implementation plan. The scheme shall be implemented in accordance with the approved details and implementation plan.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5) Prior to first occupation, the car parking indicated on drawing number BP-01-a shall be provided. The parking shall thereafter be retained in perpetuity for that specific use.
- 6) Prior to the installation of any external lighting, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the scheme and thereafter maintained.
- 7) The development hereby approved shall be carried out in accordance with details of the mitigation and enhancement measures and/or works contained in the Nocturnal Bat Survey Report (Collington Winter Environmental, October 2024) and Preliminary Ecological Appraisal Report (Collington Winter Environmental, August 2024).
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (As Amended), or any amending Order, the enlargement, improvement, or other alteration of the dwellinghouse or buildings etc incidental to the enjoyment of the dwellinghouse, as described in Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

***** End of Conditions *****

Appendix B: 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 the following approved plans: BP-01-b, E-01-b, E-02-b, P-01-b and P-02-b.
- 3) Prior to first occupation, details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority. The scheme shall include an implementation plan and a management and maintenance plan for the lifetime of the development, arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be implemented in accordance with the approved details and implementation plan and thereafter retained.
- 4) Prior to first occupation, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include hard and soft landscaping, indications of all existing trees and hedgerows on the land, identifying those to be retained and measures for their protection in the course of development and an implementation plan. The scheme shall be implemented in accordance with the approved details and implementation plan.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5) Prior to first occupation, the car parking indicated on drawing number BP-01-b shall be provided. The parking shall thereafter be retained in perpetuity for that specific use.
- 6) Prior to the installation of any external lighting, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the scheme and thereafter maintained.
- 7) The development hereby approved shall be carried out in accordance with details of the mitigation and enhancement measures and/or works contained in the Nocturnal Bat Survey Report (Collington Winter Environmental, October 2024) and Preliminary Ecological Appraisal Report (Collington Winter Environmental, August 2024).
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (As Amended), or any amending Order, the enlargement, improvement, or other alteration of the dwellinghouse or buildings etc incidental to the enjoyment of the dwellinghouse, as described in Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

***** End of Conditions *****