



Appeal Decision

Site visit made on 17 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2025

Appeal Ref: APP/D3830/W/25/3364522

The Oaks, Shipley Bridge Lane, Copthorne, West Sussex RH6 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs. Twine against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/0811.
 - The development proposed is the removal of existing commercial buildings and the erection of 6 dwellings with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing commercial buildings and the erection of 6 dwellings with associated access and parking at The Oaks, Shipley Bridge Lane, Copthorne, West Sussex RH6 9TL in accordance with the terms of the application, Ref DM/24/0811, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with the matters of access and layout to also be determined at this stage. I have dealt with the appeal on this basis, treating any other details shown on the plans as illustrative.
3. The planning appeal is accompanied by a legal agreement that seeks to address the Council's third reason for refusal. The Council has confirmed that the agreement addresses all their concerns in relation to this matter. I consider the agreement later in my decision.

Main Issues

4. The main issues are a) whether the proposed development is suitable for the site having regard to local and national policies for the location of housing; and b) the loss of employment floorspace.

Reasons

Location

5. Policy DP6 of the Mid Sussex District Plan 2018 (MSDP) establishes a settlement hierarchy for the district, supporting the growth of towns and villages in certain circumstances. In tandem with this, Policy DP12 seeks to protect the countryside, limiting development outside of defined settlement to that which is for agriculture or is specifically supported by other development plan policies.

6. One such policy is DP15, which allows for new homes in the countryside. Such dwellings are however limited to those for agricultural/rural workers; isolated homes of exceptional quality that enhance their immediate setting; exceptions sites for affordable housing; and sites meeting the requirements of DP6. As part of the development plan's approach to the location and provision of development, Policy DP21 seeks to ensure developments are sustainably located to minimise the need for travel.
7. Overall, the development plan is broadly reflective of the National Planning Policy Framework (the Framework) as regards the location and provision of new dwellings.
8. The appeal site is outside of a defined settlement and therefore for planning policy purposes is within the open countryside. The scheme does not meet any of the exceptions set out in policies DP12 or DP15 although it is suggested that the site could be considered to accord with the expansion of settlements allowed by Policy DP6.
9. This policy supports the growth of settlements where it meets identified local housing, employment or community needs. Outside of the built-up area, the expansion of settlements would be supported where it is contiguous with an existing built up area of the settlement, amongst other factors.
10. The appeal site is immediately to the north of a new urban expansion area. Although this area was outside of the built-up area of Copthorne when originally permitted, it is now suggested that this forms the existing built-up area of the settlement. However, even if the current appeal site could now be seen as being contiguous with the built up area, there is no substantive evidence before me to indicate that the development is needed to meet the district's identified housing requirements. Therefore, the appeal proposal does not comply with Policy DP6.
11. While it is likely that future occupants would use a vehicle for many of their day-to-day needs, the site would offer some sustainable transport options. Footpath access along and through the adjacent site would be achievable and cycling to the services and facilities within Copthorne would similarly be possible. There is a bus stop close to the site entrance and if, as indicated by the appellant, the redevelopment of the adjacent site proceeds as anticipated, footpath connections along Shipley Bridge Lane will be improved.
12. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The site is not generally in any less of a sustainable location than the adjacent expansion of Copthorne. In the circumstances, I find the appeal site to be a sustainable location for the erection of six houses and so accords with Policy DP21 of the MSDP.
13. While the site might be in a sustainable location, overall, it is not a location which is supported by the development plan. As such, the proposal would be contrary to Policies DP6, DP12 and DP15 of the MSDP which seek to restrict the location of new housing in the countryside.

Loss of Employment Site

14. Policy DP1 of the MSDP seeks to encourage the retention and development of employment sites. However, where it can be demonstrated that there would be no

reasonable prospect of the use continuing or the benefits of an alternative use outweigh the retention of the employment use, the protectionist approach can be set aside.

15. Policy SA34 of the Site Allocations Development Plan Document (SADPD), specifically seeks to protect existing employment sites which are identified on the Policies Map. Non-employment uses are only permitted where it can be demonstrated that the existing use is not viable through the provision of marketing and financial information. The appellant contends that the site is not identified on the Policies Map in relation to this policy. The Council has provided no evidence to the contrary. Consequently, based on the information before me, I am satisfied that the need to supply the marketing/financial information does not apply.
16. The appellant has put forward a number of reasons as to why the site is no longer viable for employment uses. A lack of maintenance and drainage issues are not in themselves reasons to justify the loss of the units but it was evident from my site visit that the buildings are coming to, or have reached, the end of their useful life.
17. I do not doubt that the site could continue to operate and retain some or all of the existing users in the short term. However, many of the buildings have been converted from agricultural use and have rudimentary construction and facilities. They are clearly in need of upgrading, without which, as time goes on, they would become less attractive and vacancy rates would rise.
18. With enough investment the buildings could be refurbished and reoccupied. However, based on the information before me and my own observations of the buildings, the investment is likely to be sizable and this seems unlikely to be a realistic financial proposition. It therefore seems to me that the site is unlikely to recover and even with routine maintenance it is probable that its attractiveness as a location for employment uses will continue to decline over time.
19. I am also mindful that there is no information from the Council about a lack of supply of alternative employment premises across the District or detail about any tangible harmful impacts on the local economy that would arise from accepting a non-employment use at this particular site.
20. I find that, on balance, there is little reasonable prospect of the site continuing to operate as an employment site in the longer term. As it offers limited benefits for employment uses its loss would not unduly undermine the sustainable economic development of the area.
21. Consequently, I find that the proposal would not be contrary to Policy DP1 of the MSDP; Policy SA34 of the SADPD; or Policy CNP13.2 of the Copthorne Neighbourhood Plan 2021, which collectively seek, amongst other things, to protect existing, commercially viable employment sites and support sustainable economic development.

Other Matters

Legal agreement

22. The appeal is accompanied by a legal undertaking that commits the developer of the site to several planning obligations. They secure financial contributions towards the provision of sport/play space, community buildings, education, library infrastructure.

23. The obligations are agreed by the relevant parties. Having regard to the evidence before me, I am satisfied that the submitted legal undertakings are necessary to make the development acceptable, are directly related to the proposal and fairly and reasonably related in scale and kind to the development. As such, they would accord with the requirements of the Framework, Policy DP20 of the MSDP and the Community Infrastructure Levy Regulations 2010. I have accordingly taken them into account in reaching my decision.

Previously Developed Land

24. The site contains a number of existing buildings and areas of hardstanding and is previously developed land. The Framework generally supports the reuse of previously developed or brownfield land while safeguarding and improving the environment. In tandem with this, the efficient use of land is encouraged by the Framework, taking into account the desirability of maintaining an area's prevailing character and setting.
25. More specifically, Paragraph 128 of the Framework encourages a positive approach to applications for the reuse of such land which is unallocated for specific purposes, particularly if it would meet identified development needs, including high housing demand. This is subject to the provisos that it would not undermine key economic sectors or sites or the vitality and viability of town centres and be compatible with other Framework policies.
26. There is no indication that the scheme would undermine key economic sectors or sites or town centres. While the Council is currently able to demonstrate a 5 year supply of deliverable housing land and so meet current needs, the adjacent site nonetheless suggests that there is a reasonably high demand for housing in the area.
27. The existing buildings on site are simple in appearance and to some extent reflect their previous use. Though they are not high quality, they are not, in my view, inherently visually unattractive and not at all unusual or uncommon in the countryside. Furthermore, they are also not highly visible within the landscape. Therefore, despite their utilitarian nature, they do not unduly detract from the site's setting.
28. Similarly, given the existing expansion to Copthorne which is taking place adjacent to the site, a development of six houses would not be entirely out of keeping with the evolving character of the area. As such, the overall effect on the character and environment would be neutral and so not run counter to the Framework's objectives regarding character and setting when redeveloping brownfield or previously developed land.
29. As the appeal site is not within a settlement, Framework Paragraph 125(c) tempers the weight attributable to the land being previously developed. Nonetheless, being previously developed is still a factor which weighs positively in support of the scheme.

Access

30. The existing access would be upgraded to improve visibility into the site. Precise details of the visibility splays are lacking, and the on-site tracking suggests that access for refuse vehicles through the site may require some further refinement.

However, the Highway Authority has reviewed the scheme, not raised any fundamental objections and concluded that there would be no material impact on highway safety or capacity. Thus, the matters of detail could be addressed through planning conditions.

31. The Transport Statement (TS) suggests that there would be a reduced trip rate as a result of the proposal. However, this is based on the commercial units being fully occupied. Given that part of the rationale for redeveloping the site is the lack of on-going (and indeed a reducing) demand for the units, the trip rate comparisons do not necessarily reflect the reality of the situation. While there may be an overall reduction in trips from the site in the short term, and no capacity issues, given the uncertainty as to the scale of any reduction, then as a benefit, I give this only a small amount of positive weight.

Layout

32. The Council raises concerns that the layout would result in one of the parking areas being in close proximity to a mature oak tree. It is suggested that this could lead to increased pressure for pruning in the future, particularly if it sheds acorns onto the cars below.
33. The scheme proposes 19 car parking spaces in total. Although the TS indicates the scheme requires 17 spaces, the Council has confirmed that 16 parking spaces are necessary to accord with the local parking requirements. On this basis, up to 3 spaces closest to the tree could be omitted without compromising the integrity or acceptability of the layout. I am therefore satisfied that a planning condition requiring a revised parking layout would overcome the Council's concerns in this regard. On this basis the scheme would accord with Policy 37 of the MSDP, which seeks to protect and retain trees within development sites.

Planning Balance

34. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. I have identified that the proposal would conflict with the development plan's strategy for the location of housing.
35. The housing land supply position of the Council indicates that a supply of 5.04 years of deliverable sites can be identified. I note this is not a cap on development, or a significant oversupply. While the appeal scheme does not therefore benefit from the presumption in favour of sustainable development, the benefits of the appeal scheme are not diminished.
36. The scheme would boost the supply of housing, and I have found the site to be in a sustainable location. There would be benefits associated with the redevelopment of this previously developed land for six houses, including economic ones both during construction and upon occupation of the houses. The loss of the existing employment use would not be an impediment to development and the proposal would not cause harm to the character and appearance of the area. It would also provide appropriate infrastructure contributions.
37. The objectives behind the policies controlling the location of new housing are broadly to protect the countryside and minimise the amount of land taken for development; avoid the loss of the best and most versatile agricultural land; and

prevent the loss of important landscape characteristics. This in turn also helps to minimise the impact of private vehicles and support sustainable transport options.

38. Given that the site is previously developed, the proposed redevelopment would not result in the loss of land which is of agricultural or landscape value. It would be replaced by a development which would have a low impact on the character of the area given the adjacent urban expansion. Furthermore, I have already found the site to be in a sustainable location. As such there would not be the harms arising for the proposal which the development plan policies seek to resist.
39. Consequently, there would be no harm to the aims and objectives of the development plan policies, other than the intrinsic conflict with them insofar as the location outside of a settlement boundary is concerned. The location of the proposal and circumstances surrounding the site would not necessarily be applicable to other sites, and in combination with the benefits, these material considerations outweigh this conflict.

Conditions

40. I have had regard to the conditions set out in the Council's submissions and relevant guidance on the imposition of conditions. Both parties have had the opportunity to comment on the conditions. I have obtained the appellant's written agreement where it has been necessary to impose pre-commencement conditions.
41. In addition to the standard time limits a condition specifying the approved plans is necessary in the interests of certainty. It is not necessary to include the drawings of the house types as I am only approving the access and layout.
42. Similarly, it is not necessary for there to be separate conditions seeking details of the dwellings' appearance or the landscaping as the reserved matters stage will provide the Council with sufficient control to assess the adequacy of these details.
43. Drainage is not a reserved matter per se and it would be appropriate to have details agreed prior to the commencement of development in order to reduce the impact of the development on flooding and pollution.
44. The site's location means that it is reasonable and necessary for conditions to control the hours of construction and demolition works as well as requiring the provision of a Construction Environmental Management Plan.
45. To ensure the development functions as intended, conditions relating to the provision of junction/visibility works, car parking spaces, turning areas, cycle storage, bin stores and noise mitigation are necessary. In the light of my observations on the relationship between some of the car parking and oak tree, a condition controlling the provision and layout of the parking in that area is necessary.
46. To ensure the effect of the development on the site and surrounding area is suitably mitigated, the implementation of the measures set out in the Preliminary Ecological Appraisal prepared by Deepdene Ecology, dated April 2023 will need to be conditioned.
47. The provision of a fire hydrant is reasonable and necessary to protect the safety of future occupiers.

- 48. Given the previous use of the site and range of users, the site will potentially be contaminated. Conditions addressing this matter are therefore reasonable and necessary.
- 49. As electric vehicle charging points now fall under building regulations, and in the absence of evidence to the contrary, there is not a planning reason to secure such matters through this decision.

Conclusion

- 50. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given, the proposal is acceptable, and the appeal should succeed.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following:
Location Plan - 3919-PL-01
Proposed Site Plan - 3919-PL-S1 A
Proposed Layout Plan - 3919-PL-S2 A
Ecological Appraisal prepared by Deepdene Ecology, dated April 2023
- 5) No development shall take place until detailed foul and surface water drainage schemes for the site have been submitted to and approved in writing by the local planning authority.
The submitted details shall:
 - i) include a timetable for implementation; and,
 - ii) provide, a management and maintenance plan for the lifetime of the development which shall include the 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 development shall be carried out in accordance with the approved details. The drainage schemes shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 6) No development shall take place until details showing the proposed location and details of fire hydrant(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be fully implemented in accordance with the approved details and no dwelling hereby permitted shall be occupied until the approved details have been installed and are operational.
- 7) No development shall take place until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include details of the following:
 - i. measures to control noise, dust and vibration affecting nearby residents;
 - ii. artificial illumination;
 - iii. surface water during construction;
 - iv. anticipated number, frequency and types of vehicles used during construction;
 - v. the method of access and routing of vehicles during construction;

- vi. the parking of vehicles by site operatives and visitors;
 - vii. the loading and unloading of plant, materials and waste;
 - viii. the storage of plant and materials used in construction of the development;
 - ix. the erection and maintenance of security hoarding;
 - x. provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
 - xi. details of public engagement both prior to and during construction works; and details of responsible persons and means of communication with them.
- 8) No development shall take place until details of a scheme for protecting the proposed dwellings from external noise has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before the dwellings are occupied and shall be retained thereafter.
- 9) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.
- 10) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 11) Demolition or construction works shall take place only between 0800 - 1800 hours on Monday to Friday; between 0800 - 1300 hours on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- This means no construction plant or machinery shall be used; no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled; and no vehicles shall arrive or depart, within the application site outside of the specified times.

- 12) Notwithstanding the approved plans, details of the parking layout within the canopy of tree T2 as shown on drawing 3919-PL-S2/A shall be submitted to and agreed with the council. The approved details shall thereafter be fully implemented.
- 13) Prior to the occupation of any dwelling hereby permitted, the car parking spaces and turning areas, cycle and bin stores as shown on the approved drawings shall be fully implemented and thereafter retained.
- 14) Prior to the occupation of any dwelling hereby permitted the access junction with Shipley Bridge Lane shall be provided in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 15) The development hereby permitted shall be undertaken in full accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal prepared by Deepdene Ecology, dated April 2023.

****** END OF SCHEDULE******