
Appeal Decision

Site visit made on 3 December 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2026

Appeal Ref: APP/D3830/W/25/3372249

Hurst House, Common Road, Copthorne, West Sussex RH10 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Richard Crane against the decision of Mid Sussex District Council.
 - The application Ref is DM/25/1864.
 - The development proposed is Permission in Principle for development of 3 to 4 residential dwellings (including the existing dwelling).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. Therefore, the main issues are, whether the site is suitable for residential development in respect of its amount with particular regard to character and appearance and, in respect of its location and land use with particular regard to the Council's strategy for the location of development and accessibility by sustainable transport modes.

Reasons

Character and appearance

5. The prevalent appearance in this area is of a wooded countryside character with some sporadic buildings. Properties are generally well spaced, set in their own grounds and appropriate to this semi-rural setting. Although there is some development including the petrol station and development at Newlands Park, these limited clusters do not alter the overriding countryside character. This area is

part of CA3: Copthorne Common and Woodland area as defined in the Copthorne Neighbourhood Plan 2021-2031 (2021) (NP), with the relevant policy being CNP10. The NP identifies its positive characteristics as including larger areas of woodland which contribute to a rural character, with Copthorne Common providing a verdant backdrop for the settlement. This is broadly in accordance with these findings.

6. The appeal site is a large, detached house set in generous landscaped grounds. There are trees across the site, particularly along the boundaries and to the rear where the site tapers, and there is a Tree Preservation Order (TPO) which covers all these trees. Overall, the spacious and verdant character of the appeal site makes a positive contribution to its semi-rural surroundings.
7. The proposed development would introduce 3 to 4 dwellings to this site. Based on the evidence in this case, their location would be constrained by the root protection zones of the numerous protected trees, including those to the side and rear of the site. This would lead to a concentration of dwellings around the central part of the site. The resultant cluster of 3-4 dwellings would be cramped in this context and would undermine the spacious character of the surrounding area and consequently would be harmful to the important characteristics of this countryside location. The creation of high quality places is fundamental to what the planning process should achieve. Therefore, the harm in this regard would be significant.
8. The appeal scheme would result in a density of 9-11 dwellings per hectare, which is lower than other schemes permitted in this borough including the development of 200 homes at land South of Crawley Down Road (LPA ref: DM/23/0810). However, the scale of the development is clearly different and I do not have evidence that these sites are similar, as such this does not alter my findings.
9. Therefore, the proposed development would be harmful in respect of its amount with particular regard to character and appearance. As such it would be contrary to Policies DP26 and DP37 of the Mid Sussex District Plan (2018) (DP) and CNP1, and CNP10 of the NP. Together, in addition to the aims set out above, these require high quality design, which reinforces local character and distinctiveness and the protection of trees amongst other things.
10. Policy DP29 of the DP mainly relates to noise, air and light pollution and CNP1.2 of the NP mainly relates to harm to amenity. Therefore, the policies set out above are more relevant to this main issue.

Strategy for the location of development

11. Together policies DP6, DP12 and DP15 of the DP set out the strategy for the location of development for the borough. The policies generally seek to concentrate development within existing settlements. Of relevance to this, policy CNP1 of the NP also requires that development maintains separation between Copthorne Village and surrounding settlements. In addition, the Settlement Hierarchy provides criteria for the expansion of settlements outside built up boundaries. These require that, amongst other things, the site is contiguous with an existing built up area of the settlement and the development is sustainable. The policies also allow for new homes in the countryside where they meet specific circumstances which, of relevance to this appeal, include whether the development meets the requirements of the settlement hierarchy.

12. The site is separated from the built up area boundary of Copthorne, a 'category 2' settlement, by other houses and the open space at Copthorne Common. There are other properties nearby, however these are not within a defined built up area boundary. The site is not contiguous with an existing built up area of a settlement and the development is therefore in the countryside for the purposes of the development plan. Consequently, the appeal scheme would be contrary to the Settlement Hierarchy and as such the exceptions which would allow residential development in the countryside do not apply in this case.
13. Therefore, with particular regard to the Council's strategy for the location of development, the proposed location and land use would be harmful. As such, it would be contrary to policies DP6, DP12 and DP15 of the DP and CNP1 of the NP, the aims of which are set out above.
14. Policy CNP2 of the NP relates to development within the defined built up area and Policy CNP10 of the NP mainly relates to the character of this area. Therefore, the policies set out above are more relevant to this main issue.

Accessibility by sustainable transport modes

15. Policy DP21 of the DP sets out that development proposals should take into account whether the scheme is sustainably located to minimise the need for travel and promote the increased use of alternative means of transport to the private car.
16. Opposite the appeal site is a garage and small convenience store, and there is a pub nearby. There are also bus stops along Copthorne Common Road which provide further connections. Other facilities are available within Copthorne and although there is a pavement which leads to these services, part of the route is along the busy A264 and, taking into account the clear separation between this site and the settlement, they are, generally somewhat distant.
17. The occupiers of the properties would be able to access certain services and facilities by sustainable transport modes. However, car journeys would be required for most trips. Therefore, although residents would not be wholly dependent on the private car, there are limitations as to the choice of alternative transport modes for future occupiers. As such, whilst there would be access to some walking and cycling routes, nevertheless, and taking into account the site's location outside the settlement of Copthorne and consequently its separation from the services within it, it would not be sustainably located to minimise the need for travel.
18. Recent appeals at Firs Farm (Appeal ref APP/D3830/W/25/3366245 and APP/D3830/W/25/3366246), close to the site, were found to be an appropriate location for this development having regard to the accessibility of services and facilities and sustainable transport options and I have taken these decisions into account. However, this scheme was for a conversion of existing buildings. There are inherent limitations in the location of an existing building for conversion, and as such the considerations as to whether such a scheme would be sustainably located are different to the proposed development for new houses.
19. Therefore, with particular regard to its accessibility by sustainable transport modes, the proposed location and land use would be harmful. As such, it would be contrary to policy DP21 of the DP, the aims of which are set out above.

Other Matters

20. The Council do not have a five year supply of deliverable housing sites and a recent appeal (APP/D3830/W/24/3350075) has identified around a 2.4-3.4 year supply. The need to boost housing supply is set out in the written ministerial statement entitled 'Planning Reform: Next Phase'. The proposed development would provide an increase of 2-3 dwellings and would make a positive contribution to this important matter. However, this is a lesser number than those proposed in appeal APP/D3830/W/25/3361729, and therefore the scale of the contribution towards the provision of housing is lower. Overall, the proposed development would make an important but small increase to housing land supply in this area where there is a shortage.
21. The appeal scheme would result in the development of a small site. It would also provide temporary economic benefits during construction as well as long term spend in this area from future occupiers. It would be required to provide a biodiversity net gain in line with the statutory provision of 10%, and there would be a New Homes Bonus for the Council. Overall, taking into account the scale of the development there are moderate benefits.
22. I am provided with a number of other appeal decisions, both dismissed and allowed for various reasons in this LPA area. However, there is little before me to indicate how these are similar to the scheme before me now and as such these have not altered my decision.

Planning Balance

23. The Council does not have a five year housing land supply. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (Framework) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole having particular regard to key policies.
24. The proposed development would provide an increase of 2-3 new dwellings and the social and economic benefits of this. As outlined above there would be important but moderate benefits in favour of the appeal scheme.
25. The development proposes housing outside the built up area boundaries and would be contrary to these policies in this regard. However, taking into account the housing land supply position, in this particular case, I afford the conflict with policies DP6, DP12 and DP15 of the DP limited weight.
26. Nevertheless, for the reasons set out above the appeal scheme would not direct development to a sustainable location. Nor would it be sympathetic to local character or add to the overall quality of the area. Therefore, it would not secure a well designed place or make an effective use of land in these regards. Together this harm is significant.
27. Even taking into account the lowest housing land supply figure put to me, the significant adverse effects would significantly and demonstrably outweigh the moderate benefits set out above when assessed against the Framework taken as

a whole and having particular regard to key policies. Therefore, the presumption in favour of sustainable development would not apply in this case.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR