

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0146	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective application for the retention of the raised path to east and west of the dwelling, extension of the existing rear raised patio to join the raised path and extension of timber fencing. Plot C.		
Site:	Land Adj To 25-31 Town Wood Close, Lindfield, West Sussex, RH16 2GQ, , , ,		
Validation Date	11 Feb 2026	Overall Expiry Date:	25 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Apr 2026
Target Date:	8 Apr 2026	Recommending Officer Signature:	Jessica Szollosi

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0146

**Land Adj To 25-31 Town Wood Close, Lindfield, West Sussex, RH16 2GQ, , ,
Retrospective application for the retention of the raised path to east and west of the dwelling,
extension of the existing rear raised patio to join the raised path and extension of timber fencing.
Plot C.
Mr Peter Beckham**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation were received from neighbouring properties.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

Lindfield Rural Parish Council has no comments on the application.

INTRODUCTION

Retrospective planning permission is sought pursuant to S. 73a of the Town and Country Planning Act 1990 (as amended) for the retention of the raised path to the east and west of the dwelling, extension of the existing rear raised patio to join the raised path and the proposed extension of timber fencing on the east boundary to act as a privacy screen between the patio and neighbouring flats.

RELEVANT PLANNING HISTORY

DM/17/2271 - Outline application for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self/ custom build plots (use class C3) with associated infrastructure, landscaping and access. All matters to be reserved except for access. Amended description 21/8/2017 to include self / custom build. Approved 26/04/2018

DM/19/2845 - Reserved Matters application relating to Outline approval DM/17/2271, for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works. Approval of custom build plot location. Amended plans received showing alterations to design of dwellings, inclusion of play area and widening of access. Approved 25/11/2019

DM/22/3504 - Application for approval of reserved matters pursuant to the new dwelling for Plot A custom builds in association with planning applications DM/19/2845 and DM/17/2271 for the approval of the appearance, landscaping, layout and scale. Approved 11/01/2023

DM/24/0534 - Proposal for two detached dwellings following expiration of application DM/19/2845 Reserved Matters application relating to Outline approval DM/17/2271, for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works. Approved 24/04/2024

DM/24/1882 - Variation of condition no 2 relating to planning application DM/24/0534 Plots B and C - changes to general design in form of a small rear dormer to replace 2 no Velux windows. Slight repositioning of ground floor side window serving stairs. Photovoltaic panels to rear roof slope. Approved 27/09/2024

SITE AND SURROUNDINGS

Town Wood Close is a recently constructed residential development off High Beech Lane. The development comprises a variety of designs and materials comprising brick, black timber weatherboarding, render and tile hanging facades with slate and clay roof tiles in an assortment of roof designs such as knapped flint, gable, hipped and barn hipped.

The properties within the residential development are set around a circular road, with the application site set to the south of the development in a small crescent off the circular road.

The site is located at a ground level lower than the properties to the north of the site as the land slopes north to south and west to east.

To the north of the site are two roads; the crescent road and the circular road which are separated by a small area of open green space between them. Beyond that are a combination of semi-detached and detached residential dwellings with attached garages and off-street parking. Large detached dwellings are located to the south of the site and separated by an area of mature hedges and trees acting as a screen from the development. To the east of the site is a block of flats separated by a small area of open green space with a path running adjacent to the property boundary to the rear of the flats which serves as a car park. Directly west of the site is a house built by the same developer in a similar design and materials.

The site falls within the built up area of Lindfield as set out in the District Plan.

APPLICATION DETAILS

Planning approval (planning reference: DM/24/0534) was granted on 4th April 2024 for the construction of two detached dwellings on the site of two previously approved self/custom build plots. Planning reference DM/24/0534 approved a path on the east and west of the site between the dwellinghouse and boundary fences which stepped down from the higher ground levels to the north of the site following the sloped terrain of the land. To the rear of the property, a patio was approved which spanned the width of the dwelling with steps down to the garden.

This household application seeks retrospective planning permission to raise the path to the east and west of the dwelling between the dwellinghouse and property boundary to create a single level and more accessible path from the front to the rear of the property. Furthermore, the proposal seeks permission for the extension of the rear patio to the east and west property boundary to join the raised path creating a wrap-around path/patio.

Further to the above, the proposal also seeks to extend the height of the timber fence on the east boundary adjacent to the patio by adding 0.6 metres of timber trellis, extending the fence from 1.8 metres to 2.4 metres from ground level across a width of two fence panels measuring 4 metres. The extension of the fence height seeks to act as a privacy screen between the patio and neighbouring flats.

The construction of the path and patio are complete and therefore the application is made pursuant to s.73a of the Town and Country Planning Act 1990 (as amended).

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Lindfield and Lindfield Rural Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but it is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP26 - Character and Design

DP28 - Accessibility

Site Allocations DPD

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.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan is a 'made' plan. It carries full weight in the determination of planning decisions.

There are no relevant policies.

Other Material Considerations

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

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 the 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:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPH12 - Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2023 is also a material consideration and paragraphs 8, 11, 117, 131 and 135 are considered to be relevant to this application.

ASSESSMENT

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

- Design and Character
- Impact on Neighbouring Properties
- Accessibility
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

o is of high quality design and layout and includes appropriate landscaping and greenspace;
o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
o protects open spaces, trees and gardens that contribute to the character of the area;
o protects valued townscapes and the separate identity and character of towns and villages;
o 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 (see Policy DP29);
o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
o positively addresses sustainability considerations in the layout and the building design; o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
o optimises the potential of the site to accommodate development.'

The proposed raised path to the east and west of the dwelling have been finished in grey outdoor tiles with grey shingle running along the sides of the house and boundary fence for drainage purposes. The path is raised by some 0.6 metres at the rear of the property to bring it level with of the patio. The patio has been finished in the same grey outdoor tiles creating a cohesive wrap-around design. Timber railway sleepers retain the raised patio to the south of the site and match the timber fence and proposed trellis extension.

This development would not be considered to be easily visible from the street scene. However, given the slope of the land from north to south and west to east, persons using the raised path and patio would be visible to the neighbouring flats to the east of site. Conversely, persons standing on the patio would be able to see into the neighbouring flats to the east of the site. However, the impacts caused as a result of the proposed raised path and patio extension would not be considered significantly different from those experienced from the existing patio.

As such, the proposed extension of the existing timber fence from 1.8 metres to 2.4 metres in height from ground level (1.8 metres from the patio) across a width of 4 metres adjacent to the patio on the eastern boundary aims to act as a privacy screen, thereby mitigating impacts to neighbouring flats to the east of the site. The proposed fence extension comprises a 0.6 metre high timber trellis constructed of treated timber poles. While the proposed trellis is also timber, the design of it would not be considered to integrate seamlessly with the close-boarded fence, however, due to the form and scale of the existing fence, the applicant has advised that a similar close boarded design would not be structurally supported.

Whilst the extension of the fence would create a 4 metre section of timber trellis some 0.6 metres higher than the remainder of the fence which would not be considered to integrate seamlessly into the existing

fence design, it would not be considered to cause significant harm from a design and character perspective when considering its impact on the existing site and the surrounding buildings.

As such, the development would be deemed to comply with the above part of policy DP26 of the District Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that 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 (see DP29);'

Due to the domestic nature of the proposed development, it is not considered to cause any harmful impacts in terms of noise, air and light pollution.

With regards to the flats to the east of the application site, the raised path and patio extension would not be considered to cause any loss of light. However, the patio and raised path would be considered to cause some outlook and privacy impacts to these flats given the slope of the land and the flats location at a lower ground level, its windows directly overlooking the application site and its proximity and location further south than the application site.

However, in order to mitigate the harm to outlook and privacy, the applicant has proposed a 0.6 metre increase in height across a 4 metre section of fencing adjacent to the raised patio to act as a privacy screen. This would be considered to mitigate the privacy and outlook impacts to the neighbouring flats to the east of the site from the patio area.

Given that the fence is raised for a 4m section adjacent to the patio, impacts to the flats' privacy and outlook would remain along the path to the east of the dwelling north of the raised fence. However, given that the path is raised by a maximum of approximately 0.45 metres at the highest point north of the extended fence section and the use of the raised path would likely be used for access and/or storage means, the impacts experienced within this area would be considered limited.

When considering the patio extension, the harm experienced as a result of the proposed development would not be considered markedly different to that of the existing patio as the privacy impacts would be similar when standing on the existing patio and approximately 1 metre to the east where the patio extension meets the boundary fence. The proposed extension of the fence adjacent to the patio would act as a privacy screen between the site and flats to the east, thereby reducing existing and proposed privacy/outlook harm to amenity from the patio area, improving the privacy and outlook to both the application dwelling and the flats to the east of the site in the proposed scenario.

The property to the west of the site has been constructed by the same developer. A retrospective application is currently pending pursuant to S. 73a of the Town and Country Planning Act 1990 (as amended) in relation to the raised path, extension of the raised patio to meet the raised path and extension of the fence height, which the Council would consider acceptable in planning terms having visited site and seen the proposed development as implemented.

The proposed development for both the application property and the property to the west of the application site is located at similar ground levels adjacent to each other. The retrospective application pending for the property to the west of the site encompasses, inter alia, a stepped fence to the west of the application site, which measures approximately 1.8 metres from patio height. As such, the proposed development would not be considered to cause overlooking and privacy concerns to the property west of the application site.

The properties to the north of the application site would not be considered to experience any impact in terms of privacy and outlook due to the separation of distance between these properties and the application site. Furthermore, properties to the south of the site behind the mature trees and hedges would not be impacted as a result of the separation of distance and screening from the site.

Given the above, the proposal and mitigation would not be considered to cause significant harm to neighbouring amenity and the proposal would therefore comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Accessibility

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily. This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

The proposed development improves accessibility from the driveway to the rear of the property via the raised path which meets the patio.

Therefore, the development remains in compliance with the requirements of policy DP28 and the contents of paragraph 131 of the NPPF.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Whilst the design of the fence extension in relation to the existing closed boarded timber fence has been noted, the materials are the same and the development would not be considered to cause substantial harm in terms of design and character and will not negatively impact the dwelling or its immediate setting. Furthermore, the development would not be considered to cause substantial loss to the neighbouring amenity when considering the proposal in its entirety. In conclusion, the development would accord with the requirements of DP26 of the Mid Sussex District Plan. The development is considered to maintain high accessibility standards and therefore the development is considered acceptable in terms of DP28 of the Mid Sussex District Plan.

In light of the above, the proposal would therefore accord with the requirements of policy DP26 and 28 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Jessica Szollosi