

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2675	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective application for a new hard standing to front driveway and erection of fencing to front boundary		
Site:	2 Oak Cottages, Vicarage Road, Crawley Down, Crawley, West Sussex, RH10 4JF, ,		
Validation Date	8 Dec 2025	Overall Expiry Date:	30 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 Jan 2026
Target Date:	2 Feb 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:	2 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2675

**2 Oak Cottages, Vicarage Road, Crawley Down, Crawley, West Sussex, RH10 4JF,
Retrospective application for a new hard standing to front driveway and erection of fencing to
front boundary
Mr David Close**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

Worth Parish Council deferred the decision to the Planning Officer.

INTRODUCTION

2 Oak Cottages is a semi-detached dwellinghouse located on Vicarage Road within the Built-Up Area Boundary of Crawley Down. The retrospective application seeks permission for hardstanding to the front driveway and the erection of a fence on the front boundary.

RELEVANT PLANNING HISTORY

05/00941/FUL - Two no. chalet semi-detached dwellings and associated parking. Permission.

SITE AND SURROUNDINGS

The application property is a semi-detached two-storey dwelling located within the Built-Up Area Boundary of Crawley Down on the north end of vicarage Road.

The application property is set back from the highway with off-street parking and an entrance shared with the neighbouring property of 1 Oak Cottages to the south of the site. The retrospective development is on land owned solely by the applicant.

The application property has a pitched tiled roof and is constructed from brick with white uPVC fenestration. The locality is characterised by detached and semi-detached dwellings of similar design and form, set back from the highway with private driveways and off-street parking.

Jensen Cottage is a link-detached property located to the north of the site on the corner of Vicarage Road and Sunnyhill Close. This property has an Oak tree within their property boundary with a Tree Protection Order (WP/01/TPO/05). The root protection area would fall within the development site boundary.

Derwerden and Pinewood are semi-detached properties located to the east of the application site on the opposite side of Vicarage Road and overlook the development. 1 Buckley Place is a semi-detached property located further south of the site on the corner of Vicarage Road and Buckley Place.

APPLICATION DETAILS

The retrospective application seeks to obtain planning permission for the construction of hardstanding to the front driveway and the erection of a boundary fence. The development is complete and the application is therefore made under s.73a of the Town and Country Planning Act.

The application is for hardstanding which has been laid to the northeast corner of the property, forward of the principle elevation of the main dwellinghouse and enclosed by a 1.85 meter high closed boarded fence constructed to the northeast of the site along Vicarage Road. The fence is located 2.5 meters from the road and is set behind a pedestrian pavement and a small hedge. The fence measures 1.85 meters high and 9 meters in length; 6 meters of which is located along the eastern property boundary on Vicarage Road with a forty five degree center and a further 2 meters of fencing within the property curtilage.

The hardstanding has been constructed with part concrete and part block paving measuring an area of approximately 11 meters in depth and 7 meters in width. The hardstanding has been constructed using a permeable base to manage the risk of surface water flooding and excess surface water run-off.

Planning permission for the hardstanding and boundary fence is required due to condition 12 of the original planning permission for the dwelling. Condition 12 of planning permission 05/00941/FUL reads as follows:

'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as amended in the future, no enlargement, improvement or other alteration of the dwellinghouse, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwellinghouse) without the specific grant of planning permission by the Local Authority.'

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 Crawley Down 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 is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP26 - Design and Character
DP37 - Trees, woodland and hedgerows
DP41 - Flood Risk and Drainage

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.

Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made in 2016.

Relevant policies:

Policy B1 - Design

Policy CDNP06 - Sustainable Drainage Systems

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, 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:

DPB1 - Character and Design

DPS4 - Flood Risk and Sustainable Drainage

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 2023)

The National Planning Policy Framework (NPPF) 2023 is also a material consideration and paragraphs 8, 11, 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
- Trees, Woodland and Hedgerows
- Flood Risk and Drainage
- Biodiversity net gain
- Other matters

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 Mid Sussex Design Guide seeks high quality design from all proposed development.

Policy B1 of the Crawley Down Neighbourhood Plan states:

'A high standard of design, construction and layout will be expected in new buildings, including alterations and extensions. All proposals for development will be required to:

- o Demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place, especially to neighbouring buildings, their landscape or townscape setting and the regional and/or local building style. Regard should be given to the proposal's contribution to a sense of place. In the case of alterations and extensions, including new shopfronts, the proposals must be sympathetic to the building to which they relate. Factors to be taken into consideration include the scale, massing, siting, density, views, height and orientation of the new buildings in relation to those already existing;*
- o Use materials of a quality, type and colour appropriate to the site and its surroundings which conform to the general range in the vicinity, and which enhance the distinctiveness of traditional building materials and styles;*
- o Show that adequate consideration has been given to the spaces between and around buildings, and that effective use has been made of any existing landscape features; and*
- o Provide suitable new planting of trees and shrubs appropriate to the site and its location. Where appropriate existing wildlife habitats including green corridors and river courses should be protected and enhanced. All planning applications should include a design statement, unless otherwise agreed with the Council.'*

The retrospective application relates to the installation of hardstanding to the front driveway and the construction of a close boarded timber boundary fence with concrete posts and gravel boards within an established area in Copthorne, Crawley Down. The houses located within the area surrounding the development site comprise detached and semi-detached houses built in a similar traditional design and form, set back from the highway with private driveways offering off-street parking behind fences or hedges.

Retrospective planning permission is sought for hardstanding which has been constructed with part concrete and part block paving. The concrete portion of the hardstanding has been constructed using concrete block pavers laid on a sharp sand bedding layer over a graded granular sub-base. The other element has been constructed with permeable block paving and laid over a compacted sub-base. These permeable materials have been implemented as an infiltration measure to avoid water run-off onto the public highway.

The concrete hardstanding is visible from the highway, however, the block paving is located behind the close boarded boundary fence and cannot be seen from the public highway due to the cantered angle of the fence.

The new concrete hardstanding is comparable to the existing hardstanding on site as the materials are similar in colour and form. The block paving is different in style and material to the concrete hardstanding, but keeps with the character of the main dwellinghouse in that the block pavers used are similar in colour to the bricks used on the host dwelling. The materials work cohesively to create a well-designed separation of the areas.

The close boarded boundary fence is constructed from timber with concrete posts and gravel boards and runs the length of approximately 6 meters along the eastern property boundary. There is a short hedge that runs along the portion of fence facing the public highway giving the fence a softer look which adds to its overall design. This fence is well designed and congruent with the character of the area where houses are set back from the road behind boundary treatments, including fences or hedges.

In light of the above, the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan and Policy B1 of the Crawley Down Neighbourhood Plan and the development would be considered acceptable in planning terms.

Trees, Woodland and Hedgerows

DP37 of the Mid Sussex District Plan states that:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not normally be permitted.'

The application for hardstanding and the erection of a fence, for which construction has already taken place, falls within the root protection area of an Oak tree which has a Tree Protection Order in place (WP/01/TPO/05). Given that the works have already been completed, the damage, if any, would have already been done.

Given the above, the development would not comply with DP37 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'

'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates'

'Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.'

'For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.'

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures;*
- 2. Attenuation and discharge to watercourses; and if these cannot be met;*
- 3. Discharge to surface water only sewers. Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

Policy CDNP06 of the Crawley Down Neighbourhood Plan was drafted in 2016 and states as follows:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1. infiltration measures;*
- 2. attenuation and discharge to watercourses;*
- 3. discharge to surface water only sewers.'*

The development has an infiltration drainage system to manage surface water given the concrete hardstanding has been constructed using concrete block pavers laid on a sharp sand bedding layer over a graded granular sub-base and the block paving has been constructed with permeable block paving and laid over a compacted sub-base.

These permeable materials have been implemented in order to manage the risk of surface water flooding within the application site's property boundary and elsewhere within the Parish, including run-off onto the public highway.

Given the permeable materials used to avoid surface water flooding and run-off, the Council would consider this application to comply with DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan.

Biodiversity Net Gain

Biodiversity net gain is not required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 due to the retrospective nature of this planning application.

PLANNING BALANCE AND CONCLUSION

In conclusion, the development would accord with the requirements of policy DP26 of the Mid Sussex District Plan and Policy B1 of the Crawley Down Neighbourhood Plan given that the development is appropriate in terms of design and character and will not negatively impact the dwelling or its immediate setting.

The development would also be considered to comply with DP41 of the Mid Sussex District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan in that the development has a sustainable infiltration drainage system to avoid surface water flooding and run-off.

Given that the development has already taken place within the root protection area of a protected Oak tree, the development would not comply with DP37 of the Mid Sussex District Plan, however, this would not justify refusal of the application in order to protect the tree as the damage, if any, has been done such that the other matters outweigh the non-compliance with DP37 of the Mid Sussex District Plan.

In conclusion, the development is considered appropriate in terms of design and character; flood risk and drainage on a balance and would not be considered to substantially harm the host dwelling and character of the neighbouring amenity.

In light of the above, the proposal would therefore accord with the requirements of policy DP26 and DP41 of the Mid Sussex District Plan, Policy B1 and CDNP06 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF. The development is therefore considered acceptable.

Decision: Permission

Case Officer: Jessica Szollosi