

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                         |                                        |                |
|----------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------|----------------|
| <b>Ref. No:</b>                              | DM/25/2204                                                                              | <b>Case Officer:</b>                   | Andrew Horrell |
| <b>Application Type:</b>                     | Householder Application                                                                 |                                        |                |
| <b>Proposal:</b>                             | Erect a 1.8m high wooden fence with concrete posts and base along the northern boundary |                                        |                |
| <b>Site:</b>                                 | 22 Pavilion Way, East Grinstead, West Sussex, RH19 4SS, , , ,                           |                                        |                |
| <b>Validation Date</b>                       | 8 Sep 2025                                                                              | <b>Overall Expiry Date:</b>            | 25 Nov 2025    |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                         | <b>Pre-Com Conditions Date Agreed:</b> |                |
| <b>Recommendation:</b>                       | Permission                                                                              | <b>Recommendation Date:</b>            | 26 Nov 2025    |
| <b>Target Date:</b>                          | 3 Nov 2025                                                                              | <b>Recommending Officer Signature:</b> | Andrew Horrell |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |             |
|------------------------------|-----------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 26 Nov 2025 |
| <b>Comments:</b>             |                 |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/2204**

**22 Pavilion Way, East Grinstead, West Sussex, RH19 4SS, , ,  
Erect a 1.8m high wooden fence with concrete posts and base along the northern boundary  
Mr Julian Williams**

### **SUMMARY OF REPRESENTATIONS**

None received

### **SUMMARY OF CONSULTEES**

None.

### **TOWN COUNCIL OBSERVATIONS**

East Grinstead Town Council: No comment

### **INTRODUCTION**

This application seeks planning permission for the erection of a Erect a 1.8m high wooden fence with concrete posts and base along the northern boundary

### **RELEVANT PLANNING HISTORY**

None relevant

### **SITE AND ITS SURROUNDINGS**

22 Pavilion Way is an end of terrace dwelling in row serving 22-25 Pavilion Way within a cul-de-sac off West Hill. It is a two storey pitched roofed dwelling, characterised by a mix of face brickwork and hanging tiles and upvc doors and windows.

The existing garden northern side and rear eastern boundaries are characterised by close boarded fencing.

To the north of the site is close boarded fencing and grassland to the highway beyond, to the south of the site is the adjoining neighbour No.23 Pavilion way, to the west of the site is hedging with the footpath beyond and to the east of the site is the rear garden with close boarded fencing to access to parking area beyond.

The property is sited within the Built up Area boundary of East Grinstead.

### **APPLICATION DETAILS**

The proposed 1.8m high timber fencing measures approximately some 13m along the side (northern-eastern) boundary footpath, some 5m along the proposed front/side (north-western boundary) and some 5m along the front western boundary to enclose the property.

### **LEGAL FRAMEWORK AND LIST OF POLICIES**

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) *The provisions of the development plan, so far as material to application,*
- b) *And local finance considerations, so far as material to the application, and*
- c) *Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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 East Grinstead 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 Character and design

### **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.

### **Neighbourhood Plan**

East Grinstead Neighbourhood Plan, made November 2016. Relevant policies:

Policy EG3 Promoting Good Design

### **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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan. 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

*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) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

## **ASSESSMENT**

### **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:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *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;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *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;*
- *optimises the potential of the site to accommodate development."*

East Grinstead Neighbourhood Plan policy EG3 states:

*'Planning permission will normally be granted where development proposals meet the following criteria:*

- o *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*

- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- o Proposals make provision for green infrastructure and biodiversity enhancement.'*

The proposed new boundary treatment is sited on a prominent corner on Pavilion Way and will be visible in public vantage points from the The Dakins as well as Pavilion Way.

The proposed line of the new fence will extend beyond the current fenced garden boundary and will serve to enclose land to the front/side of 22 Pavilion Way. The result will be the loss of some open grassed space in public views. Therefore enclosing fences characterise the area.

It is therefore considered that the impact upon public views will not detract from the overall character and appearance of this part of the street.

Consequently, the design and appearance of the proposed works are considered to accord with District Plan Policy DP26, Policy EG3 of the East Grinstead Neighbourhood Plan and with the relevant Design Guide principles.

### **Impact on residential amenities**

In assessing the potential impact of the proposed works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26. Policy DP26 requires that 'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.'

In addition, Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

It is considered that the proposed fence will enclose land that is in the ownership of No 22, increasing privacy for the occupants and will not impinge on the living conditions of the residents of the adjoining houses, due to the spacious layout of the estate. The revised garden boundary will not cause significant harm to the amenities, privacy or light received by the existing neighbouring residents.

The proposal therefore accords with the requirements of Policy DP26 of the District Plan and with the relevant principles of the Design Guide.

### **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**

The proposed boundary fence will enclose an additional area of land within the private ownership of No 22 Pavillion Way. It is considered the proposal will not adversely affect the character and appearance of

views of the property or the overall street scene. The design and appearance of the proposed fence line is considered to accord with the aims of District Plan Policy DP26, Policy EG3 of the East Grinstead Neighbourhood Plan and with the relevant Design Guide principles.

It is considered that the proposal will not cause significant harm to the neighbouring amenities, or their privacy and light.

The proposal accords with the aims of District Plan Policy DP26 and the relevant principles of the Design Guide.

Consequently, the application is recommended for approval.

Decision:       Permission

Case Officer: Andrew Horrell