

# BROOKWORTH HOMES

Mid Sussex District Council  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

11 February 2026

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**RE: 9 RIDDIFORD DRIVE, BURGESS HILL, WEST SUSSEX, RH15 8RJ**

Dear Sir/Madam,

Please find attached, details to support a planning application for a change of use to residential garden land and erection of boundary treatment, at the above-mentioned address. In addition to this covering letter, the application is formed of the following documents:

- A completed application form
- Site location plan – PL-01
- Site layout plan – PL-02
- Plot 21 Fence - BWH208-PL-100 P3

The planning application fee has also been paid via the Planning Portal.

## **SITE DESCRIPTION**

The site comprises a Flat Over Garage (FOG) located within the Fairways development on the western side of Cuckfield Road. The application concerns a piece of land (now fenced) immediately to the south of the FOG and which includes a Blue Cedar tree.

## **PLANNING HISTORY**

The first two records relate to the site itself. The subsequent records relate to the development of the wider site -

<b>Reference</b>	<b>Description of development</b>	<b>Decision</b>
DM/26/0071	Retrospective change of use to residential garden land and erection of fence following refusal of DM/25/2735.	Feedback received
DM/25/2735	Retrospective change of use to residential garden land and erection of fence	Application withdrawn
DM/22/0261	Discharge of planning condition no's : 16, 20 and 21 relating to planning application DM/21/1524	Approved on 26 April 2022
DM/21/1524	Full application for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking	Granted on 17 December 2021
DM/19/3123	Demolition of existing dwelling and erection of 40 new dwellings with new access created onto Cuckfield Road.	Granted on 23 March 2020

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	Amended plans received 2 October showing changes to the elevations of the proposed dwellings and removal of garages to the northwest corner of the site. Amended plans received 31 October showing revised elevations to plots 15 to 26	
DM/19/0164	30 dwellings on Land at Bridge Hall.	Withdrawn
DM/17/3034	Application for outline planning permission for 30 dwellings on land at Bridge Hall. 9 of the dwellings will be for affordable purposes. All matters reserved except for access.	Withdrawn
DM/15/4667	Outline application for 36 dwellings on land at Bridge Hall (Amended plans received 21.06.16 showing increase from 30 to 36 dwellings).	Non-determination appeal allowed on 25 October 2017

### PROPOSED DEVELOPMENT

Planning permission is sought for the retrospective change of use of the land to private amenity space. The application also proposes the replacement of the existing 1.8m high close board fence, with a 1.2m high alternative, details of which can be secured by condition.

### DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 ('TCPA 1990') provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application.

For Mid-Sussex District Council, the Development Plan comprises the District Plan (2018).

As confirmed by the Policies Map, the site lies within a built-up area and an Area of Special Control of Adverts.

### ASSESSMENT

#### Principle of development

Policy DP6 in the District Plan directs development towards towns and villages with defined built-up area boundaries. It goes on to state that "infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design) and not cause harm to the character and function of the settlement.

The site lies within the built-up area as defined in the District Plan, because the built-up area boundary has been drawn to include the land proposed for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc. Provided that the proposal complies with the other material considerations listed below, the principle of development is acceptable in this regard.

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### Impact on character and appearance

District Plan Policy DP26 requires all development to be well designed. Principle DG44 of the Mid Sussex Design Guide (2020) also highlights the importance of the careful selection of facing materials in order to blend into the surroundings and/or complement existing adjacent buildings.

The parcel of land was not specified as communal garden for any of dwellings, nor was it allocated as play space under permission DM/21/1524. Considering the residential nature of the surrounding development, the change of use to private amenity space is entirely in keeping and does not result in any harm to the appearance of the area. Although now enclosed within the garden, the size of the Cedar tree is such that it can still be viewed from around the development site and offers the same amenity value.

Following the withdrawal of application DM/25/2735, a pre-application meeting was held with the Planning Officer in order to address the points previously raised. The design and appearance of the existing close board fence was discussed, as well as various alternatives and it was agreed that the concerns relating to the appearance of the boundary treatment could be overcome by design.

This application does not propose specific details of an alternative at this stage. That said, in instances such as this, where there is no issue with the principle of development, the imposition of a planning condition requesting further detail, is entirely appropriate. This is evidenced within the Planning Practice Guidance (PPG), which advises that “conditions can...enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.”

Such a condition, requesting details of materiality within a specific time frame e.g. within three months would meet the six tests as outlined in paragraph 57 of the National Planning Policy Framework (2024). With this in mind, the proposal complies with District Plan (2018) Policy DP26.

### Trees

District Plan DP37 confirms that the Council will seek to support the protection and enhancement of trees and that proposals which lead to the damage of trees will not normally be permitted.

In order to fully assess the potential impact on the Blue Cedar tree, a Tree Report (The Tree Consultants, February 2026) is submitted in support of this application. The report assesses the condition of the tree and the impact of the using the land for private amenity space vs communal space. It also considers the impact of the existing fence although it is noted this application does not seek to regularise this fence.

It concludes that the health of the tree has already been impacted, most likely by the construction process and the land use around the tree is unlikely to make a significant impact on the tree's chances of survival beyond 10 years. Furthermore, there is no evidence to suggest that an alternative boundary treatment of 1.2m as proposed as part of this application, would have any impact on the tree and the proposal therefore complies with Policy DP37 of the District Plan (2018).

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### Impact on neighbouring amenity

District Plan Policy DP26 seeks to ensure that new 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.

There is no legal right to a view and while the presence of the boundary treatment and the residential paraphernalia which may result in the use of the land as private amenity space, may have changed the outlook from the neighbouring properties to the west, it has not been harmed to an extent which would warrant a refusal. The proposal therefore complies with Policy DP26 of the District Plan (2018).

### Ecology

On 12 February 2024, Schedule 14 of the Environment Act (2021) came into force, making Biodiversity Net Gain (BNG) a condition of planning permission, unless an exemption/exclusion applies.

Paragraph 20 of Schedule 7A details exclusions to this requirement and includes planning permission which has been granted under section 73A of the Act. For clarity, Section 73A provides for retrospective planning applications made in respect of old development which has been carried. As this is a part retrospective planning application, the change of use falls under this exclusion. In terms of the proposed boundary treatment, as it would not impact more than 25sqm of onsite habitat, this part of the development would be exempt under Regulation 4 of the Biodiversity Gain Requirement (Exemptions) Regulations 2024.

### **SUMMARY**

The principle of the development is compliant with policy and does not pose any further harm to the health of the Blue Cedar tree, which is incidentally, already in decline. Subject to the imposition of an appropriately worded condition, the boundary treatment will not harm the character and appearance of the area. As such, the proposal complies with the Development Plan.

I trust that the information provided above and on the enclosed information is sufficient for the Council to register and consider this application. Should you require any clarification or additional information, please do not hesitate to contact me.

Yours faithfully



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