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

06 August 2026

Dear Ms Szollosi,

APPLICATION: DM/26/1597

PROPOSAL: RETROSPECTIVE APPLICATION TO LEVEL REAR GARDEN, AND INSTALL PATIO AREA.

SITE: 5 WILLIAM ALLEN LANE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 2SA

I am writing on behalf of Sue Massingham of 7 William Allen Lane, Haywards Heath. We wish to register our strongest objections to this planning application, for the reasons detailed in this letter. We ask that our concerns be addressed, and taken into consideration in the determination of this application.

1. Inaccurate Description of Development

The description of development fails to mention land raising, which is the principal operational development that has been undertaken by the applicants in their rear garden. Referring to the development as 'levelling' minimises the significance of the works that have been carried out in the rear garden of this property, without planning permission. The word 'levelling' implies a re-grading of an uneven lawn, possibly by way of a 'cut and fill' exercise, with no new soil being used to 'level' the land. This is not what has occurred at no. 5, as evidenced by the increase in the ground level on my client's side of the applicant's garden (see point 2 below).

The Planning Practice Guidance (PPG) states that before publicising and consulting on an application, the local planning authority (LPA) should be satisfied that the description of development provided by the applicant is accurate.¹ That statement places a duty on the Council to ensure that the description is accurate and that third parties and decision makers can understand what is being proposed.

The principle activity undertaken is the raising of ground levels. Even the applicant's own section drawing shows land raising of up to and over half a metre in northernmost section of their garden, in addition to land raising of between 200mm and 550mm over a distance of 21 metres extending along my client's boundary (the north-west site boundary). Even though this drawing underestimates the true height increase, this alone should have alerted the Planning Officer to the fact that land *raising*, not levelling, had been carried out across a large area of garden. This is notwithstanding the fact that measurements taken by my client, and verified by this consultant on site, demonstrate that the true increased height of the garden is twice that claimed in the application documents.

The description of development does not accurately reflect the engineering operations undertaken. Consequently, the application has not been publicised properly as it does not inform third parties of the true nature of the development.

2. Inadequate Plans

The submitted section plan indicates that the ground level on the north-east (rear) and north-west (with no. 7) site boundaries has been raised between 200mm and 550mm for 20.8 metres and 9.5 metres respectively. This is a significant increase, but measurements taken on site along the boundary with no. 7 demonstrate increases of 430mm nearest to the house, rising to 1120mm (well over one metre) at the further end of the garden. It has been possible to take these measurements because the ground level on the neighbours' side of the fence corresponded to the height of my client's raised beds and the gravel surface adjacent to her outdoor seating area. The new level is visible through the fence, so accurate measurements can be taken – see photographs.

When land raising is carried out without a 'pre-development' topographic survey it can be difficult to calculate with accuracy the pre-development levels, post the event. However, in this case, the extent to which the land has been raised can be verified by comparing the levels along the fence line in my client's garden with the new levels.

The ground level in the application site was then further raised by the installation of pavers on the newly levelled garden, onto which the applicants then erected a greenhouse and shed, on plinths.

Photographs taken from first floor level (Figures 1 and 2) clearly show how much higher the garden at no. 5 is compared to my client's garden.

We respectfully ask that when you come out to site, to please visit Ms Massingham's property so that she can show you on the ground the difference between the pre- and post-development levels.

Photographs of the garden before the land raising from the estate agent's details were submitted with the application, and these provide additional evidence of the extent of land raising across the garden. Prior to the works, a ramp led down from the patio behind no. 5 to the lawn. This ramp no longer exists; there is no change in level from the patio to the lawn. This is apparent when one compares the two images of the garden (before and after) submitted by the applicants with their application documents. This is additional evidence before the Planning Officer indicating the extent of land raising across the site.

The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires an application to be accompanied by,

"7(1)(c)(ii) any other plans, drawings and information necessary to describe the development which is the subject of the application"

This is reiterated in the PPG.ⁱⁱ

In this case, the submitted sections fail to accurately describe the engineering operations undertaken at the application site. The section drawing materially understates the extent of the raising of ground levels and therefore does not enable Planning Officers to properly assess the development, or its impact on neighbouring property amenity.

3. Loss of Privacy and Amenity

The extent of the land raising, over one metre adjacent to my client's property, has had a very damaging impact on her ability to quietly enjoy the privacy of her own home. My client was first alerted to the land raising when in April 2026 she saw her neighbour standing on the opposite side of her fence, visible from the waist up.

Policy DP26 requires that new development must 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. The engineering operations to raise the level of the garden have caused significant harm to my client's privacy, as they afford direct, unrestricted views from above the fence line into her private outdoor space. My client has an outdoor seating area in the part of the garden that is most affected by the land raising, so it is not difficult to imagine how much the unobstructed overlooking by the neighbours adversely impacts on her enjoyment of her home.

The boundary fence by the seating area is already 2.6 metres high (8' 6") including the trellis. Combined with the increased height of the neighbours' garden, this results in her neighbours towering over her outdoor seating area, with an unrestricted view.

Unlike overlooking from a first floor window, which is an established characteristic of suburban living, the ability to look over a garden fence is not commonplace, nor is it acceptable. Permitted development allows for boundary fences of up to two metres for a reason; it prevents overlooking of neighbouring private gardens.

The engineering operations at 5, William Allen Lane have fundamentally changed the relationship between these two gardens. Clearly, this is contrary to policy DP26 and the application should be refused on loss of privacy alone.

4. Drainage Issues

Since the engineering operations took place, my client has experienced pooling of water in the eastern corner of her garden. This resulted in plants dying from waterlogging. It appears that the engineering works at no. 5 have altered the surface water regime to the detriment of my client's property.

Policy DP41 requires all development, no matter how minor, to not increase the risk of flooding elsewhere. The engineering operations did not properly account for changes in surface water flows and this has adversely impacted on my client's property contrary to DP41.

5. Lack of Realistic Solutions

It was suggested to my client that she plants conifers along her boundary to eradicate the overlooking caused by this unauthorised land raising. This suggestion added to her anguish, as she has no desire to create a dark and foreboding corner where she currently enjoys sitting out in the sunshine. Nor does she want a higher fence; the boundary fence is already over two metres high, and it would need to be increased by *at least* an additional one metre to prevent the neighbours overlooking her garden. A fence three and half metres high would be ugly, overbearing and wholly inappropriate for a domestic garden.

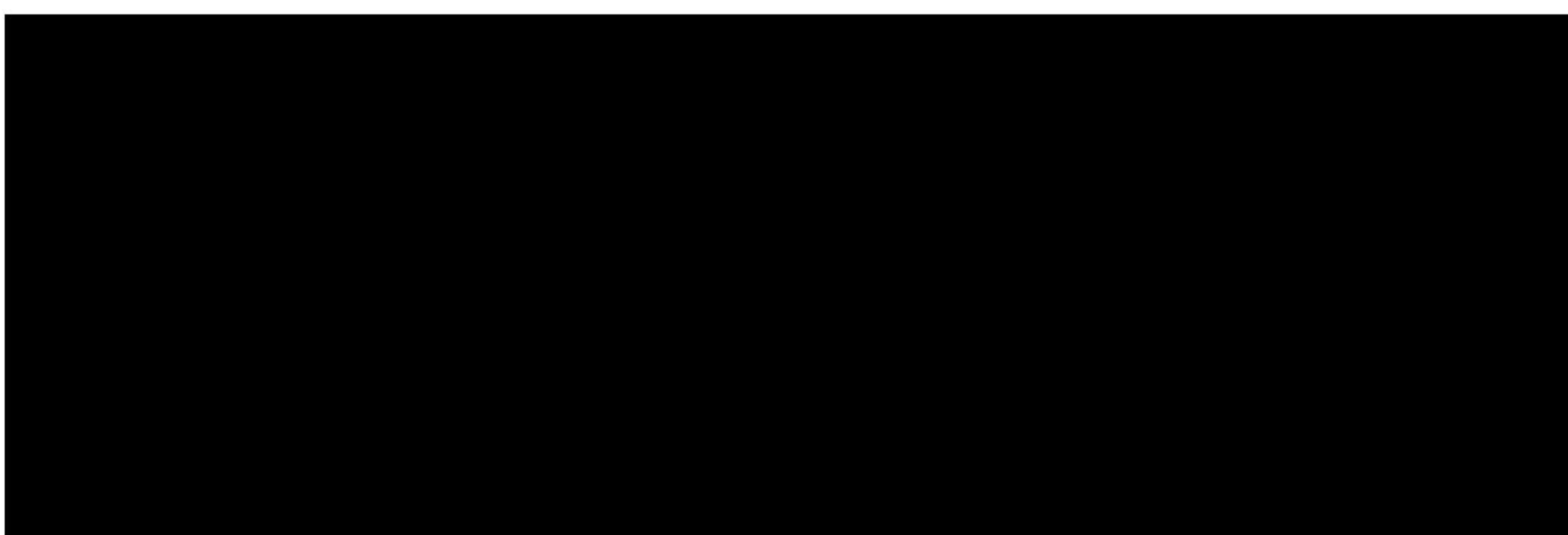
6. Other Matters

5, William Allen Lane is currently undergoing substantial extension works requiring excavation of new foundations following the grant of DM/25/2323 for a single storey rear and side extensions, and other works.

Whilst the source of the fill material used to raise the garden level is unknown, the timing of these works demonstrates that a substantial quantity of material has been available on site following the excavation of extension foundations. The Council may wish to establish the origin of the material as part of its assessment of this application.

The adverse impacts of this unauthorised development cannot be satisfactorily mitigated through fencing or planting. In order to reinstate my client's privacy and her ability to enjoy her home, we respectfully request that Officers refuse this application and that appropriate action is taken to restore the site to its former condition.

Yours sincerely



ⁱ National Planning Practice Guidance Paragraph: 046 Reference ID: 14-046-20140306

ⁱⁱ NPPG, Paragraph: 023 Reference ID: 14-023-20140306

Photographs



Figure 1: View of Application Site, on right. Garden of 7, William Allen Lane on left



Figure 2: This photograph illustrates the height difference between my clients' garden and the rear garden to 5, William Allen Lane, and the height of the greenhouse and shed



Figure 3: The easternmost corner of the garden of 7, William Allen Lane. The land on the neighbour's side has been raised by over one metre, allowing for unimpeded views from the neighbour's side of the fence into my clients' garden

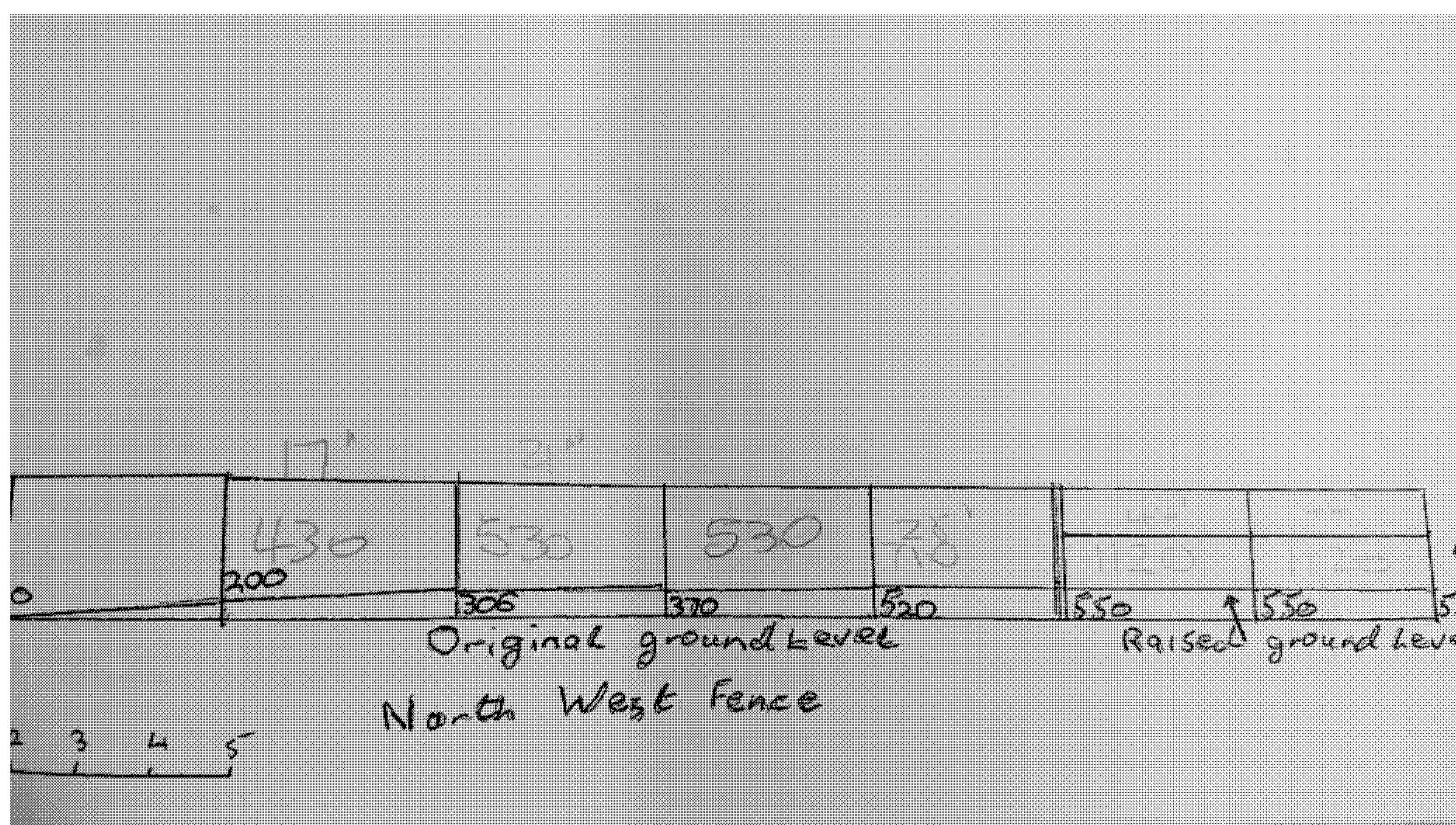


Figure 4: Measurements taken on site from my clients' side of the fence, in pencil, compared to the heights on the submitted section plan



Figure 5: This shows the increase in height from the pre-development ground level (same height as the top of the raised bed) to the new, post-development level of 1103mm



Figure 6: Tape indicates increased height of the ground level post land raising