

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1389	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Proposed retaining wall to rear of garden raising of garden level.		
Site:	14 Lynton Park Avenue, East Grinstead, West Sussex, RH19 3XB, , , ,		
Validation Date	9 Jun 2026	Overall Expiry Date:	1 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Sep 2026
Target Date:	4 Aug 2026	Recommending Officer Signature:	Andrew Horrell

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

MID SUSSEX DISTRICT COUNCIL

DM/26/1389

**14 Lynton Park Avenue, East Grinstead, West Sussex, RH19 3XB, , ,
Proposed retaining wall to rear of garden raising of garden level.
Mr D Hill**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Flood Risk And Drainage: we have no objection on surface water and drainage grounds

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Planning permission is sought for the installation of a retaining wall to rear of garden raising of garden level.

SITE AND SURROUNDINGS

14 Lynton Park Avenue is a two-storey hipped roofed detached dwelling. The walls are face brickwork with attached set forward flat roofed garage and upvc doors and windows.

To the west of the site is the adjacent Neighbours No.12, to the east of the site is the adjacent No.16, to the south of the site is a modestly size rear garden with mesh fencing to woodland and stream beyond and to the north is the driveway to highway beyond

The site is within the built-up area of East Grinstead.

RELEVANT PLANNING HISTORY

None relevant

APPLICATION DETAILS

The proposed gabion stone retaining wall measures some 0.65m in depth, 14.5m in width with a above garden level height of 0.6m. The wall is set into lower ground measuring some 2.6m in height.

The garden ground level is to be raised by at maximum some 0.4m.

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 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

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.

Relevant policies:

No relevant policies

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

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 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:

DPB1 - Character and Design

DPS4 - Flood Risk and 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) (August 2026)

ASSESSMENT

Design and Character

Policy DP26 of the District Plan relates to character and design. However, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

DP3 of the NPPF in part states:

'create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting'.

The proposed wall is at the rear boundary which is not publicly visible. Similar rear boundary treatments characterise the area. The wall is an attractive addition to the rear boundary,

Therefore, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan, EG3 of the East Grinstead Neighbourhood Plan and policy DP3 of the NPPF.

Impact on Neighbouring Amenities

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26 and East Grinstead Neighbourhood Plan policy EG3.

However, these policies are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy P3 of the NPPF.

P3 of the NPPF states in part that:

'Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people)'.

Given the nature of the pollution, harm to neighbours in terms of pollution and light and outlook are not deemed to be caused.

Therefore, in terms of neighbouring amenities, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan, EG3 of the East Grinstead Neighbourhood Plan and policy P3 of the NPPF.

Flood Risk and Drainage

In assessing the potential impact of the proposed development works upon the flood risk consideration needs to be given to District Plan Policy DP41.

However, this policy is considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy F7 of the NPPF.

F7 of the NPPF states in part that:

'Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.'

2. Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:

- a. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons which justify a different arrangement;*
- b. The development will be safe throughout its lifetime taking account of the vulnerability of its users;*
- c. Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;*
- d. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; and*
- e. It can be demonstrated that flood risk will not be increased elsewhere'.*

As noted above, our drainage consultants are content that the proposal is acceptable in surface water flood risk and drainage terms. The planning officer has no reason to disagree.

Therefore, the proposal is deemed to comply with DP41 of the Mid Sussex District Plan and Policy F7 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

The design of the proposed wall and the raised ground level is considered acceptable. The proposal will be in character with the area, will not cause harm to neighbouring amenities and will not cause an increase in flood risk.

It is therefore considered that the proposal will accord with District Plan Policies DP26 and DP41 and policies DP3, P3 and F7 the NPPF.

This application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Horrell