

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0144	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective application for the retention of the raised path to east and west of the dwelling, extension of the existing rear raised patio to join the raised path and extension of timber fencing. Plot B.		
Site:	Land Adj To 25-31 Town Wood Close, Lindfield, West Sussex, RH16 2GQ, , , ,		
Validation Date	11 Feb 2026	Overall Expiry Date:	1 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Jun 2026
Target Date:	8 Apr 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	4 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0144

**Land Adj To 25-31 Town Wood Close, Lindfield, West Sussex, RH16 2GQ, , ,
Retrospective application for the retention of the raised path to east and west of the dwelling,
extension of the existing rear raised patio to join the raised path and extension of timber fencing.
Plot B.
Mr Peter Beckham**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation were received from neighbouring properties.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

Lindfield Rural Parish Council has no comments on the application.

INTRODUCTION

Retrospective planning permission is sought pursuant to S. 73a of the Town and Country Planning Act 1990 (as amended) for the retention of the raised path to the east and west of the dwelling, extension of the existing rear raised patio to join the raised path and the proposed extension of timber fencing on the east and west boundary to act as a privacy screen between the raised patio and neighbouring properties.

RELEVANT PLANNING HISTORY

DM/17/2271 - Outline application for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self/ custom build plots (use class C3) with associated infrastructure, landscaping and access. All matters to be reserved except for access. Amended description 21/8/2017 to include self / custom build. Approved 26/04/2018

DM/19/2845 - Reserved Matters application relating to Outline approval DM/17/2271, for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works. Approval of custom build plot location. Amended plans received showing alterations to design of dwellings, inclusion of play area and widening of access. Approved 25/11/2019

DM/22/3504 - Application for approval of reserved matters pursuant to the new dwelling for Plot A custom builds in association with planning applications DM/19/2845 and DM/17/2271 for the approval of the appearance, landscaping, layout and scale. Approved 11/01/2023

DM/24/0534 - Proposal for two detached dwellings following expiration of application DM/19/2845 Reserved Matters application relating to Outline approval DM/17/2271, for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works. Approved 24/04/2024

DM/24/1882 - Variation of condition no 2 relating to planning application DM/24/0534 Plots B and C - changes to general design in form of a small rear dormer to replace 2 no Velux windows. Slight repositioning of ground floor side window serving stairs. Photovoltaic panels to rear roof slope. Approved 27/09/2024

SITE AND SURROUNDINGS

Town Wood Close is a recently constructed residential development off High Beech Lane, Lindfield. The development comprises dwellings in a variety of scale, form, design and material including brick, black timber weatherboarding, render and tile hanging facades with slate or clay roof tiles in an assortment of roof designs such as knapped flint, gable, hipped and barn hipped.

The properties within the residential development are set around a circular road, with the application site set to the south of the development in a small crescent off the circular road.

The site is located at a ground level lower than the properties to the north of the site as the land slopes north to south and west to east.

To the north of the site are two roads; the crescent road and the circular road which are separated by a small area of open green space between them. Beyond that are a combination of semi-detached and detached residential dwellings with attached garages and off-street parking. Large detached dwellings are located to the south of the site and separated by an area of mature hedges and trees acting as a screen from the development. To the east of the site is a self/custom built detached dwellinghouse constructed by the same developer as the application site in similar design and materials. Beyond that is a block of flats separated by a small area of open green space. Directly west of the site is a detached house set slightly forward towards the road at a slightly higher ground level. Further west are semi detached dwellings with their gardens facing the site.

The site is a detached three-storey dwellinghouse comprising a brick and render façade, white uPVC fenestration and a driveway forward of the principle elevation. To the rear is a raised patio leading onto a rear garden enclosed with a close boarded timber fence.

The site falls within the built-up area of Lindfield as set out in the District Plan.

APPLICATION DETAILS

Planning approval (planning reference: DM/24/0534) was granted on 4th April 2024 for the construction of two detached dwellings on the site of two previously approved self/custom build plots. Planning reference DM/24/0534 approved a path on the east and west of the site between the dwellinghouse and boundary fences which stepped down from the higher ground levels to the north of the site following the sloped terrain of the land. To the rear of the property, a patio was approved which spanned the width of the dwelling with steps down to the garden.

This household application seeks retrospective planning permission pursuant to S. 73a of the Town and Country Planning Act 1990, to raise the path to the east and west between the dwellinghouse and property boundary to create a levelled and more accessible path from the front to the rear of the property. Furthermore, it seeks permission to extend the rear patio to the east and west property boundary to join the raised path creating a wrap-around path/patio. The proposal also seeks to extend the height of the close boarded timber fence on the east and west property boundary adjacent to the patio.

On the west boundary, the proposal seeks to increase the fence height by installing a 0.6 metre timber trellis across a width of 5.9 metres adjacent to the patio and path. On the east, it seeks to increase the fence height by 0.3 metres at its highest point.

The 1.8 metre timber fence follows the slope of the land from north to south, measuring 2.4 metres from ground level and 2.1 metres from patio level to the top of the fence at the end of the patio. From the patio to the rear fence at the southern boundary of the property, the fence remains 1.8 metres.

On the east elevation, the 1.8 metre close boarded timber fence runs along the height of the raised patio and not ground level. The highest point of the fence is at the end of the patio where the fence height measures approximately 2.1 metres from the ground and 1.8 metres from the patio. The fence steps down at the end of patio to 1.8 metres which continues to the rear boundary fence. The extension of the fence height seeks to act as a privacy screen between the raised patio and neighbouring properties to the east and west.

The construction of the path, patio and fence are complete and therefore the application is made pursuant to S.73a of the Town and Country Planning Act 1990 (as amended).

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 Lindfield and Lindfield Rural 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 it 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
DP28 - Accessibility

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.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan is a 'made' plan. It carries full weight in the determination of planning decisions.

There are no relevant policies.

Other Material Considerations

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:

DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPH12 - Accessibility

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) 2023 is also a material consideration and paragraphs 8, 11, 117, 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
- Impact on Neighbouring Properties
- Accessibility
- Biodiversity Net Gain

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 DP29);*
- 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; 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;*
- optimises the potential of the site to accommodate development.'*

The proposed raised path to the east and west of the dwelling have been finished in grey outdoor tiles with grey shingle running along the sides of the house and boundary fence for drainage purposes. The path is raised by some 0.3 metres to bring it level with of the patio and is finished in the same grey outdoor tiles creating a cohesive wrap-around design. Timber railway sleepers retain the raised patio to the south of the site and the materials match the timber fence and proposed trellis extension.

The proposed development would not be considered easily visible from the street scene. The impacts caused as a result of the raised path and patio would not be considered significantly different to those experienced in the existing scenario and these impacts would likely be mitigated by the increased fence height.

The proposed extension of the existing close boarded timber fence on the west boundary from 1.8 metres to 2.4 metres from ground level at the end of the patio (2.1 metres from the patio level), across a width of 5.9 metres adjacent to the raised patio and path, aims to act as a privacy screen between the application site and detached property to the west. It comprises a 0.6 metre high timber trellis constructed of treated timber poles fastened to the close boarded timber fence with timber support beams. While the proposed trellis is also timber, the design of it would not be considered to integrate seamlessly with the close-boarded fence, however, due to the form and scale of the existing fence, the applicant has advised that a similar close boarded design would not be structurally supported. The proposed fence height would not be considered overbearing when considering the surrounding landscape and sloped terrain.

The close boarded timber fence on the eastern boundary has been constructed to run along the height of the patio and not the ground level and is therefore higher by some 0.3 metres at it's highest point at the end of the patio, measuring some 2.1 metres from ground level and 1.8 metres from patio height. At the end of the patio, the fence steps down to 1.8 metres and continues to the rear boundary. This fence is not incongruent with the surrounding area and would not be considered overbearing. The timber close-boarded design matches the boundary treatment of the surrounding properties.

Given the above, the development would not be considered to cause significant harm from a design and character perspective when looking at its impact on the existing site and the surrounding properties. As such, the development would be deemed to comply with the above part of policy DP26 of the District Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that 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, air and light pollution (see DP29);'

Due to the domestic nature of the proposed development, it is not considered to cause any harmful impacts in terms of noise, air and light pollution.

The raised path and patio extension would not be considered to cause any loss of light, however, it would be considered to cause some outlook and privacy impacts to the neighbouring property to the west of the site at 37 Town Wood Close given the slope of the land from west to east. However, these impacts would be considered limited given that the patio and rear door of 37 Town Wood Close is set slightly back from the application site and the likely use of the raised path for access and/or storage use means the privacy impacts experienced within this area would be considered limited.

When considering the patio extension, the harm experienced as a result of the proposed development would not be considered markedly different to that of the existing patio as the privacy impacts would be similar when standing on the existing patio and approximately 1 metre to the west where the patio extension meets the boundary fence. The proposed extension of the fence adjacent to the patio would act as a privacy screen between the site and the neighbouring properties to the west, thereby reducing existing and proposed privacy impacts to this neighbour from the path and patio area, likely offering more privacy to that experienced in the existing scenario. Furthermore, given that the property to the west is set higher than the application site, the increase in fence height would not be considered to cause significant harm to the outlook of this property.

The property to the east of the site has been constructed by the same developer. A retrospective application was granted permission pursuant to S. 73a of the Town and Country Planning Act 1990 (as amended) in relation to a similar raised path, extension of the raised patio to meet the raised path and

extension to the height of the fence on its eastern boundary. Given that both the application site and property to the east have similar raised patios and paths with a 1.8 metre close boarded fence between these property boundaries, the proposed development would not be considered to cause any harm in relation to privacy and outlook.

The properties to the north of the application site would not be considered to experience any impact in terms of privacy and outlook due to the separation of distance between these properties and the application site. Furthermore, properties to the south of the site behind the mature trees and hedges would not be impacted as a result of the separation of distance and screening from the site.

The semi-detached dwellings to the southwest of the site look onto the proposed development and the timber trellis would be visible from their rear gardens. However, given the separation of distance between the application site and these properties, they would not be considered to experience any harm to amenity in terms of privacy and outlook.

The Council have received no letters of representation objecting to the retrospective planning application despite the development having been already implemented.

Given the above, the proposal would not be considered to cause significant harm to neighbouring amenity and the proposal would therefore comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Accessibility

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily. This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

The proposed development improves accessibility from the driveway to the rear of the property via the raised path and extended patio which meet to create a levelled platform.

Therefore, the development remains in compliance with the requirements of policy DP28 and the contents of paragraph 131 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

Whilst the design of the fence extension in relation to the existing closed boarded timber fence has been noted to not integrate seamlessly, the materials are the same as the existing fence and the development would not be considered to cause substantial harm in terms of design and character and will not negatively impact the dwelling or its immediate setting. Furthermore, the development would not be considered to cause substantial loss to neighbouring amenity when considering the proposal in its entirety. In conclusion, the development would accord with the requirements of policy DP26 of the Mid Sussex District Plan. The development is considered to maintain high accessibility standards and therefore the development is considered acceptable in terms of policy DP28 of the Mid Sussex District Plan.

In light of the above, the proposal would therefore accord with the requirements of policies DP26 and DP28 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Jessica Szollosi