

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3044	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective planning application for new boundary fence		
Site:	The Long House, 6 The Wilderness, Lindfield, Haywards Heath, West Sussex, RH16 2JD, ,		
Validation Date	27 Nov 2025	Overall Expiry Date:	2 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	22 Jan 2026
Target Date:	22 Jan 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	7
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3044

**The Long House, 6 The Wilderness, Lindfield, Haywards Heath, West Sussex, RH16 2JD,
Retrospective planning application for new boundary fence
Mr And Mrs Spratt**

SUMMARY OF REPRESENTATIONS

Six letters of representation were received in support of the retrospective planning application. The letters referred to the following in support of the application:

- Improved appearance and design
- Keeping with the character of the area
- Good quality workmanship

SUMMARY OF CONSULTEES

Conservation Officer

The Conservation Officer objects to the application.

TOWN/PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to the application.

INTRODUCTION

The retrospective application seeks planning permission for a new boundary fence.

RELEVANT PLANNING HISTORY

LF/049/87 - Proposed new boundary wall and entrance gates. Permission - 1987/08/28

LF/067/94 - Car port construction and fence alterations. Permission - 1994/09/21

LF/067/94/AP1 - Amended Plans: Car port construction and fence alterations. Permission - 1995/12/09

SITE AND SURROUNDINGS

The application property is located within the Haywards Heath and Lindfield Built up Area Boundary and is a detached two storey dwelling set back from the road within a cul-de-sac. The dwelling is constructed from brick and tile-hung walls with plain roof tiles and white uPVC fenestration. The property has a private driveway and front and rear gardens to the south and north of the main dwelling.

This application site borders the Lindfield Conservation Area at the north and west property boundaries and a Grade II Listed Building, the Pavillion, is located to the north of the site along Francis Road. The site is considered to be within the setting of the Conservation Area but due to the location of the fence at the southern end of the site, it is not considered to be within the setting of the Listed Building.

The fence is located on the southwest corner of the property at an intersection on The Wilderness. The Wilderness forks into two; west past no.13 Francis Road, leading to a public car park and east to a cul-

de-sac characterised by properties of a similar design and form to that of the application property, with dwellings set back from the road with private driveways and off-street parking.

Francis Road runs along the west of the property and is characterised by semi-detached cottages. Located southeast of the site is Heathers which is accessed via Brushes Lane.

APPLICATION DETAILS

The retrospective application seeks to obtain planning permission for the construction of a close-boarded timber boundary fence with timber trellis, which has already been implemented. The applicant proposes the planting of five Portuguese Laurel Bushes in front of the fence.

The fence measures 22 meters in length and 2.45 meters in height, comprising 2 meters of close-boarded timber fencing and 0.45 meters of timber trellis. This fence has been constructed in replacement of a previous timber fence enclosing the front garden of the application property.

The existing elevation plans submitted in support of this application show a pre-existing fence of 2 meters, however, planning records (planning reference LF/067/94) and photographs (Google Street View, 2009 and 2024) appear to provide evidence that the fence measured 1.8 meters in height. The new fence is therefore considered to be 0.65 meters higher than the pre-existing fence which has now been removed.

It is also noted that the plans as submitted omit the gate within the fence. Nevertheless it is clear to the Council that the planning permission sought is for the development as constructed and shown on the proposed plan and the application is considered to have been submitted under s.73a of the Town and Country Planning Act 1990.

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 is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 - Design and Character
DP35 - Conservation Areas

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

Policy 7 - Areas of Townscape Character

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 and 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:

DPB3 - Conservation Areas
DPS2 - Sustainable Design and Construction
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 2023)

Paragraphs 205 and 212-215 of the NPPF are relevant.

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 the Conservation Area
- 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 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; and*
- *Optimises the potential of the site to accommodate development'.*

The retrospective application relates to the construction of a 2.45 meter timber fence, comprising 2 meters of close-boarded timber fencing and 0.45 meters of timber trellis in the setting of a conservation area which is visible from the public highway. The northwestern element of the new fence is built close to the verge edge, adjacent to the public highway.

The area surrounding the development is characterised by residential properties to the south, east and west, with a public car park located to the southwest and a Grade II Listed Building located to the north of the property.

Heathers, Brushes Lane is located to the southeast of the site across The Wilderness and is a detached dwelling set back from the road with a separate entrance on Brushes Lane and a side entrance on The Wilderness. This property's west boundary is located on The Wilderness and comprises a timber fence which is set back from the road behind trees and bushes.

North of the Heathers and west of the application site is no.13 Francis Road, a detached dwelling which forms part of the Lindfield Conservation area. This property has a short timber fence fronting The Wilderness. To the north of no.13 Francis Road and west of the application site are semi-detached properties which form part of the Lindfield conservation area and front Francis Road which runs along the west boundary.

The entrance to the public car park is located between the Heathers and no.13 Francis Road to the west of the application site and offers free parking to visitors to the area of Lindfield, therefore, this is a busy intersection and the fence receives lots of visibility from passers-by.

Detached dwellinghouses of similar design to the application site are located to the south and east along The Wilderness cul-de-sac. These houses are set back from the road and have private driveways offering off-street parking. These properties have either no front boundary treatment or hedges which offer privacy.

1 The Wilderness has a tall hedge on its north and northwest property boundary and a close-boarded timber fence measuring approximately 1.8 meters in height hidden behind hedging on the south and southwest boundaries set back from the road. Properties at no's 2 and 3 The Wilderness are set back from the road behind soft and hard landscaping and no.4 The Wilderness is set back and the dwelling is not visible from the road behind hedges and shrubbery. No.5 The Wilderness is set back from the road with a private driveway behind a hedge.

The Pavillion located to the north of the site is a Grade II Listed Building.

Whilst tall fences may be visible around the area, the overall setting within which the application site is located is characterised by natural boundary treatments set back from the public highway or open front gardens with a combination of soft and hard landscaping or shorter timber fences covered by hedges, trees and shrubbery to create a natural and verdant appearance. The new fence is considered discordant with the surrounding character and design of the neighbouring boundary treatments, and the overall surrounding landscape, due to the scale and height of the fence at 2.45 meters tall, and the fences location adjacent to the public highway.

The fence is not considered to protect the character and appearance of the area and creates an inappropriately dominant prominence which contradicts the verdant nature of the surrounding properties and creates an imposing view from the street scene, at 2.45 meters tall.

The applicant seeks to plant five Portuguese Laurels forward of the fence to add to the amenity of the area and hide the fence. The fence is constructed adjacent to the public highway and specifically close to property boundary on the western element of the fence making it potentially difficult to implement planting in this section. Furthermore, whilst the planting would create greenery, Portuguese Laurels are not native species and planted as proposed would not hide the fence, which would remain visible from the public highway.

Whilst letters of support were received from neighbouring properties in support of the design and workmanship of the fence, the District Plan states the need to consider future occupants to the area and be sensitive to the environment within which the development is located.

Given the above, it is not considered the fence to be sensitive to the environment within which it is located nor does it protect the distinctive character and design of the area and would not comply with policy DP26 of the Mid Sussex District Plan.

Policy 7 of the Lindfield Neighbourhood Plan states:

'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.

In particular, proposals should:

- *Retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- *Retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- *Avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The retrospective application for a 2.45 meter timber boundary fence would not be considered sensitive to the surrounding character and appearance of the Area of Townscape Character as it is incongruent with the surrounding boundary treatments which include hedgerows, soft and hard landscaping or shorter timber fences set back from the highway behind trees, bushes and shrubbery. The applicant proposes planting Portuguese Laurels in front of the fence, however, due to the fence height of 2.45 meters and its proximity to the public highway, it will continue to be incongruent with the character of the surrounding area.

Given the above, we would not consider the fence to comply with Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Therefore by virtue of the scale, height, design and siting of the fence and lack of suitable mitigation it is considered to cause harm to the character and appearance of the area contrary to policy DP26 of the District Plan and with Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan.

Impact on the Conservation Area

The site lies in the setting of the Conservation Area. Policy DP35 also addresses the setting of Conservation Areas and states that:

'Development will also protect the setting of the conservation area and in particular views into and out of the area.'

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'

Paras 205, 212-215 of the NPPF state:

'205. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The Council's Conservation Officer has been consulted on the application, and in summary, provided the following comments:

- Discrepancies in the plans should be addressed in any future planning submission
- Concerns regarding the height of the fence as installed and its impact on the setting of the Lindfield Conservation Area
- The loss of the screening planting adds to the undue visual prominence and stark, inappropriately sub-urban appearance of the new boundary treatment, which contrasts poorly with the soft and verdant nature of the majority of the street frontage to the Wilderness.
- Adequate mitigatory planting should be included in the proposal, ideally of native species sympathetic to the context
- The proposal is considered to result in a degree of harm, through impact on setting, to the character and appearance of the Lindfield Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF, I would regard the harm as less than substantial, within the lower range of that scale. The balancing exercise set out in paragraph 215 will therefore apply.

The retrospective application relates to the construction of a 2.45 meter timber fence (2 meter close-boarded and 0.45 meter trellis). The increase in the fence from 1.8 meters to 2.45 meters is a 0.65 meter difference and would be considered to cause a negative impact on the setting of the Lindfield Conservation Area. The fence detracts from the verdant character of the area and is discordant with the soft landscaping of the surrounding properties and their boundary treatments, majority of which are set back from the public highway and covered by hedges, bushes and trees creating a verdant, semi-rural appearance. No justification for the increase in height of the fence accompanied the planning application.

For these reasons, it is considered that the proposal to retain the 2.45 meter fence will detract from the setting of the Lindfield Conservation Area. This will be contrary to the requirements of District Plan Policy DP35 and will in terms of the NPPF result in less than substantial harm, such that paragraph 215 of the NPPF will apply.

No evidence or statement has been provided in support of this application to demonstrate the reasons for the increase in fence height from 1.8 meters to 2.45 meters.

In terms of the NPPF the proposal would cause less than substantial harm to the setting of the Lindfield Conservation Area, as set out in paragraph 215, and is weighed against the public benefits of the proposal. No justification has been provided for the increase in fence height, and the new fence has solely personal benefit for the owners/occupiers of no.6 The Wilderness such that there is not a public benefit to the development to outweigh the harm identified such that that would justify granting consent for the development that has been identified as being contrary to development plan policy DP35.

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

In conclusion, it is considered that the construction of the boundary fence causes less than substantial harm to the character and appearance of the Lindfield Conservation Area and that there is no public benefit to outweigh the harm such that the requirements of policy DP35 should apply. The fence, by virtue of its scale, siting, height and design is considered to cause harm to the character and appearance of the area and the setting of the Conservation Area in which it lies and that the proposed mitigation

(planting) does not address or overcome the harm It is therefore considered that the proposal would be contrary to policies DP26 and DP35 of the District Plan, Policy 7 of the Lindfield and Lindfield Rural Neighbourhood Plan and the requirements of the NPPF.

Decision: Refusal

Case Officer: Jessica Szollosi