

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1205	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Proposed front/highway boundary fence.		
Site:	Little White Gates, Black Hill, Lindfield, Haywards Heath, West Sussex, RH16 2HF, ,		
Validation Date	28 May 2026	Overall Expiry Date:	13 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 Sep 2026
Target Date:	23 Jul 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:	1 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1205

**Little White Gates, Black Hill, Lindfield, Haywards Heath, West Sussex, RH16 2HF,
Proposed front/highway boundary fence.
Mr S Smith**

SUMMARY OF REPRESENTATIONS

None received

CONSULTEE COMMENTS

MSDC Conservation Officer: On balance, therefore, the proposal is considered to meet the requirements of District Plan Policies DP34 and DP35.

I would recommend a condition requiring the retention and upkeep of the hedgerow for the maximum possible number of years.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to this application.

INTRODUCTION

Planning permission is sought for the erection of a front/highway boundary fence.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

Little Whites Gate is a detached hipped roofed bungalow, the walls are mix of face brickwork and painted pebbledash render with upvc doors and windows. There is an existing side close boarded fencing enclosure with access track. Accessed off Access track also serving White Gates, Ashmead, Copper Beech Vineyard, La Roca, Hunters End, Oakhurst and Mayerling.

To the north of the site is close boarded fencing and hedging to Little Spindles, to the south of the site is the driveway and close boarded fencing to access track serving neighbouring properties to South-west, to the north-east is the highway and to the south-west is close boarded fencing to White gates beyond.

The site is within the built-up area of Lindfield and Lindfield Conservation Area.

APPLICATION DETAILS

The proposed front boundary fence measures some 28m in length with the lower posts measuring 1.2m and the column posts measuring 1.25m in height. Laurel hedging will be behind planted behind the fencing.

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 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 - Character and design
DP35 - Conservation Areas

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was formally made on 23 March 2016.
There are no relevant policies.

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
DPB3 - Conservation Areas

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.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area*'.

National Planning Policy Framework (NPPF) (August 2026)

ASSESSMENT

Character and Design and Conservation Area

The site is located within the Lindfield Conservation Area.

A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Policy DP35 of the District Plan relates to impact on Conservation Areas, but this is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy HE9 of the NPPF.

Section 20 of the NPPF specifically relates to the historic Environment.

National Decision Making Policy HE9 specifically relates to Conservation Areas and states:

- ' 1. Development proposals within or affecting the significance of conservation areas should:*
- a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and*
 - b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.*
- 2. Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.*
- 3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported'.*

Policies HE5 and HE6 are relevant and state in part:

'Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

- 3. In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.*
- 4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals'.*

HE6: Proposals affecting designated heritage assets

'1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the

proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed'.

The MSDC Conservation Officer has commented on the proposal and has stated:

"Little White Gates is an unlisted 20th century bungalow situated to the south side of Black Hill within the Lindfield Conservation Area. Until recently a dense hedgerow was in place along the road facing boundary of the property. This was removed and a tall close boarded fence constructed without planning permission. Following an enforcement investigation, and on Officer advice that the retention of this fence would not be favourably viewed, the fence was removed and hedge (possibly laurel?) has been planted. The current proposal is for the construction of a max. 1.25 m high timber picket fence along this boundary.

Further information has been received including a heritage statement and revised plans. These confirm that the picket fence is to be of untreated wood, and that the Laurel hedge which has been planted is to be retained. It remains highly unfortunate that the previously existing mature hedgerow was removed, and that on replanting the opportunity was not taken to introduce native species which would be of wildlife benefit. However, on balance the current proposal is considered to reinstate an appropriate boundary treatment which should, on maturation, reintroduce the verdant character which has been lost from this part of Black Hill.

On balance, therefore, the proposal is considered to meet the requirements of District Plan Policies DP34 and DP35.

I would recommend a condition requiring the retention and upkeep of the hedgerow for the maximum possible number of years."

The proposed fence will be visible in public views from the surrounding Conservation Area. The proposed fencing will preserve the character and appearance of the Conservation Area.

The picket fence with laurel hedge behind is deemed to reinstate an appropriate boundary treatment which should, on maturation, reintroduce the verdant character which has been lost from this part of Black Hill.

The conservation officer has recommended that a condition requiring the retention and upkeep of the hedgerow for the maximum possible number of years is imposed on any approval.

The proposal would meet the requirements of policies HE5, HE6 and HE9 of the NPPF, District Plan Policy DP35, and is deemed to preserve the character and appearance of the Lindfield Conservation Area.

Policy DP26 of the District Plan relates to character and design. However, this policy is considered to have very limited weight as it is 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 picket fence, whilst spanning a greater length than nearby similar picket fencing on Black Hill, would not in design terms be out of character with the streetscene. The use of laurel hedging behind will soften the appearance and maintain the verdant character which was lost with the removal of the previous front hedging creating a visually attractive development. This planting will be secured by condition.

Therefore, the proposal is deemed to comply with DP3 of the NPPF and DP26 of the Mid Sussex District Plan.

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. However, this policy is considered to have very limited weight as it is 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).'

The immediate neighbouring property is Little Spindles to the north-east. No harm to pollution, light or such like is to be caused.

The proposed fence will replace the hedgerow previously removed. There will be no adverse impact upon the enjoyment of the neighbouring properties or their adjoining garden spaces.

The proposal is therefore found to accord with District Plan Policy DP26, policy P3 of the NPPF and the overall principles of the Design Guide.

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 fencing is considered acceptable. The proposal will preserve the character and appearance of the Lindfield Conservation Area. Subject to a planning condition requiring that the laurel hedging is replaced if damaged within 5 years of the development it is considered that the proposal will accord with District Plan Policies DP26 and DP35 and policies HE5, HE6 and HE9 of the NPPF.

The new fencing will not adversely impinge upon the neighbouring amenities. The proposal accords with District Plan Policy DP26, the relevant Design Guide principles and DP3 and P3 of the NPPF.

This application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Horrell