

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1602	Case Officer:	Peter Davies
Application Type:	Full Application		
Proposal:	Propose to remove the existing brick boundary and partition walls and replace with a 1m high fence along the front and side boundary lines, leaving an opening for vehicle access. Surface to be laid with a block paving and shingle.		
Site:	44A Appledore Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2EU, , ,		
Validation Date	7 Jul 2025	Overall Expiry Date:	29 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 Aug 2025
Target Date:	1 Sep 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	29 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1602

**44A Appledore Gardens, Lindfield, Haywards Heath, West Sussex, RH16 2EU, ,
Propose to remove the existing brick boundary and partition walls and replace with a 1m high fence along the front and side boundary lines, leaving an opening for vehicle access. Surface to be laid with a block paving and shingle.
Kieran Widdows**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways

This application is for the removal of the existing brick boundary and partition walls and replacement with a 1m high fence along the front and side boundary lines, leaving an opening for vehicle access. Surface to be laid with a block paving and shingle. The site is located on Appledore Gardens, an un-classified road subject to a speed limit of 30mph.

The LHA would not raise any highway safety concerns to the proposed replacement of existing wall with 1m high fence. The proposed driveway will be constructed of shingle, with block paving to the site frontage, which is considered sufficient to prevent overspill of loose material onto the public highway.

The LHA acknowledge that this application does not encompass the vehicular crossover, and advise that any future planning application would be assessed under its own merits at that time. However, the LHA would request that the applicant be made aware that a licence for the vehicular crossover would be required and must be constructed to a specification agreed with the WSCC Area Engineer - the use of the parking area without licence would be considered unlawful and the applicant could be subject to enforcement.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to this application.

INTRODUCTION

The application seeks planning permission for the removal of the existing brick wall along the front and side boundary to be replaced with a fence and the creation of a driveway for 2 no. cars with a block paving and shingle surface.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application property is a ground floor flat located on the east side of Appledore Gardens, within the built-up area boundary of Lindfield.

The building consists of 2 ground floor flats and 2 first floor flats and is constructed from brick with hung tile cladding at first floor level, interlocking roof tiles and white uPVC fenestration. The building is set back from the highway with soft landscaping to the front.

The locality consists of two storey buildings containing flats of a similar scale and design with variety of materials.

APPLICATION DETAILS

The application seeks planning permission to remove the existing brick wall along the front boundary and north side to be replaced with a 1 metre wooden fence. The fence along the side boundary will have a length of 8.50 metres. The fence along the front boundary will have a length of 2.50 metres with a 4.5 metre gap for access the driveway to be created. The driveway will have a depth of approximately 8.0 metres and a width of 7.60 metres. The front 1.80 metres will consist of block paving with the rest of the driveway consisting of 20mm shingle.

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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations 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:

DP21 - Transport

DP26 - Character and Design

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 (made March 2016)

None relevant.

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 the 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:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states ' *The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

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
- Parking and Highway Safety
- 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;*
- *optimises the potential of the site to accommodate development.'*

Driveways serving the properties along Appledore Gardens are widespread within the area with the adjoining neighbour, no. 42A receiving permission in application DM/22/0792.

Therefore, the proposed works are not considered to cause harm to the visual amenity of the street scene and character of the area. Therefore, the application is considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on neighbouring properties

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 Policy DP29);'

The proposed works are to the front of the property, visible from the street scene, however they are for the use of parking and will not create any additional overlooking into neighbour amenity areas. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Parking and Highway Safety

Policy DP21 in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

WSCC Highways have been consulted on the application and have raised no objection in terms of highway safety as Appledore Gardens is an unclassified road with a speed limit of 30mph. WSCC Highways have raised that a dropped kerb is not included in the application and that a dropped kerb would be required for an authorised access to the public highway to be created, with the dropped kerb requiring a license from WSCC. A dropped kerb would not require planning permission, and the applicant has confirmed in the planning statement that a license will be applied for. An informative will be added about the requirement of a vehicle crossover license.

The flat currently has no off-street parking with the proposed driveway to create 2 no spaces and increase the parking for the property.

The proposal is therefore, considered to comply with Policy DP21 of the Mid Sussex District Plan

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, the proposal would not have an adverse impact on the character of the building or the character and appearance of the area. It would also not cause significant harm on the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP21 and DP26 and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies