

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3148	Case Officer:	Catherine Cardin
Application Type:	Change of Use Application		
Proposal:	Proposed change of use from grass verge to domestic curtilage with new placement of fence. Existing driveway to be enlarged, reinstatement of retaining wall, and provision of step-free access.		
Site:	6 Colwell Close, Haywards Heath, West Sussex, RH16 4HF, , , ,		
Validation Date	5 Jan 2026	Overall Expiry Date:	27 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 Feb 2026
Target Date:	2 Mar 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	27 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3148

**6 Colwell Close, Haywards Heath, West Sussex, RH16 4HF, , ,
Proposed change of use from grass verge to domestic curtilage with new placement of fence.
Existing driveway to be enlarged, reinstatement of retaining wall, and provision of step-free
access.**

Neil Mundy

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways

This application seeks the change of use from grass verge to domestic curtilage with new placement of fence, existing driveway to be enlarged, reinstatement of retaining wall, and provision of step-free access. The site is located on Colwell Close, an unclassified road subject to a speed restriction of 30 mph.

From inspection of the plans, the existing dropped kerb is to remain as existing. The widened driveway will be located within private land, and does not encroach into the maintained highway boundary. The proposals appear to only facilitate improved pedestrian access for the occupier. Consequently, no highway safety concerns would be raised.

In summary, 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.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought to change of use from grass verge to domestic curtilage with new placement of fence. Existing driveway to be enlarged, reinstatement of retaining wall, and provision of step-free access.

RELEVANT PLANNING HISTORY

DM/17/0647- Proposed ground and first floor extension and associated alterations. Permission.

SITE AND SURROUNDINGS

6 Colwell Close is a semi-detached two storey dwelling. The property is characterised by buff coloured brick, a plain tile roof and hanging tiles to the first-floor elevation. The property benefits from a ground and first floor extension. The property has close board fencing and a detached garage to the north of the dwelling.

The property lies within the built-up area boundary of Haywards Heath. Neighbouring properties are located to the north and west. Highway is located to the south and east.

APPLICATION DETAILS

The development proposal seeks to enlarge the existing garden by extending the existing timber fence 1.8 metres further east towards Colwell Close from its current position. The proposal also seeks to extend an existing brick herringbone driveway and to construct a retaining brick and block masonry wall. The retaining wall would have a staggered finish with a maximum height of some 36cm. It is also proposed to install 2. no new rear garden gates on the northern fence elevation and on the eastern fence elevation. Finally, it is proposed to a natural stone path between the garden and pavement.

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, and*
- b) Any 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 the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in 2016.

Relevant policies:

Policy E9 - Design

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

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.

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Design and Impact on the character and appearance of the area
- o Highways
- o Impact on Residential Amenity
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Design and Impact on the character and appearance of the area

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy E9 of the Haywards Heath Neighbourhood plan relates to design and contains a similar ethos.

The proposal seeks to change a section of the grass verge to domestic curtilage by moving the existing 1.8 metre boarded fence 1.8 metres towards the highway. This would create a straight boundary edge compared to the existing staggered line. Although this would encroach into the grass verge, which is considered to positively add to the open and verdant character of the area, the proposal is considered to be modest, and the harm is not considered significant enough to warrant the refusal of this application. The proposal also seeks to extend the existing herringbone driveway and to construct a brick and block masonry wall. Given that brick front driveways and brick retaining walls form part of the streetscene it is considered that the proposal would not be harmful to the character of the area.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Highways

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

The Local Highways Authority were consulted on the proposal. They have advised that they do 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. The proposal is therefore considered to comply with Policy DP21 of the District Plan.

Impact on Residential Amenity

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);"*.

To the north is 7 Colwell Close. Given that the proposal is to extend the driveway away from this neighbour, it is not considered that the proposal would give rise to significant noise or disturbance concerns. Given that the proposal would not run closer to the boundary with this neighbour, it is not considered that the proposal would give rise to overlooking or loss of privacy concerns.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, and the relevant principles of the Mid Sussex Design Guide SPD.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

The proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area, and would not cause harm to the amenities of neighbouring properties.

Therefore, the proposal complies with Mid Sussex District Plan policies DP21 and DP26, Policy E9 of the Haywards Heath Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

Decision: Permission

Case Officer: Catherine Cardin