

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2228	Case Officer:	Andrew Horrell
Application Type:	Change of Use Application		
Proposal:	To change the use of the land adjacent to property to residential garden land. (amended description 16/12/24)		
Site:	21 Caffin Gardens, Burgess Hill, West Sussex, RH15 0QZ, , , ,		
Validation Date	16 Dec 2024	Overall Expiry Date:	7 Nov 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	16 Dec 2024
Target Date:	10 Feb 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	16 Dec 2024
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2228

**21 Caffin Gardens, Burgess Hill, West Sussex, RH15 0QZ, , ,
To change the use of the land adjacent to property to residential garden land. (amended
description 16/12/24)
Mrs Shirley Newton**

SUMMARY OF REPRESENTATIONS

None

CONSULTEE COMMENTS

None received

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council: RECOMMENDATION: Recommend Refusal. The Committee felt the application contravened the following:

Mid Sussex District Plan

DP26 - Character and Design. This application would not be in keeping with the street scene and could set a precedent.

The Committee also queried whether there are any public rights of enjoyment of the land and public utilities under the land. If so development would not be supported.

INTRODUCTION

Planning permission is sought for change of use of land adjacent to the property to enclose it with close boarded fencing and incorporate the land into the residential garden land.

RELEVANT PLANNING HISTORY

DM/20/0886 - Full planning application for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play (Amended plans received 07.12.2021 which include additional visitor parking, additional footpaths, a new footpath link and minor changes to the layout) (approved)

SITE AND SURROUNDINGS

21 Caffin Gardens is a two storey end of terrace pitched roofed dwelling within a cul-de-sac of new development off Unicorn Way. The dwelling is characterised by face brickwork and aluminium doors and windows.

To the north of the site is the adjoining No.19, to the south of the site is grassland to the public footpath with trees and woodland to dwellings in Unicorn Way and Little Park Field beyond, to the east of the site is the driveway to highway and to the west is the rear garden with close boarded fencing to neighbouring 106 Unicorn Way beyond.

The site is within the built-up area of Burgess Hill.

APPLICATION DETAILS

The proposed boundary enclosure approximately measures 16.7m in depth and 1.85m in width at the front 2.95m in width at the rear and 1.75m in height. This will be characterised by close boarded fencing with a side gate which measures 1m in width and 1.75m in height.

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 Burgess Hill 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)

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.

Burgess Hill Neighbourhood Plan

Burgess Hill Neighbourhood Plan was formally 'made' as of 28th January 2016.

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of 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:

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 2024)

The National Planning Policy Framework (NPPF) 2023 is a material consideration. Paragraphs 8, 11, 131 and 135.

ASSESSMENT

Design and Character

Policy DP26 of the 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;*
- 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'*

Design Principle DG40 requires boundary treatments to be reflective of the area and local traditions in terms of height, structure and materials, balanced with the need for natural surveillance. For larger developments, boundary treatments should be co-ordinated to contribute to the character of the street but allow for some variety and individuality.

The land was designated under the site plan of DM/20/0886 to be amenity space/grass and soft landscaping.

The enclosure of the land to incorporate it into garden land with the proposed siting of the fencing would be highly visible from the streetscene and from Randall Drive to the rear. Given its location, and because of its form and character, the proposal would be an incongruous feature within the estate which is open plan in character and the loss of grassland which contributes to the landscaping to create verdant character would detract from the street scene.

Accordingly, it is considered that the proposal would fail to comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

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 Policy DP29);'

The enclosure of the site will not be harmful to the amenities the neighbouring occupants in respect of causing a loss of light, privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Therefore, in terms of neighbouring amenities, the proposal complies with DP26 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

By virtue of the design, scale and siting of the boundary enclosure to incorporate the land to garden land is considered to cause harm to the character and appearance of the area and that any other material considerations do not outweigh the harm caused by the development. The application is therefore refused for the following reason:

The development would by reason of its design, extent and location, form an incongruous feature that would be out of character with existing development at Caffin Gardens, detract from the street scene and appear out of place. It would thus be contrary to policy DP26 of the Mid Sussex District Plan, principle DG40 of the Mid Sussex Design Guide and the NPPF which seek well designed, high quality and visually attractive development that reflects the distinctive character of the locality. There are not considered to be any other material planning considerations which would justify a decision otherwise than in accordance with the Development Plan.

Decision: Refusal

Case Officer: Andrew Horrell