

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3128	Case Officer:	Andrew Clarke
Application Type:	Householder Application		
Proposal:	Application for a new fence to the northern boundary		
Site:	8 The Crescent, Hassocks, West Sussex, BN6 8RB, , , ,		
Validation Date	5 Feb 2026	Overall Expiry Date:	24 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 May 2026
Target Date:	2 Apr 2026	Recommending Officer Signature:	<i>Andrew Clarke</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	10
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Signed and Agreed By:	<i>Steven King</i>	Date:	1 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3128

**8 The Crescent, Hassocks, West Sussex, BN6 8RB, , ,
Application for a new fence to the northern boundary
A Cross**

SUMMARY OF REPRESENTATIONS

11 letters of representation received

6 in support

5 raising the following matters:

- impact on Conservation Area
- not in keeping
- excessive height
- harm to vegetation
- wall would have been preferable
- amendments are unacceptable
- could not understand amendments

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site is a late 20th century detached house, one of a small development constructed within the former gardens of The White House, a 19th century villa which is adjacent to the eastern side of the property. The site is within the Keymer Conservation Area.

The current proposal, which is partly retrospective, is for the retention, with alterations, of a new closeboarded fence with concrete supporting posts and gravel board, which has been erected along the northern boundary of the site, facing onto The Crescent. A previously existing brick wall, which is likely to have been part of the original garden wall to The White House, and is stated to have been in a poor condition, has been removed. The application has been revised to show the existing arch tops to the fence panels cut down to flat tops, and timber cladding added to the posts and gravel board of the fence with timber.

The Crescent was originally an early-mid 19th century development of three semidetached villa pairs, ranging along the northern side of the road adjacent to the rectory of St John's Church. The land to the south, a former gravel pit, was developed later that century into the house and gardens of The White House. These gardens were developed during the later 20 century to provide four detached houses including the application site.

The houses to the northern side of The Crescent are among the older buildings within the Keymer Conservation Area, representing the early growth of the originally very modest settlement of Keymer which occurred from the 19th century onwards, stimulated in particular by the opening of the railway station at Hassocks in 1841. Although the Council does not have an adopted character appraisal for the Conservation Area, its document 'Conservation Areas in Mid Sussex' contains a brief high-level analysis of some of the key features of the Area, and notes the attractive residential properties in The Crescent as contributing positively to its character and appearance. Although set back from the main road, The Crescent is an important constituent part of the Area, and not peripheral as the applicant has suggested.

The Crescent as a streetscape has an attractive, semi-rural character, which is enhanced by the presence of trees and hedging. The pre-existing wall at no. 8 was of some character and was apparently associated with the previous extent of the grounds to The White House, thus illustrating the sequential development of the area. Its loss is considered regrettable, although it is accepted that it may have been in poor condition. The close-boarded fencing as installed in its place is of a suburban character which detracts from the semi-rural nature of the road. However, the removal of the arched tops to the panels, and the cladding of the posts and gravel boards with timber will be some improvement in this respect. Also, it is noted that there is close-boarded fencing present elsewhere along The Crescent, including to either side of the entrance into the cul-de-sac of which the application site is part. In this context, it is not considered that an objection to the fencing at no. 8 if amended as proposed could be reasonably sustained.

The proposal is therefore considered on balance to preserve the character and appearance of the Conservation Area, meeting the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

MSDC Tree Officer

I have reviewed the AIA and associated documents for this retrospective application and whilst it is regrettable that this work has already been completed, the harm to the trees, if any, has already occurred. Removal of the fence would possibly cause more damage. I note from the AIA that impermeable membrane was used to prevent leaching of concrete into the surrounding soils. This is a positive and only time will tell what damage has occurred to the trees.

PARISH COUNCIL OBSERVATIONS

The committee recommend that permission is granted.

Re-consultation

No objection

INTRODUCTION

The application seeks planning permission for the retention of a close boarded fence and amendments to its design and finish.

RELEVANT PLANNING HISTORY

DM/24/0971 - New fence to the northern boundary. - Withdrawn on Officer's advice

SITE AND SURROUNDINGS

No. 8 The Crescent is a large detached dwelling house set back from the main highway at The Crescent. The curtilage and drive of the property extends significantly westwards of the front principle elevation of the house and includes a wide verge populated with high trees subject to a group Tree Preservation Order (TPO). The fence is located is on the western boundary of this verge adjacent to the unmade highway at the Crescent.

The Crescent is an unmade narrow highway serving the large and substantial residential properties within the Keymer Conservation Area in which the site is located. The Conservation Area is characterised by the attractive residential properties in The Crescent and the various and differing means of enclosure evident in the surrounding area.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Keymer and Hassocks and is within the Keymer Conservation Area.

APPLICATION DETAILS

The application seeks planning permission to retain a 2m high close boarded fence upon the western boundary of the curtilage, with proposed amendments.

The fence as erected is a 2m high close board fence with curved / bowed tops and concrete posts and gravel boards and is approximately 10m in length.

The fence was erected in 2024 and currently is the same as that considered under application DM/24/0971. The current application as originally submitted sought permission for the fence as erected but following negotiation, the application has been amended to show amendments to the fence to remove the bowed tops and replace with flat tops and rails and the cladding in timber of the concrete posts and gravel boards. Amended plans showing the proposed alterations and evidence of similar treatments elsewhere have been provided. The application is therefore being considered on the amended plans as submitted for a proposed fence.

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 Hassocks 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:

DP26 - Design
DP35 - Conservation Area
DP37 - Trees

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.

Hassocks Neighbourhood Plan

The Hassocks Neighbourhood Plan has been made and is part of the development plan. The relevant policies are:

Policy 7: Development in Conservation Areas

Policy 9: Character and Design

Other Legislation

Planning (Listed Buildings 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.'

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 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:

DPS1 - Climate Change

DPN4 - Trees

DPB1 - 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.

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 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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 Design Guide

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

The application seeks to obtain planning permission for an amended version of the fence as erected. The primary considerations are considered to be:

- o Design and Impact on the character and appearance of the Conservation Area
- o Impact on trees
- o Biodiversity Net Gain
- o Other material considerations
- o Planning Balance and Conclusion

Design and Impact on Conservation Area

Policy DP26 of the District Plan relates to design and makes reference to neighbour amenity and 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Policy 9 of the Neighbourhood Plan also addresses design and states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The site lies in the Keymer Conservation Area. Policy DP35 of the District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;'*

Policy 7 of the Neighbourhood Plan refers to Conservation Areas and states:

'In particular development proposals should have regard to the following special features:

Keymer Conservation Area

- o Keymer Terrace and the stone wall by the church;*
- o The Church and its setting;*
- o Properties in the Crescent;*
- o Properties and features of Lodge Lane;*
- o The Greyhound Pub;*
- o The bend in Keymer Road;*
- o Views into and out of the Conservation area; and*
- o The use of traditional building materials.'*

The contents of the NPPF must also be applied and paras 212 - 215 states:

'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 previously objected to the fence as erected and considered under application DM/24/0971 (although the application was withdrawn without a decision being made) on the basis of the impact upon the Conservation Area. The current application has therefore been amended to address these concerns.

As noted above, the Council's Conservation Officer has not raised objections to the fence as proposed, noting the regret regarding the loss of the previous wall, however, that in itself would not be a material consideration in the determination of the application.

Other close board fences are evident within the surrounding area and therefore the presence of an additional fence is not wholly out of keeping and the fence, whilst evident from the Crescent itself, is not overly visible from wider views and is not located so close to the highway as to be considered overbearing. The primary concerns relate to the ornate design of the fence (the arched / bowed tops)

and the austere and out of keeping nature of the concrete posts and gravel boards. The proposed amendments to remove the arched tops results in a simpler and less intrusive design whilst the cladding of the concrete elements will soften the appearance.

The revised fence is therefore considered to preserve the character and appearance of the Conservation Area and is of a design appropriate to the area such that the balancing exercise as required by paragraphs 214 and 215 of the NPPF need not take place and the development as proposed is considered to represent a satisfactory design in compliance with the policies of the development plan.

Trees

The fence lies with the root protection area of the group TPO TP/22/0003, a group of substantial trees which screens the residential property and contributes to the verdant and character of the Conservation Area. The excavation of the fence posts is within the RPA of these trees and has the potential to cause harm to the trees. An Arboricultural Assessment has been submitted and whilst noted by our Tree Officer, they still note the potential for harm from the fence and its removal. There are no recommendations to address any potential harm and noting that any harm may already have taken place and now could not be addressed, the Council's Tree Officer has not raised an objection. Should the trees later need to be removed the Council could rely on the group TPO to require replacement of new specimens.

The development is therefore considered not to cause harm to trees important to the character of the area such as to be compliant with the requirements of policy DP37 of the District Plan.

Other matters

The application as originally submitted was accompanied by a landscaping scheme to screen the fence from the road. It has been established that the applicant is not in control of the verge at the point of the proposed planting such that any planting cannot be secured. As such the application is considered without any proposed planting mitigation.

It is noted that the fence as currently in situ is not acceptable by virtue of its design and finish. As such a condition is required to ensure that the proposed amendments (the replacement of the arched tops with flat tops and rails and the cladding of the concrete posts and gravel board) takes place within set period of time. Should the amendments not take place then the harm to the character and appearance of the Conservation Area would remain. Therefore the condition is worded as such that should the amendments not be made within 3 months that the fence should then be removed to cease breach of planning control and the cease the harm to amenity.

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.

Other material considerations

There are no other material considerations to take into account in the determination of application.

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 content of the application and 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 Hassocks Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

Whilst the fence as currently erected is considered to cause harm to the character and appearance of the Conservation Area and the wider character of the area, the amended design seek to improve the design and appearance of the fence such that it is compliant with the policies of the development. The proposed fence does not cause harm to the Conservation Area such that the balancing exercise in the NPPF does not need to take place and the any harm to the trees would already have taken place such that any objection on these grounds could not be sustained.

The proposed fence, by virtue of its amendment to the design and appearance is therefore considered to comply with policies DP26, DP35 and DP37 of the Mid Sussex District Plan, policies 7 and 9 of the Hassocks Neighbourhood Plan and the contents of the NPPF.

Decision: Permission

Case Officer: Andrew Clarke