

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                 |                                        |             |
|----------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------|-------------|
| <b>Ref. No:</b>                              | DM/25/0784                                                                                      | <b>Case Officer:</b>                   | Anna Tidey  |
| <b>Application Type:</b>                     | Householder Application                                                                         |                                        |             |
| <b>Proposal:</b>                             | Proposed fencing                                                                                |                                        |             |
| <b>Site:</b>                                 | The Meadows, Little Park Farm, Marchants Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9UZ, |                                        |             |
| <b>Validation Date</b>                       | 24 Mar 2025                                                                                     | <b>Overall Expiry Date:</b>            | 6 May 2025  |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                 | <b>Pre-Com Conditions Date Agreed:</b> |             |
| <b>Recommendation:</b>                       | Permission                                                                                      | <b>Recommendation Date:</b>            | 30 Jul 2025 |
| <b>Target Date:</b>                          | 19 May 2025                                                                                     | <b>Recommending Officer Signature:</b> | Anna Tidey  |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 30 Jul 2025 |
| <b>Comments:</b>             |             |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/0784**

**The Meadows, Little Park Farm, Marchants Close, Hurstpierpoint, Hassocks, West Sussex, BN6 9UZ**

**Proposed fencing  
Emma Poland**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

Conservation Officer: This application would appear to be retrospective, although the fencing which is in place, although clearly recently installed, does not entirely correspond to the fencing as shown on the submitted plan. The application is not accompanied by a planning statement which could elucidate the applicant's intentions and therefore it is difficult to understand whether it is intended to retain the existing, unauthorised fencing, so that the plan submitted is inaccurate, or to revise the fencing to reflect the application drawings. It would be helpful if this could be clarified. I also note that we do not have a heritage statement, which would be a validation requirement.

The fencing as installed, assuming that the intention is to retain this, raises a number of concerns in terms of the impact on the character of the development and the contribution it makes to the setting of Little Park. The inclusion of close boarded fencing, and of the 4 and 5 foot 'post and rail' fencing (which is not in fact post and rail in the traditional sense), has a suburbanising impact which detracts from the intended 'agricultural' aesthetic, and is not appropriate for the semi-rural context. These aspects of the proposal detract from the contribution which the site makes to the setting of Little Park, including in terms of views and vistas from the north eastern side of the grounds to the listed building, which will include both the listed building and the site. The close boarded fencing runs right up to the boundary and would be relatively prominent in these views.

The fencing as per the submitted plan, although not as above reflective of the situation on site, raises similar concerns.

It will be necessary to establish the intentions of the applicant prior to submission of further comments, but both of the above scenarios result in harm, through impact on setting, to the special interest of Little Park. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the harm caused is less than substantial, at the lower end of that scale.

Historic England: No response received.

### **PARISH COUNCIL OBSERVATIONS**

Hurstpierpoint & Sayers Common Parish Council: The committee are pleased to see post and rail fencing being installed. The fencing should all be post and rail at the same height of the current fencing on the access track and no higher, to ensure both standardisation and to reflect the originally specified farmyard feel of the development.

### **INTRODUCTION**

This application seeks planning permission for the erection of new boundary fencing at a dwelling known as 'The Meadows' at the former Little Park Farmstead off Marchants Close in Hurstpierpoint.

The dwelling, formerly referred to as Unit C in the determination of applications DM/21/2367 and DM/22/0204 for the construction of 3, then 2, dwellings and removal of a Dutch barn, former dairy building, mobile home and other outbuildings on the site, has been completed and has been the subject of a number of applications for extensions to the originally approved dwelling.

Under approval DM/22/0204 planning condition 14 removes the permitted development allowance for any enclosures within the curtilage of the property.

Some of the fencing shown on the submitted plans has been already installed on the site. During the course of determining this application some other boundary fencing, that had been constructed at the site, and which has been the subject of a complaint and investigation of the breach by the Planning Investigations Team, has been removed.

## **RELEVANT PLANNING HISTORY**

DM/25/1549. PIP - Single Proposed Dwelling. Yet to be determined.

DM/25/0785. Proposed two storey extension on southern side elevation with gabled roof including two gabled dormers, a rooflight and a Juliette balcony. Addition of new gabled dormer on existing east facing roof slope to replace two rooflights, to serve an existing first floor bedroom. Refused June 2025.

DM/24/1406. Proposed two storey side extensions with Juliette balcony to first floor also new and relocated dormers. Proposed two storey part single storey rear extension with Juliette balcony to first floor. Refused August 2024.

DM/23/2001. Removal of Condition No. 14 of planning permission DM/22/0204. Refused October 2023. Appeal Dismissed under reference AP/24/0002 in April 2024.

DM/23/0305. Proposed detached single-storey Home Office ancillary to 'The Meadows'. Refused March 2023.

DM/23/0891. Single-storey porch extension. Refused May 2023.

DM/23/0189. Removal of Condition 14 of planning application DM/22/0204 relating to The Meadows (Unit C). Withdrawn March 2023.

DM/22/3843. Proposed single storey porch extension. Refused February 2023. Appeal Allowed under reference AP/23/0037 in July 2023.

DM/22/2131. Variation of Condition 2 in relation to DM/22/0204. Approved August 2022.

DM/22/0204. Removal of former dairy, mobile home and other outbuildings and construction of 2 dwellings (revisions to approved scheme DM/21/2367) now including garages and alterations to eastern unit to accommodate rooms within the roof space. Approved April 2022.

DM/21/3720. Discharge of Condition 17 (contamination) and Condition 20 (ecology) relating to planning reference DM/21/2367. Approved December 2021.

DM/21/3341. Discharge conditions 3, 8, 9 and 11 of planning application DM/21/2367. Approved December 2021.

DM/21/2367. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Approved September 2021.

DM/20/1533. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Amended Plans received 16.06.2020. Refused October 2020. Appeal Dismissed May 2021.

DM/19/4153. Removal of an existing barn, mobile home and other outbuildings. Construction of three dwelling, 1x5 bedroom with detached garage, 1 x3 bedroom and 1 x2 bed bedroom. Refused January 2020. Appeal Dismissed May 2021.

DM/19/2344. Application for determination as to whether prior approval is required for the change of use of an agricultural building to 4 dwellinghouses and for associated operational development. Prior approval granted August 2019.

DM/19/0824. Remove existing barn, mobile home and other outbuildings for the construction of 4 dwellings with car ports. Refused May 2019.

14/00745/LDE. Application to site a caravan for domestic use. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved April 2014.

08/01417/FUL. Installation of 17.5m telecommunications mast, equipment cabinets and ancillary equipment with 6.5m by 6.5m compound. Approved August 2008.

## **SITE AND SURROUNDINGS**

The Meadows is a modern detached 5 bed dwelling located on a site formerly known as Little Park Farm. In the residential development of the site the dwelling was formerly referred to as Unit C. This, and an adjacent completed dwelling at The Old Dairy (formerly referred to as Unit B) are located off a narrow shared access track leading from the northern end of Marchants Close. This access track is shared with another residential property at North End House, which is located to the north east of the site. The track also serves as a pedestrian route for occupiers of the houses at Idenhurst, and also allows public access to Hurst Meadows open space.

A Dutch barn remains undeveloped on the site, occupying the position of a further approved dwelling, known as Unit A. A vehicular access gate located in the site boundary, to the south of the Dutch barn, allows access into an extended garden area serving the adjacent Grade II\* property known as Little Park. Beyond this there is a large private pond which is in the grounds of that property.

An extensive area of land to the east of the site, which stretches east to the Conservation Area at Hurst Whickham, is in use as Hurst Meadows Public Open Space. This land is allocated for use as public open space for informal recreation, referred to as Hurst Meadows in the Hurstpierpoint Neighbourhood Plan (Policy Amenities HurstA1: Hurst Meadows).

The eastern boundary of the garden area at The Meadows adjoins this land and the site boundary is enclosed by a chain link fence. Trees growing along this boundary have been retained. There are open public views into the garden and land associated with The Meadows from Hurst Meadows and from adjacent public footpath (HSC/63HU/2), the route of which follows the boundary line.

The District Plan designates the site as countryside, located outside the designated built up area of Hurstpierpoint.

## **APPLICATION DETAILS**

This application seeks planning permission for the erection of boundary fencing on the shared access road and around the north and eastern site boundaries of the property at The Meadows, and alongside the shared access to the garden at Little Park.

The application has been accompanied by a Location/Block Plan which details the siting and form of four types of timber fencing around the boundaries of the property known as 'The Meadows', also referred to as 'Meadowview' on the plan.

At the time of the application the fencing that had been erected at the site did not accord with the details on the submitted plan. The proposed fencing includes 4 ft high traditional post and rail fencing, 4ft and 5ft horizontal hit and miss style fencing and 6 ft vertical close boarded fencing.

Recently a section of the formerly erected 6ft close boarded fencing (not shown on the submitted plans) has been removed from the site. This had been erected forward of the line of the original (retained in situ) post and rail fence at the shared entrance point with The Old Dairy.

Sections of close boarded fencing sited to either side of the access track to the garden at Little Park have been erected and remain in place with a former trellis top and support posts now removed. The remaining fence accords with the details shown on the submitted plans.

Overall the remaining fencing now largely accords with the details on the submitted plan, with the exception of a small section of 6ft close boarded fencing, located to the north of the access track to the house at The Meadows.

## **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, the Hurstpierpoint & Sayers Common Neighbourhood Plan and Site Allocations DPD.

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:

- DP12 Protection and Enhancement of Countryside
- DP26 Character and design
- DP34 Listed Buildings and other Heritage Assets

### **Site Allocations Development Plan Document**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

### **Neighbourhood Plan**

Hurstpierpoint & Sayers Common Neighbourhood Plan, made March 2015.

Policy HurstC1: Conserving and enhancing character of countryside

### **Other Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **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  
DPS6 Health and Wellbeing  
DPC1 Protection and Enhancement of the Countryside  
DPB1 Character and Design  
DPB2 Listed Buildings and Other Heritage Assets

#### *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)*

## **ASSESSMENT**

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

- Removal of permitted development rights
- Design and impact upon rural setting
- Impact upon the rural setting
- Impact upon the Listed Building
- Impact on residential amenities
- Biodiversity Net Gain

### **Removal of permitted development rights**

The property at The Meadows has a planning condition (Condition 14 of DM/22/0204) which limits the permitted development rights for works within the residential curtilage. The condition states:

'14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling houses hereby approved, whether or not consisting of an addition or alteration to their roofs, nor any other alteration to their roofs, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling houses) without the specific grant of planning permission from the Local Planning Authority.'

Application DM/23/2001 sought to remove this planning condition and was refused in October 2023. The subsequent Appeal (ref AP/24/0002) to remove this condition was Dismissed in April 2024.

It is relevant in the determination of the Appeal that the Inspector considered that:

*'The condition continues to serve a useful purpose in respect of maintaining the rural character of the site and its setting in accordance with the aims of the development plan. Nor does the condition prohibit future planning applications to be submitted and approved where the designs accord with the relevant planning policies. I am therefore satisfied that there remains clear justification for the removal of permitted development rights in this location.'*

The Inspector considered that the main issue in his deliberations was whether condition 14 is reasonable and necessary to preserve the rural character and setting of the site and surrounding area including the setting of the adjacent Grade II\* listed building known as 'Little Park'.

In his opinion the condition is required for the ongoing protection of the rural character of the countryside. He considered that there is not a meaningful visual relationship between the appeal property and the setting of the adjacent listed building and concluded that the removal of condition 14 would not result in harm to designated heritage assets and, therefore, would not conflict with Policy DP34 or Chapter 15 of the NPPF.

Detailed consideration is given to the impact of the current proposal in this regard in the following sections of this report.

## **Design and impact upon rural setting**

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 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 DP29);*
- \* 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.'*

The site is located outside the built up boundary of Hurstpierpoint, within the open countryside. The relevant District Plan Policy is DP12. This seeks to maintain and enhance the quality and character of the rural area and states:

*The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map,*

*provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- o it is necessary for the purposes of agriculture; or*
- o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

This aim is reflected in Neighbourhood Plan Policy Hurst Policy C1, which states:

*Development, including formal sports and recreation areas, will be permitted in the countryside, where:*

- o It comprises an appropriate countryside use;*
- o It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- o In the South Downs National Park, Policy HurstC2 will take precedent.*

This part of the Little Park Farm site formerly accommodated a single storey mobile home unit. As originally approved the replacement residential property permitted on this site (Unit C) was a three bed, single storey dwelling with an integral garage.

The application for the development of the site, as granted under DM/22/0204, included a Landscape Plan (Drawing ref. 1166-21-02d). This showed the proposed fencing for the dwelling at The Meadows to include a 1.2m high timber post and rail fence with indigenous hedge planting. This was shown to be erected between the designated garden space and a grassed paddock and orchard extending to the south and east of the property. To date this fence has not been erected and no delineation has occurred. The manicured garden space has extended over the area originally shown to be designated as a paddock and orchard. No other new boundary fencing was shown on the approved drawings for the original development, although a chain link fence was erected along the eastern site boundary with the open space beyond at Hurst Meadows at the time of the development works.

The proposed fencing is of a timber construction and both the post and rail style and the hit and miss style fencing allow views through the fencing, which gives it a rural appearance. In time the colour of the untreated wood will also fade to a softer grey tone.

There is traditional open post and rail boundary fencing around the front garden and entrance to the adjacent property at The Old Dairy, and other traditional style open post and rail fencing on the approach access track serving the site from Marchants Close.

Close boarded fencing has been erected alongside the entry to Little Park along the eastern site boundary. This fencing serves to restrict views of the retained Dutch barn on the undeveloped adjacent site from the rear garden at The Meadows. This fencing, whilst an urban style of fencing, is sited between the two residential properties on the site and does not encroach on public views of the site from the adjacent public paths and open space.

It is considered that the proposed fencing accords with the aims of Policy DP12 of the District Plan, Neighbourhood Policy Countryside HurstC1 and relevant Design Guide and NPPF guidance.

### **Impact upon the Listed Building**

The dwelling at The Meadows lies approximately 80 metres to the north east of Little Park, which is a Grade II\* listed building. With this status the ex-farm house building has a high degree of significance, being one category lower than a Grade I Listed building. Taken together Grade I and Grade II\* Listed buildings account for just 8% of all listed buildings, with Grade II Listed Buildings accounting for 92% of all listed buildings.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall*

*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

*'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'*

Paragraphs 207-210 of the NPPF are relevant. They state:

*'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

*208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

*209. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'*

*210. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

Paragraphs 212-215 of the NPPF are also relevant to the consideration of potential impacts from development, and state:

*'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.'*

In the Appeal Decision for DM/23/2001, Appeal ref AP/24/0002 (Dismissed removal of Cond 14 of planning permission DM/22/0204) the Inspector considered:

*'The main issue, is whether condition 14 is reasonable and necessary to preserve the rural character and setting of the site and surrounding area including the setting of the adjacent Grade II\* listed building known as 'Little Park'.*

The proposed fencing at The Meadows is sited over 90m from the Grade II\* Listed Building at Little Park. The proposal has been assessed by the Council's Conservation Officer and her views are reported above. In her opinion the proposal would result in harm, through impact on setting, to the special interest of Little Park. In her opinion the harm that would be caused was judged to be less than substantial, at the lower end of that scale. Since these comments were made the close board fencing formerly sited on the entry to the site has been removed, and the constructed new fencing at the site has therefore changed.

The proposed fencing serves a separate dwelling at The Meadows. Given the distance of the garden of that property from the Listed Building and the views of the Planning Inspector regarding the relationship of the site to the listed building as set out earlier in this report, your Planning Officer, on balance, has a different view to the Conservation Officer. It is considered that the proposed fencing at The Meadows will not harm the setting of the Listed Building at Little Park.

District Plan Policy DP34 states that special regard is given to protecting the setting of a listed building. It is relevant that the siting for the proposed fencing serves a separate dwelling at The Meadows, and is a significant distance from the Listed Building at Little Park. None of the proposed fencing abuts the site boundary with the Listed Building and the position of each of the sections of new fencing is visually divorced from the grounds of the Listed Building.

In your Planning Officers view, the proposed fencing would not cause harm to the setting of the Listed Building, given its distance from Little Park. The proposal is therefore not in conflict with the aims of District Plan Policy DP34.

### **Impact on residential amenities**

In assessing the potential impact of the proposed fencing proposals upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26. Policy DP26 requires that *'All applicants will be required to demonstrate that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings.'*

The proposed fencing reflects the rural style and setting of the dwelling at The Meadows and the immediate rural properties. Given the orientation of the dwelling at The Meadows and the shared access arrangements with the neighbouring dwelling at The Old Dairy it is considered that the open fencing design will not have a significant impact upon the outlook and amenities of the occupiers of that dwelling, which is the nearest residential property or the more distant occupiers of North End.

The proposal therefore accords with Policy DP26 of the District Plan with regard to the impact upon residential amenities.

## **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**

It is considered that the proposed fencing accords with the aims of Policy DP12 of the District Plan, Neighbourhood Policy Countryside HurstC1 and relevant Design Guide and NPPF guidance.

The proposed fencing on the site access and to the north of The Meadows is of an open traditional and contemporary style. This reflects the semi rural siting of The Old Dairy and The Meadows. The proposal therefore accords with the design aims of District Plan Policy DP26 and the overall principles of the Design Guide.

District Plan Policy DP34 states that special regard is given to protecting the setting of a listed building. It is relevant that the siting for the proposed fencing serves a separate dwelling at The Meadows, and is sited over 90m from the Listed Building at Little Park. None of the proposed fencing abuts the site boundary with the Listed Building and the position of each of the sections of new fencing is visually divorced from the grounds of the Listed Building. In your Planning Officers view, the proposed fencing would not cause harm to the setting of the Listed Building, given its distance from Little Park. The proposal is therefore not in conflict with the aims of District Plan Policy DP34.

It is considered that the fencing will not have a significant impact upon the outlook and amenities of the immediate neighbours living at The Old Dairy and North End House. The proposal therefore complies with Policy DP26 of the District Plan in terms of neighbouring amenities.

Consequently this application is recommended for approval.

Decision:       Permission

Case Officer: Anna Tidey