

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0810	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective application for retention of 2.1m high feather edge timber boundary fence following the replacement of existing boundary treatment.		
Site:	1 Pine Way Close, East Grinstead, West Sussex, RH19 4JR, , ,		
Validation Date	11 May 2026	Overall Expiry Date:	2 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Jul 2026
Target Date:	6 Jul 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	6 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0810

**1 Pine Way Close, East Grinstead, West Sussex, RH19 4JR, , ,
Retrospective application for retention of 2.1m high feather edge timber boundary fence
following the replacement of existing boundary treatment.
Mr Bradley Scott**

SUMMARY OF REPRESENTATIONS

No third party letters of representation have been received from neighbouring properties.

SUMMARY OF CONSULTEES

None received.

EAST GRINSTEAD TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Retrospective planning permission is sought pursuant to S.73a of the Town and Country Planning Act 1990, as amended, for a 2.1 metre high feather edge timber boundary fence following the replacement of the existing boundary treatment.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

1 Pine Way Close is a detached dwelling located on the corner of Pine Way Close and Garden House Lane. The dwellinghouse comprises a brick and tile hung façade, white uPVC fenestration, plain roof tiles and an integrated garage. A driveway providing parking for two vehicles is located forward of the integrated garage.

The property sits on a large corner plot with garden to the south of the dwelling parallel to Garden House Lane. The garden is enclosed with a timber fence and a pedestrian pavement is located along the eastern boundary, running from north to south adjacent to Garden House Lane.

The site is surrounded by detached dwellings of similar form, scale and design, set back from the public highway with front gardens and driveways forward of the principle elevations. Other corner plots with a layout similar to the application site have boundary fences adjacent to the public highway, similar in scale, form and siting to the development.

APPLICATION DETAILS

Retrospective planning permission is sought pursuant to S.73a of the Town and Country Planning Act 1990, as amended, for a 2.1 metre high feather edge timber boundary fence following the replacement of the existing boundary treatment.

The feather edge timber fence measures a height of 2.1 metres and a total length of approximately 48.7 metres. The north element of the timber fence has a gate providing direct access to the rear garden and measures some 6.56 metres. The fence runs along the eastern boundary of the property for 40.2 metres,

curving at a 90 degree angle at the south eastern corner of the property to meet the existing rear boundary fence. The southern element measures 1.95 metres in length.

The fence replaces a pre-existing close boarded timber fence with concrete posts, set back from the highway with a verged area between the fence and public highway. The pre-existing fence measured approximately 1.8 metres 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 the East Grinstead 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 it is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policy:

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.

Neighbourhood Plan

East Grinstead Neighbourhood Plan (made 2016)

Relevant policy:

Policy EG3 - Promoting Good 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 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:

DPS2 - Sustainable Design and Construction

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 also a material consideration and paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

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 Amenities
- 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:

- 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 EG3 of the East Grinstead Neighbourhood Plan contains a similar ethos and states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*

b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity; c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area; d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site; e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas; f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and h) Proposals make provision for green infrastructure and biodiversity enhancement. Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard'.

The retrospective application relates to an established residential area of East Grinstead, where properties are of a similar age, design and form. The fence forming the basis of the application measures 2.1 metres in height and spans a total distance of some 46.7 metres, enclosing the application property's rear garden.

The fence is constructed with feather edge timber boards, timber arris rails, timber fence posts and timber gravel boards. These materials are similar to the previous timber fence and those of properties surrounding the site with fences enclosing corner plots.

The fence replaced a pre-existing fence measuring 1.8 metres in height spanning a total distance of 44.76 metres. Whilst the fence runs directly adjacent to the public highway, the pre-existing fence was set back with a verge forward of the fence.

The fence was moved forward from its pre-existing location set back from the highway to a position adjacent to the highway. The pre-existing fence was surrounded by a number of trees, making it difficult to replace the fence in the existing location. Following informal consultation with the MSDC Tree Officer, the current trees on site are not believed to be protected by TPO, but rather trees planted later to act as a hedge/screen.

Surrounding the site, similar corner plots have boundary fences adjacent to the public highway enclosing rear gardens. 1 Garden House Lane, located directly north of the site beyond Pine Way Close is a detached dwelling with an west facing garden which is enclosed with a close boarded fence sited on a short retaining wall adjacent to Pine Way Close.

Furthermore, located to the north east of the site beyond Garden House Lane, 1 Garden Close and 2 Forest View, Garden Close, both have close boarded fences located directly adjacent to the public highway enclosing the rear garden from the road. In 2020, planning permission was granted for a boundary fence measuring a maximum height of 2.1 metres adjacent to the public highway at 1 Garden Close (planning reference DM/20/1206).

The fence materials are similar to the pre-existing fence, however, it is approximately 30 centimetres higher at 2.1 metres high and set forward adjacent to the highway. The site is located on an elevated plot and therefore the increased height and new location of the fence is considered prominent as the fence is easily visible from the street scene and neighbouring properties, specifically the properties located at 2 to 12 Garden House Lane which look onto the development.

Whilst the increase in scale and siting adjacent to the highway is regrettable, the harm experienced would not be considered significant when considering its impact on the existing dwelling and the surrounding buildings, and as such the development is deemed to comply with policy DP26 of the District Plan (design and character) and policy EG3 of the East Grinstead Neighbourhood Plan.

Impact on Neighbouring Amenities

In terms of impact on 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 DP29)'

The test as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should 'not harm' adjoining neighbours amenity.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above

Due to the nature of the development, the fence is not considered to cause impacts in terms of privacy, daylight and sunlight, noise, air and light pollution.

As discussed above, the fence would be considered a prominent feature and is visible from the street scene and overlooked by the residential dwellings directly east of the property on Garden House Lane.

Residential properties located at 2 to 12 Garden House Lane are detached dwellings set back from the public highway with driveways and gardens forward of the principal elevations. These houses have site-facing windows serving habitable rooms which overlook the development.

The fence replaces a pre-existing fence that had been in situ for many years, albeit 30 centimetres shorter and set back from the highway behind a small section of verge. As such, these properties have always looked onto the application sites boundary fence. Whilst the fence is larger in scale and holding a more prominent position adjacent to the public highway, the change in scale and siting from the pre-existing scenario would not be considered to cause significant harm to the outlook of the residential dwellings located from 2-12 Garden House Lane.

1 Garden House Lane to the north of the site and 2 Forest View to the northeast as well as the properties to the west and south of the site would not be considered to experience any harm to amenity as a result of the separation of distance from the site.

The development is therefore considered to comply with this part of 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. 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

Whilst the scale and siting of the development are noted, the development is considered to be well designed and reflect the character of the surrounding area.

In conclusion, the development is considered appropriate in terms of design on a planning balance and would not be considered to cause significant harm to the character of the area or neighbouring amenity, thus according with the requirements of policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

The development is therefore considered acceptable.

Decision: Permission

Case Officer: Jessica Szollosi