

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1691	Case Officer:	Andrew Clarke
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/26/0600 - to allow design changes.		
Site:	20 Costells Edge, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PY, , ,		
Validation Date	10 Jul 2026	Overall Expiry Date:	5 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Sep 2026
Target Date:	4 Sep 2026	Recommending Officer Signature:	<i>Andrew Clarke</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	11 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1691

**20 Costells Edge, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PY, ,
Variation of condition no 2 relating to planning application DM/26/0600 - to allow design changes.
Mr And Mrs Wesley Forrest**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received

PARISH COUNCIL OBSERVATIONS

No comment

INTRODUCTION

The application is a s.73 application which seeks revisions to a scheme for the removal of existing rear patio and decking and construction of enlarged decking together with a new close board boundary fence previously approved under reference DM/26/0600.

RELEVANT PLANNING HISTORY

Planning permission was granted under reference DM/26/0600 on 15th April 2026 for the removal of existing rear patio and decking and construction of enlarged decking together with a new close board boundary fence. It is considered that this permission has been lawfully implemented but is yet to be completed.

SITE AND SURROUNDINGS

The property to which the application relates is a large detached dwellinghouse lying on corner plot at the end of the a spacious residential cul-de-sac development in Scaynes Hill.

The development is to take place entirely to the rear of the dwellinghouse within the rear garden. The rear garden backs onto woodland with large open clearings to the north and west with low boundary treatments between. The land falls gently away from south to north such that the proposed decking would exceed 30cm in height at its northern extent. The woodland surrounding the site is designated Ancient Woodland.

The site lies on the edge of the residential built-up area of Scaynes Hill.

APPLICATION DETAILS

The application seeks vary condition 2 of planning permission DM/26/0600 which secured the approved schedule of plans to permit a variation to the design to omit the garden steps and incorporating a larger decked area, safety balustrade, and relocated woodland gate.

The remainder of the proposed development remains as previously approved.

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 Allocations Development Plan Document (DPD) and the Lindfield and Lindfield Rural 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 and Character
DP37 - Ancient Woodland

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.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan has been made and is a material planning consideration with full weight. There are no relevant policies.

Other Material Considerations

None

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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

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) (August 2026)

The National Planning Policy Framework sets out the government's policies for making decisions on development proposals in England. It is a material consideration of critical importance.

Paragraph 15 of the NPPF states *'The purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest..'*

Paragraph 17 of the NPPF defines sustainable development and states:

...achieving sustainable development means that the planning system has three overarching objectives in providing for the homes, commercial development, facilities and infrastructure which society needs. These objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across all three):

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible community facilities, public service infrastructure and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to support efforts to mitigate and adapt to climate change, including moving to a low carbon economy; and to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, and minimising waste and pollution.

National decision making policy S3 states a 'Presumption in favour of sustainable development' and states:

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.'

Policy S4 states:

Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

ASSESSMENT

The primary considerations relating to the application relate to:

- Principle
- Design
- Ancient Woodland
- Bio-diversity net gain
- Other material considerations

Principle

The site lies within the settlement of Scaynes Hill and as such should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

Design

Policy DP26 of the District Plan relates to character and design, however, this are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The revised design does not increase the size of the decking and as such does not represent an overdevelopment of the site and retains a large proportion of the garden which remains laid to lawn. Whilst the decking is visible from wider views from the woodland outside the site it remains viewed in context with the main house and is in keeping with the character and appearance of the area.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.

The decking still does not abut the southern side of the site adjacent to any neighbouring property and is of not of a height which may cause harm to neighbour amenity by virtue of overlooking.

It is therefore considered that the proposal complies with policy DP3 and P3 of the NPPF and the development plan policy DP26.

Ancient Woodland

The previous application considered that whilst the development lay within the 15m buffer zone of the adjacent Ancient Woodland, that the site is already residential garden and the development does not accentuate or increase any potential damage to the ancient woodland. The revised scheme is no different in its impact upon the Ancient Woodland and noting the contents of policy N2 of the NPPF the development conserves existing natural features that the development remains in accordance with policy N2 and policy DP37 of the 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.

Other material considerations

There are no material considerations to be taken into account in the determination of the application.

PLANNING BALANCE AND CONCLUSION

Policy S4 of the NPPF states development should be should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

The revised development does not cause harm to the character and appearance of the area or neighbour amenity to be compliant with policy DP26 of the District Plan and does not contravene the aims of policy DP37 of the District Plan and is compliant the relevant policies DP3, P3 and N2 of the NPPF such that planning permission should be granted.

Decision: Permission

Case Officer: Andrew Clarke