

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                      |                                        |                         |
|----------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------|-------------------------|
| <b>Ref. No:</b>                              | DM/25/1293                                                                           | <b>Case Officer:</b>                   | Catherine Cardin        |
| <b>Application Type:</b>                     | Householder Application                                                              |                                        |                         |
| <b>Proposal:</b>                             | Retrospective application for two external garden retaining wall.                    |                                        |                         |
| <b>Site:</b>                                 | Holly Cottage, Cansiron Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3SF, , |                                        |                         |
| <b>Validation Date</b>                       | 19 May 2025                                                                          | <b>Overall Expiry Date:</b>            | 22 Jul 2025             |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                      | <b>Pre-Com Conditions Date Agreed:</b> |                         |
| <b>Recommendation:</b>                       | Permission                                                                           | <b>Recommendation Date:</b>            | 17 Jul 2025             |
| <b>Target Date:</b>                          | 14 Jul 2025                                                                          | <b>Recommending Officer Signature:</b> | <i>Catherine Cardin</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 2 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |             |
|------------------------------|------------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 18 Jul 2025 |
| <b>Comments:</b>             |                        |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/1293**

**Holly Cottage, Cansiron Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3SF,  
Retrospective application for two external garden retaining wall.  
Mr Daniel Barker**

### **SUMMARY OF REPRESENTATIONS**

Two letters of objection were received. The letters of objection stated several concerns regarding the proposal:

- Destruction of established wildlife habitat.
- Loss of ancient woodland and native flora.
- Damage to protected bluebells.
- Contravention of environmental planning policy.
- Loss of privacy.
- Loss of trees.
- Loss of boundary hedging.
- Visibility from Ashdown Forest car parks.
- The instability of the Greensand Ridge.

### **SUMMARY OF CONSULTEES**

#### **WEALDEN DISTRICT COUNCIL**

No objection.

#### **PARISH COUNCIL OBSERVATIONS**

No objection.

### **INTRODUCTION**

This application seeks retrospective planning permission for two external garden retaining walls.

At the time of the site visit the works had been largely completed.

### **RELEVANT PLANNING HISTORY**

GR/192/99- Extend existing double garage and bungalow. internal alterations and loft conversion. Permission.

01/00166/FUL- Single storey rear extension. Permission.

06/00094/FUL- Part loft conversion with dormer window to form en-suite bathroom to master bedroom. Permission.

10/00083/FUL- First floor extension and double side extension (front extensions). Ground floor - carers room and wet room/shower room. First floor - carers entrance to bed 1 and loft storage. Withdrawn.

10/00605/FUL- Single storey front extension: ground floor: carers room and wet room/shower room. Internal alterations. Permission.

DM/24/0562- Proposed roof extension to form master bedroom and associated internal minor alterations. Permission.

## **SITE AND SURROUNDINGS**

Holly Cottage is a detached two storey dwelling. It is constructed of brick with white upvc windows and a plain tile roof. The house is set back from the highway and works to level out the rear garden and create a level area with retaining walls running parallel to the rear boundary have already been carried out.

The application property is located within the built-up area of Ashurst Wood and is within the High Weald AONB. Neighbouring properties are located to the east and west. Highway is located to the north. Some of the trees and shrubs to the south of the site have been removed as part of these works, although outside of the application site.

## **APPLICATION DETAILS**

Works have already been carried out to excavate soil on this previously sloping site in the rear garden to provide a gravelled level area to the rear of the property. Two concrete external retaining walls have been created along the eastern and western boundaries of the site.

The two retaining walls taken together would create a rectangular area measuring some 18.3 metres in width and some 17.7 metres in depth. Concrete walls would also be stepped downhill to reflect changing land levels. The northern retaining wall would have a maximum height of some 2 metres. The southern retaining wall would have a maximum height of some 2.1 metres. The works would be inset from the western boundary by some 2.4 metres and inset from the eastern boundary by some 3.9 metres.

It is proposed to clad the retaining walls in Siberian Larch timber cladding. It is also proposed to install 9 no. planting beds across the level gravel area. Plans show it is proposed to plant a variety of native hedge and tree species, with 4 no. trees proposed on the southern elevation.

## **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 Ashurst Wood Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

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

Relevant policies:

DP16 - High Weald Area of Outstanding Natural Beauty

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**

Ashurst Wood Neighbourhood Plan made in 2016.

Relevant policies:  
ASW14- Design and Character

### **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:  
DPC4 - High Weald Area of Outstanding Natural Beauty  
DPS2 - Sustainable Design and Construction  
DPB1 - Character and Design

#### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

#### *National Planning Policy Framework (NPPF) (December 2024)*

### **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 the High Weald AONB
- Neighbouring Amenities
- Other matters
- Biodiversity Net Gain

### **Design and Character**

Policy DP26 of the Mid Sussex District Plan relates to design and character 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 DP27);*
- 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 ASW 14 of the Ashurst Wood Neighbourhood Plan relates to design and states:

*"All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:*

- (a) Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and*
- (b) Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and*
- (c) Using materials which are compatible with the materials of the host or surrounding buildings; and*
- (d) Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and*
- (e) Ensuring safe access for pedestrians, cyclists and other road users; and*
- (f) Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and*
- (g) Adopting the principles of sustainable drainage where appropriate; and*
- (h) Providing private garden amenity space proportionate to the size of the dwelling; and*
- (i) Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and AWNP March 2016 Page 33*
- (j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and*
- (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas*

Policy DP26 requires new works to be of a good quality and to be sympathetic to the character of the site and its surrounds, protecting any special character.

The works are to the rear of the property on a sloping site and are screened from the streetscene by the application property itself. It is proposed that the retaining walls are finished in larch timber cladding. This would naturally weather over time and it is considered that this would make the visual impact of the retaining walls acceptable within the wider context of the area. The works would not extend beyond the boundary of neighbouring properties, and it is therefore considered that the works would not have a negative visual impact on the surrounding area. In addition, the landscaping plan provides some additional screening of the proposal which softens their visual impact. The landscaping can be secured by a suitably worded condition.

## **Impact on the High Weald AONB**

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*.

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'*

Policy DP16 in the District Plan relates to the the High Weald AONB and sets out that development will only be permitted where it conserves or enhances natural beauty. and has regard to the High Weald AONB Management Plan.

The application relates to an existing residential property within the built-up area of Ashurst Wood. As such the proposal would not form an isolated development within the wider landscape. As the works are to the rear of the property and are not visible from the street scene, it is not considered that the works would have an adverse impact on the overall landscape quality of the AONB. Furthermore, when the works are viewed in the context of neighbouring gardens which are of a similar depth, the works are not considered to encroach into the AONB.

As such the proposal would comply with the requirements of Policy DP16 of the District Plan, The High Weald AONB Management Plan and paragraph 189 of the NPPF.

### **Neighbouring Amenities**

Policy DP26 in part seeks to ensure that development:

*"does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);"*

It is noted that concerns have been raised regarding the impact to privacy from the works as a result of raising the ground levels at the application site relative to surrounding properties. In this instance, the works are to excavate part of the rear garden to provide a level area. Due to the sloping of the site to the south, and the existing boundary treatments, there is little direct view of these works from neighbouring properties. Some views of the works would be visible from the first floor of Seal House to the east of the application site. Certainly, the works are not visually intrusive to those adjoining neighbours.

Having viewed these works on site there appeared to be no adverse impacts that would affect either adjoining neighbour and the scheme, from the planning perspective, appears to be compliant with the provisions of the Development Plan.

### **Other matters**

The concerns raised regarding the impacts to woodland, wildlife, flora and trees are noted. As these are legal matters dealt with under the Wildlife and Countryside Act 1981, it is the responsibility of the applicant to adhere to this legislation. In addition, the works would be over 50 metres from the 15m ancient woodland buffer and are therefore not considered to be harmful to the ancient woodland to the

south of the application site. Furthermore, Wealden District Council were consulted on the application and have raised no objection to the proposal.

The concerns regarding the visibility from Ashdown Forest car park are noted. Just because something may be visible does not make it unacceptable. In any case, it is considered that the proposed screening would soften the visual impact from the south of the site as the landscaping matures over time.

### **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**

The works have already been carried out and involve an acceptable amount of excavation works and levelling out of the rear garden. The overall appearance of the works is acceptable with minimum impact outside the application site. There would appear to be no adverse impact upon either adjacent neighbour and overall the scheme complies with the Development Plan.

In conclusion, the proposal complies with Mid Sussex District Plan policies DP16 and DP26, policy ASW14 of the Ashurst Wood Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision:       Permission

Case Officer: Catherine Cardin