

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1165	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Part-retrospective application for alterations to existing wall to reduce height to 2 metres		
Site:	Maltings Farm, Malthouse Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9JZ, ,		
Validation Date	1 Jun 2026	Overall Expiry Date:	24 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Sep 2026
Target Date:	27 Jul 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1165

**Maltings Farm, Malthouse Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9JZ,
Part-retrospective application for alterations to existing wall to reduce height to 2 metres
Ms Andrea Funnell**

SUMMARY OF REPRESENTATIONS

One representation has been received in support of this application. In summary the following points have been raised:

- o The wall has weathered and aged well blending in with the surroundings,
- o The trees and plants are established and are helpful addition for the wildlife,
- o The addition of lighting to the exterior of the wall will help to illuminate the bridleway, which is positive for safety and security,
- o There would be a detrimental impact on the environment and local communities if the wall had to be modified or replaced, and
- o The negative environmental impact far outweighs the need to rebuild or reduce the wall and the greenery growing around it.

SUMMARY OF CONSULTEES

Environmental Protection Officer

I have no adverse comments on this application.

Tree Officer

I have reviewed the Arboricultural Report and Tree Planting Plan 7422-SA-030, for this proposal and I note that this is retrospective. The species selection is suitable for this location and I have no objection.

PARISH COUNCIL OBSERVATIONS

The committee has no further comment.

INTRODUCTION

This application seeks partial retrospective planning permission for alterations to an existing wall to reduce the height to 2 metres.

RELEVANT PLANNING HISTORY

HP/052/81 - Change of use for exercising horses in part of building when not required for agriculture purposes. Permission.

HP/053/81 - Change of use for existing farm workshop to be used also for repair and maintenance of equipment from other farms. Refused.

HP/054/81 - Change of use of old dairy as stables for 5 horses when the building is not required for storage. Permission.

HP/055/81 - Change of use of disused piggery as stables for 4 horses. Permission.

HP/117/95 - Retrospective application: sand school, stables and car park.

05/00033/LDC - Lawful Development Certificate. The occupation of Maltings Farmhouse has for more than 10 continuous years been in breach of an agricultural occupancy condition. Permission.

05/01686/FUL - Replacement garaging, extensions at ground and first floor level and replacement indoor swimming pool. Permission.

06/01842/FUL - Minor amendments to fenestration and provision of a balcony dormer to the west elevation further to planning approval for application ref No. HP/05/01686/FUL. Permission.

09/01199/FUL - Ancillary landscaping and new tennis court. Permission.

13/04159/FUL - Two-storey side extension to provide family and guest accommodation and enhanced leisure facilities. Permission.

DM/16/2730 - 2 storey side extension. Minor modifications to previously approved planning application. ref: 13/04159/FUL. Permission.

DM/18/2037 - Demolition of outbuildings. Erection of 5 dwellings. Refused.

DM/24/0013 - Retrospective application for the creation of a new walled garden. Refused. Dismissed at appeal.

DM/24/2467 - Creation of walled garden, new tree planting and landscaping (part-retrospective). Refused. Dismissed at appeal.

SITE AND SURROUNDINGS

Maltings Farm is a south facing, detached, chalet style dwelling. It is constructed of red brick, with a plain tile roof, and has benefitted from a range of extensions. The most recent extension has enlarged the property to the east, providing accommodation over two floors including balconies, and has been constructed. The land to which this application relates is an area of amenity space adjacent to this extension, which has been enclosed by a recently constructed wall. The approved schemes for extensions did not include reference to a boundary wall on the drawings, application form or supporting documentation.

The application site is situated outside of the built up area of Hurstpierpoint and is therefore within the countryside. To the north of the site is a livery, which is associated with the application property, whilst a paddock in the applicant's ownership is to the south. To the west are three houses and the vehicular access to Maltings Farm, which is also a Public Right of Way. The Green Circle, a network of publicly accessible green spaces in Burgess Hill, is to the east, with Jane Murray Way beyond, which is the boundary with the built up area of Burgess Hill.

APPLICATION DETAILS

Planning permission is sought, partially retrospectively, for alterations to an existing wall to reduce its height to 2 metres. The current wall does not have planning permission in its own right, with a retrospective application for this refused and dismissed at appeal (DM/24/0013).

The wall encloses the northern and eastern sides of the garden associated with Maltings Farm. The submitted plans show that the full length of the wall is to have an overall height of 2.0 metres, with the piers reduced to this height as well. Within the northern stretch of the wall the plans also show that a gate is to be installed. This gate is to be some 3.9 metres wide and 1.8 metres high.

The wall is to remain set back from the boundary of the property by approximately 3.7 metres along the eastern side. It remains the case that the land level in the garden, in certain locations, is higher than on the other side of the wall.

Whilst the wall has previously had wires protruding beyond the existing piers, which were understood to relate to lighting, at the time of the Case Officer's site visit they were not present.

Planting which was shown under the previous applications associated with this wall has been undertaken in the form of both trees planted and a trellis for climbing plants erected in line with the submitted Arboricultural Report.

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 Document (DPD) and Hurstpierpoint and Sayers Common 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:

DP12 - Protection and Enhancement of Countryside

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

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

There are no relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19th March 2015.

Relevant policies:

HurstC1 - Conserving and enhancing 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 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

DPS6 - Health and Wellbeing

DPN4 - Trees, Woodland and Hedgerows

DPC1 - Protection and Enhancement of the Countryside

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) (August 2026)

ASSESSMENT

Design and visual impact

The application site is situated within the countryside, as defined by the Mid Sussex District Plan. Policies DP12 of the District Plan and C1 of the Neighbourhood Plan relate to the protection of the countryside, however they are materially inconsistent with national decision-making policies and should be given very limited weight. Consideration should therefore be given to the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced'*.

Policy DP26 of the District Plan relates to character and design. However, these are considered to have very limited weight due to the publication of 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.

Policy DP37 of the District Plan relates to trees, woodland and hedgerows. Due to the publication of the NPPF this policy has very limited weight, and greater weight should be given to Policy N6 of the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Within this there is a requirement that proposals should conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.

Principle DG16 of the Mid Sussex Design Guide relates to creating a positive development edge, setting out:

'Development should nevertheless be sensitively designed so that it avoids imposing upon the rural edge and existing roads that are characterised by their hedgerows and tree belt. This may require additional boundary planting. At the rural edge lower density development will also normally be necessary'.

Planning permission is sought retrospectively to alter an existing wall at Maltings Farm, so it would be 2.0 metres high along its full width. Permission has been previously sought in relation to retaining the wall for which these applications were refused and dismissed at appeal.

With regards to the first appeal, which sought to retain the wall as built, the Inspector considered the character of the area as follows:

'the Green Circle Walk follows a route that is distinctly rural in character and appearance, despite its proximity to the A273. There is a clear shift in character between the urban and rural sides of the road. This is defined not only by the notional settlement boundary line but also, and more importantly in this instance, by the land uses and the verdant qualities of the countryside setting to the west'.

With regards to the wall as built the Inspector concluded:

'Despite the wall's recessed position away from the boundary, it looms large and imposing when seen in the vista along the bridleway. It appears excessively tall for a domestic garden boundary with its height exaggerated further, not only by the slightly raised levels of the appeal site in relation to those beyond it but also by its much taller and chunky looking piers. Its presence appears unexpected and stark in its countryside and predominantly rural setting. As such, I share the Council's view that the wall appears out of keeping with and harmful to the rural character and appearance of the area'.

In terms of the second application, this sought to reduce the height of the piers only and the Inspector associated with this appeal commented on the scheme as follows:

'11. The height and length of the wall will still appear imposing and incongruous in the rural setting. The effect is compounded by the slightly raised garden levels relative to the adjoining land, which accentuates its dominance in views along the bridleway and from the approach to the south.

12. Although the wall is set back from the boundary, it presents a pronounced and imposing feature when viewed along the bridleway. Its height is unwarranted for its intended purpose. Even with the amendments, the height and substantial presence of the wall will continue to appear severe and unexpected in this rural fringe location. This effect is particularly prominent when approaching walking along the bridleway from the south where there are views of open countryside before approaching the appeal site'.

Both of the Inspectors found that the planting that had been undertaken should not be relied on to screen development that is considered to be harmful in its own right.

The scheme as proposed seeks to reduce the height of the wall to 2.0 metres. As permitted development rights are understood to be in place for this type of development, the case has been put forward that a 2.0 metre wall could be constructed under Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Whilst the supporting information sets out that, where the land level is not even, the measurements should be taken from the highest point of the surface next to the ground, the Local Planning Authority disputes this point. The definition referred to in the supporting statement relates to the definition for works under Part 1 and not Part 2 of the Order. When measuring heights under Part 2, Class A these measurements are taken from the lowest point.

The wall as constructed varies in height with the arch of the wall being approximately 4.2 metres, and the other elements of the wall being between 2.8 and 2.9 metres. It is considered that the proposed height of 2 metres would represent a notable reduction in scale and the existing piers would also be reduced to this height. It is further considered that a 2 metre high wall would be a more reasonable height for a garden enclosure, particularly in external views.

Whilst the character of the area and the change in land levels remains the same as the previous applications, it is considered that the scheme currently under consideration would appear less visually intrusive and not as prominent as the existing wall. The fallback position, whilst it would require the removal and re-building of the wall, is a material consideration and would carry weight in favour of the current scheme. In addition the existing planting is to be retained and would further soften the reduced wall.

Further information has been submitted during the course of the application with regards to how the proposed alterations would occur. This was due to the changing land levels and, since the previous applications, mature natural vegetation that has grown on both sides of the wall. As the plans originally provided did not make clear how measurements were to be taken, these factors could affect the final height of the wall and the resulting visual impact. As such an additional plan, showing the existing and proposed elevations and sections overlayed, has been submitted as well as a covering letter.

The covering letter sets out:

'the annotations on the submitted elevations measure both the existing wall and proposed wall from two fixed points on the southern side of the wall. These are the paved space immediately to the south of the wall at its western end, and a single step - that provides the necessary transition to the adjoining garden space.

The alterations are designed to measure 2m from these two fixed points. Although the natural ground level within the garden space is higher than these two points, the ground level within the garden is inconsistent and would not result in a uniform appearance along the top of the wall'.

The letter further notes that the ground level elsewhere in the site is higher than these two points and considers that the points are the lowest points on the site. It goes on to state from the external side the

wall would measure less than 2 metres from the immediate ground level on this side of the wall. A method of works has also been supplied setting out that the bricks are to be removed by hand and that no groundworks are proposed. Based on this, it is therefore considered that a condition can be imposed to ensure that the development is undertaken in accordance with these details and for any planting that may be damaged or lost to be re-planted.

Given the above it is considered that the wall shown on the submitted drawings can be implemented and result in a meaningful change to the wall, taking into account the practical conditions of the site. On balance it is considered that the latest application would result in a development that would no longer result in significant harm to the character of the area and would appear less intrusive within its countryside setting. This would be further reinforced by the proposed conditions, as set out above, which would ensure that the 2 metre height of the wall would not be affected by the site conditions and that the planting can be retained.

Impact to neighbour amenity

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to policy DP26 of the District Plan. However, policy DP26 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should therefore be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'*.

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 proposed walled garden is situated away from neighbouring properties and, as such, is not considered to give rise to any impact in terms of loss of light, outlook or privacy to neighbours. Due to the domestic nature of the revised scheme, there would not be significant harm in terms of noise, air or light pollution.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

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 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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

In conclusion, the proposal is considered acceptable in terms design, impact to character of the surrounding area and will not harm neighbouring amenities. The application would therefore comply with

policies DP12, DP26 and DP37 of the Mid Sussex District Plan, policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan, the MSDC Design Guide and policies L2, P3, N2 and DP3 of the National Planning Policy Framework and is considered acceptable.

Decision: Permission

Case Officer: Caroline Grist