

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                      |                                        |                      |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/26/0600                                                                                                           | <b>Case Officer:</b>                   | Andrew Clarke        |
| <b>Application Type:</b>                     | Householder Application                                                                                              |                                        |                      |
| <b>Proposal:</b>                             | Removal of existing patio and decking and installation of new raised composite decking, steps and closeboard fencing |                                        |                      |
| <b>Site:</b>                                 | 20 Costells Edge, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PY, , ,                                           |                                        |                      |
| <b>Validation Date</b>                       | 6 Mar 2026                                                                                                           | <b>Overall Expiry Date:</b>            | 2 Apr 2026           |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                      | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Permission                                                                                                           | <b>Recommendation Date:</b>            | 14 Apr 2026          |
| <b>Target Date:</b>                          | 1 May 2026                                                                                                           | <b>Recommending Officer Signature:</b> | <i>Andrew Clarke</i> |

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

|                              |                    |              |             |
|------------------------------|--------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Steven King</i> | <b>Date:</b> | 14 Apr 2026 |
| <b>Comments:</b>             |                    |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/26/0600**

**20 Costells Edge, Scaynes Hill, Haywards Heath, West Sussex, RH17 7PY, ,  
Removal of existing patio and decking and installation of new raised composite decking, steps  
and closeboard fencing  
Mr And Mrs Wesley Forrest**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

None received

### **PARISH COUNCIL OBSERVATIONS**

No comment

### **INTRODUCTION**

The application seeks permission for the removal of existing rear patio and decking and construction of enlarged decking together with a new close board boundary fence.

### **RELEVANT PLANNING HISTORY**

There is no planning history relevant to the determination of the application.

### **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 permission to remove the existing decking and patio and replace it with enlarged composite decking across a large proportion of the rear of the property. The decking will measure 8.5m in width and 8.4m in depth at fullest extent and remains 7.6m from the rear boundary of the curtilage of the dwellinghouse.

The application also includes the replacement of the existing 1.5m high chainlink fence with concrete fence posts with a 2m high timber close board fence with concrete posts and gravel boards. The proposal includes a gate within the fence.

## **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 (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:

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) (December 2024)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

*' The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 39 of the NPPF states;

*' Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

### *National Design Guide*

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

## **ASSESSMENT**

The primary considerations relating to the application relate to:

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

## Design

Policy DP26 of the District Plan is considered relevant and states the all development '*will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside*'

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

The proposal also includes the removal of the existing chainlink fence with high timber close board fencing along the northern boundary of site. The new fence will screen the woodland beyond and whilst it will result in a more severe and solid boundary between the edge of the development boundary and the woodland beyond, the fence will not be visible from wider public viewpoints and at 2m in height would also be in compliance with the requirements of Part 2, Class A of the General Permitted Development Order 2015 (as amended) such that it may not require planning permission in its own right. Taking this potential fall-back position into account the fence is not considered to cause harm to the character and appearance of the area such as to warrant refusal of the application.

## Ancient Woodland

The woodland to the north and west is designated as Ancient Woodland, although no land which forms part of the application falls within the designation.

Policy DP37 of the District Plan relates to trees and woodland and states:

*'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

The whole site and garden lies within the 15m buffer zone. The new development therefore has the potential to cause harm to the ancient woodland through additional ground compaction and excavation for footings.

Details relating to the construction of the deck have been provided and confirms that the decking will be supported on posts and beams set on a grid of concrete pads to mitigate impact on root systems of surrounding trees. This would result in no more excavation than the current decking has already created and the decking lies solely within the garden meaning that ground compaction from the residential use of the land would already have occurred.

With respect to the fence, the exiting fence already benefits from concrete fence posts which have resulted in ground excavation and the new fence will seek to reuse holes and cause no more harm or excavation than the current fence does. Again the permitted nature of the fence is also a consideration.

Therefore whilst the contents of policy DP37 are noted, all and any development within the rear garden of the property would fall within the 15m bufferzone of the woodland. The garden is previously developed and residential land where compaction and excavation have already taken place such that the proposed development does not accentuate or increase any potential damage to the ancient woodland.

## 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**

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 content of the application and 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 Lindfield and Lindfield Rural Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The 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 such that planning permission should be granted.

Decision:       Permission

Case Officer: Andrew Clarke