

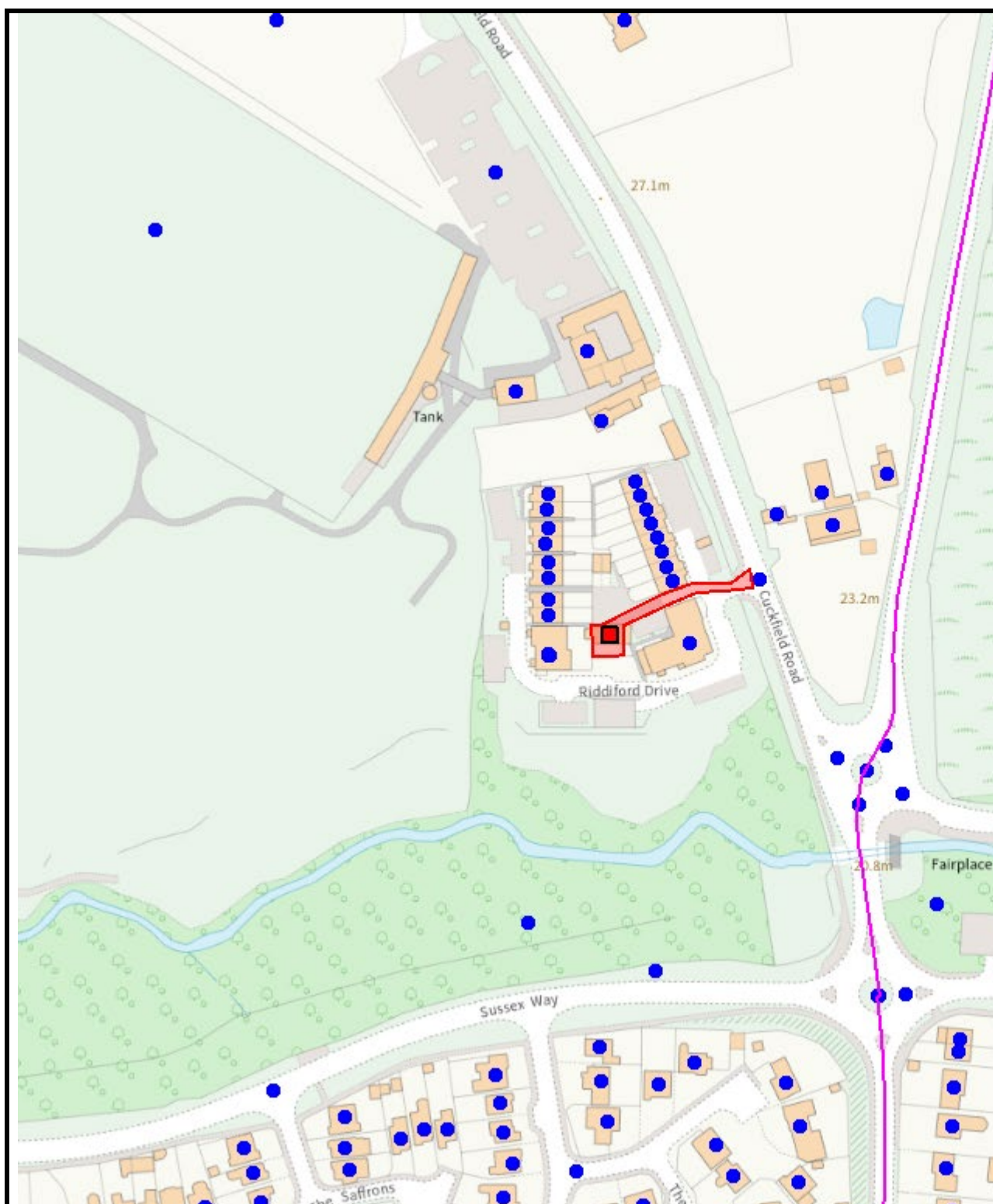
Planning Committee



Recommended for Permission

13th August 2026

DM/26/0373



Site:	9 Riddiford Drive Burgess Hill West Sussex RH15 8RJ
Proposal:	Retrospective change of use to residential garden and erection of 1.8m high brick wall (part retrospective/part proposed)
Applicant:	Mr Nigel Sadler
Category:	Change of Use
Target Date:	14th August 2026
Parish:	Burgess Hill
Ward Members:	Cllr Mike Kennedy / Cllr Mustak Miah /
Case Officer:	Andrew Clarke

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TAEPPGKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks planning permission for change of use of existing open space to residential garden and the construction of a new boundary wall. The change of use has already taken place and the wall will in part replace a close board fence currently erected without planning permission.
- 2.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan and the Site Allocations Development Plan Document. There is no Neighbourhood Plan covering the application site.
- 2.3 For the reasons set out within the assessment section, the development is not considered to cause harm to the character and appearance of the area and does not remove formal or important open space. The replacement wall is in keeping with the approved means of enclosure elsewhere on the development and the creation of new garden space is beneficial to the occupants who currently have no amenity space.
- 2.4 Evidence and reports have been submitted which confirm the development does not harm the prominent Blue Cedar Tree and that the tree already benefits from protection through a pre-existing planning condition.

- 2.5 There are no other material considerations to take into account which mean that the policies of the development plan should not be applied in full.
- 2.6 As such it is considered that the application complies with Mid Sussex District Plan policies DP26, DP29, DP37 and DP41 of the Mid Sussex District Plan and the principles of the Mid Sussex Design Guide such that planning permission should be granted.

3.0 Recommendation

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A

4.0 Summary of Representations

- 4.1 A total of 5 letters of representation received in response to the application raising the following concerns:
- Impact on character and appearance
 - Loss of public open space
 - Impact on the tree important to the character of the area.
 - Impact on amenity
 - Impact on drainage
 - Variation to approved design
 - Principle of retrospective development

5.0 Summary of Consultees

- 5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

MSDC Trees Officer:

I have reviewed the Tree Report for this application. As this report is retrospective to the development, the damage has likely already been done. Removal of this fence now would only cause further damage. Reluctantly, I have no objection.

5.2 Additional

I suggest that Arboricultural Supervision is required and could be conditioned, as such.

“Notwithstanding the content of the Arboricultural Method Statement, Arboricultural Supervision shall be present on site for the duration of the below ground installation“.

Other than that, I have no further comments, but my previous comments still stand.

6.0 Burgess Hill Town Council Observations

- 6.1 The Committee of 9th March would Recommend Refusal due to the following reasons:

Mid Sussex District Plan: DP24 – Leisure and Cultural Facilities and Activities

DP26 – Character and Design

Mid Sussex Design Guide: DG25 – Enhance the environment and sense of place through open spaces - due to harm to the environment and loss of an informal green space

Concerns was expressed about access to potential public infrastructure underneath the site such as gas mains

6.2 Additional:

The Committee of 13th July had a similar opinion to when previously discussed on 9th March and would Recommend Refusal on the following grounds:

Mid Sussex District Plan:

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

7.0 Introduction

- 7.1 The application seeks planning permission for change of use of land to form a garden for residential use, the retention of a boundary fence and construction of a new brick boundary wall.
- 7.2 The change of use and erection of the fence has already taken place and therefore the application is retrospective in this respect.
- 7.3 This proposal is before Committee as the application was called-in by the two local ward members.

8.0 Relevant Planning History

- 8.1 DM/21/1524 - Full application for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking. – Planning permission granted 17th December 2021
- 8.2 DM/25/2735 - Retrospective change of use to residential garden land and erection of fence – Withdrawn - 17th December 2025

9.0 Site and Surroundings

- 9.1 The application forms part of a new build development of 35 residential dwellings built and completed in 2025.
- 9.2 The site itself is an area of proposed open space around a large blue cedar tree but which was subsequently enclosed and now forms part of the garden related to the flat at 9 Riddiford Drive.
- 9.3 The property to which it relates is a two bed flat situated above garages serving other properties on the development and which lies to the north of the new garden and is accessed via the communal parking area to the north.
- 9.4 To the south lies the service road at Riddiford Drive which serves the southern element of the development and beyond which lies parking and further open space to the more dense treeline further to the south. To either side lies other two and three storey residential properties which form part of the wider new development.
- 9.5 The new build development is characterised by distinct means of enclosure where high brick walls are utilised for boundaries and means of enclosure where they front onto the

public realm and close board fencing within the centre of the development where they delineate rear gardens and are not so overly visible from wider public views.

- 9.6 The site is located within the defined built-up area for Burgess Hill but outside of the boundaries of the designated and made Burgess Hill Neighbourhood Plan.

10.0 Application Details

- 10.1 The application seeks to regularise the change of use of the land from open space to residential garden and its enclosure.
- 10.2 The application proposes the retention of the 1.8m high close board fence on the eastern flank boundary of the new garden whilst the close boarded fence on the southern boundary is to be replaced with a 1.8m high brick wall to match in bond, material construction and design of the surrounding brick walls evident elsewhere in on the development.
- 10.3 The application does not seek permission for the retention of the 1.8m high close board fence currently on the southern boundary. Rather the application has been amended during its determination to propose the new wall and amended plans have been received and consulted on to reflect this.
- 10.4 As noted above the application is part retrospective due to the change of use and fence already having been erected.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
a) The provisions of the development plan, so far as material to application, and
b) Any local finance considerations, so far as material to the application, and
c) Any other material considerations.'
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:
- 'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Site Allocations Development Plan Document (DPD).

- 11.7 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 it is an important material consideration.

Mid Sussex District Plan (MSDP) 2014-2031

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

Relevant policies:

DP26: Character and Design

DP29: Pollution

DP37 Trees, Woodland and Hedgerows

DP41 Flood Risk and Drainage

Site Allocations DPD

- 11.10 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

- 11.11 The site lies outside of the boundaries of any made or designated Neighbourhood Plan and as such there are no policies relevant to the determination of the application.

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

- 11.12 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 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:

PDS1: Climate Change

DPS4: Flood Risk and Sustainable Drainage

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN4: Trees, Woodland and Hedgerows

DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.13 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)

- 11.14 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.
- 11.15 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.'*
- 11.16 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.
- 11.17 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.'*

- 11.18 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.'

- 11.19 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Design Guide

- 11.20 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.
- 11.21 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.

12.0 Assessment

12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Principle
- Impact on Character and Design
- Impact on Neighbouring Amenities
- Trees Impact
- Flood Risk and Drainage
- Other Matters
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

12.3 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.4 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

12.5 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.6 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states; *'For decision-taking this means;*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas or assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.7 The area of open space was included as an informal open area within the original planning permission DM/21/1524. It did not benefit from any formal designation as formal open space and as such there are no formal policies relating to the protection or retention of the land.
- 12.8 That it is a variation from the planning permission granted under reference DM/21/1524 has no bearing on the wider lawfulness of the development, nor is it a consideration in the determination of the application. The retrospective nature of the development is also not a consideration in the determination of the application or the principle of the development and the application must be considered on its own merits and against the policies of the development.
- 12.9 Therefore whilst noting the representations referring to the use of the land as 'communal' land, or land being used for recreational purposes, it does not benefit from such use or protection and does not remove open space which is considered necessary for the enjoyment of the occupants of the development such that it is not considered there are principled policy objections to the proposed change of use.

Impact on Character and Design

- 12.10 Policy DP26 of the District Plan relates to character and design 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:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- 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;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- 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'*

- 12.11 Principle DG4 of the Mid Sussex Design Guide states the following in respect of open space:

'The shape and form of open space should be positively planned at the outset and inform the layout of new development.

Open space should normally be provided as:

An integral part of new development and should be located where it is safe, most accessible and central to a scheme rather than isolated towards the edge; and

Part of a coherent landscape structure and linked to existing and proposed landscapes to form open space networks whenever possible, revealing existing landscape features.

New open spaces should maximise the opportunity to accommodate landscape features such as mature trees and water courses / ponds, while fulfilling drainage requirements (refer also to chapter 4 section 4.9 for guidance on the design of open spaces).'

- 12.12 The application removes open space from the development and creates new boundaries. The consideration of this is whether it is of a high quality and is in keeping with the character of the area whilst respecting the design principles in DG4.
- 12.13 The new development as originally laid out obviously retained this space and allowed visibility of the tree being retained in the public realm. However, as noted above, that it is a change from the original design is not a consideration which can weigh against the application.
- 12.14 Rather, whilst an area of open space is removed from the development, the development retains an open and spacious character with high trees and areas of open space evident on the outside edge of the development as befits an edge of settlement development. Views out of the development retain high trees and open spaces with the majority of properties facing outwards to take advantage of its location and as such it is not considered that the site did contribute greatly to the overall character of the development, which is defined more by the open space on the edge of the development, rather than within in. In this respect this area of land is not consistent with the design and layout across the wider development. As such it is not considered that the loss of the space in itself is harmful to or out of keeping with the wider character of the development or its design ethos.
- 12.15 The application as amended proposes the construction of a 1.8m high brick wall to match those approved elsewhere on the development. This will replace the 1.8m high close boarded fence as erected and which formed part of the previous application DM/25/2735 which was withdrawn following Officer's advice.
- 12.16 The proposed brick wall will match that of the surrounding means of enclosure such that it retains a consistent and high-quality appearance across the development. It will connect to an existing brick (which it will match in all respects) such that appearance is consistent with the character of the surrounding area and the straight-line boundary and longer boundary wall would be in keeping with the wider development.
- 12.17 The wall and new boundary will continue to respect the verges and layout of the wider development such that it will not be overbearing upon the road which serves the property on the western side of the development, The layout therefore retains the verge and is considered to comply with the principles of the Design Guide.
- 12.18 With respect to the side boundary, the close boarded fence is again consistent with the means of enclosure approved and evident on boundaries with the site and away from primary public views. It results in the creation of a short alleyway between the internal parking area and the outside of the site, however, this area benefits from a high level of natural surveillance and does not result in a poor form of development.
- 12.19 As such and in view of the above, the proposal is considered to comply with Policy DP26 of the District Plan the principles of the Mid Sussex Design Guide and would result in an acceptable development in keeping with the character and appearance of the area.

Impact on Neighbouring Amenities

- 12.20 Policy DP26 of the District Plan also refers to neighbour amenity and states the development will be supported where it:

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'

12.21 DP29 of the District Plan also relates to noise and light pollution:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes'*

12.22 Representations have been received raising concerns regarding harm to amenity by virtue of the proximity of the new residential garden to existing gardens and residential properties,

12.23 Whilst noting there is a change of relationship, the test of harm to amenity in policy DP26 is '*significant*' such that the development can have an impact on amenity without it being considered contrary to the policy. In this instance the creation of the new garden will introduce new activity in close proximity to other residential gardens, however, this would a level of activity related to a residential garden and such relationships (residential garden next to one another) is not considered inappropriate and particularly not on a new building development of 35 dwellings where gardens abut one another freely.

12.24 It is noted that the new garden is overlooked by existing residential properties (but the new garden does not overlook existing gardens). Mutual levels of overlooking within built up areas is considered an everyday and normal arrangement and the owners of the land are supportive of the application such that they are content that the new garden

represents suitable and a high-quality environment for occupiers. In this respect providing outdoor space and garden for a dwelling which previously had none improves the quality of life and amenity of the occupiers.

- 12.25 As such whilst there is a change in the relationship between dwellings, this is not considered to cause harm and the development has a positive impact upon the occupiers of number 9 by providing outdoor space where previously there was none.
- 12.26 Accordingly the proposal is considered to comply with the provisions of DP26 and DP29 of the Mid Sussex District Plan.

Trees Impact

- 12.27 In relation to new developments impact on trees, policy DP37 of the MSDP states that:
- 'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.*
- Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*
- Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose'*
- 12.28 The development encloses a large and mature Blue Cedar Tree which is a prominent feature of the area and contributes to the visual quality of the area.
- 12.29 The change of use of the land and construction of the wall has the potential to have an impact on the tree through development under the land and through additional soil compaction such that a Tree Survey and an Arboricultural Method Statement have been submitted with the application.
- 12.30 The Council's Tree Officer has been consulted and notes the contents of the reports which state that whilst the tree is mature, it has already been adversely affected by the construction of the development such that the additional change of use would have no additional adverse effects upon the tree.
- 12.31 The reports also addresses construction of the wall and that footings would not impact upon the roots protection area of the tree such that the construction of the wall will also not have an adverse impact upon the tree. As such, and subject to the imposition of conditions the Council's Tree Officer does not raise an objection to the application.
- 12.32 It is acknowledged that that the presence of the tree centrally within the garden could lead to pressure to cut back or even remove the tree in future, However the tree (as with all landscaping on the development) is currently still covered the landscaping protection condition as imposed on the original planning permission for the development. This standard condition provides a 5-year period of protection for all landscaping and trees and this condition still takes effect and will remain in effect until 2030. Should the tree die or be felled within this period the Council can require its replacement with another specimen of similar size, species and siting. As such a level of protection exists to ensure that the tree important to the character of the area can be retained.

- 12.33 Noting this therefore and the contents of the Arboricultural Method Statement It is considered that the proposed development would comply with the provisions of policy DP37 of the Mid Sussex District Plan.

Flood Risk and Drainage

- 12.34 Policy DP41 of the MSDP notes that:

'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

- 12.35 Comments have been received concerned that the development and in particular the new wall, may have impact upon site drainage and foul sewerage.
- 12.36 The site does not fall within a flood risk area and the land was not integral to the surface water drainage strategy as originally approved for the development. The presence of foul or surface water drains underneath the land would not be matter for consideration in the application and would be a private matter between the owners who would responsibility for any services crossing their land.
- 12.37 As such the change of use will have no impact upon flood risk such that it complies with policy DP41 of the Mid Sussex District Plan.

Other Matters

- 12.38 As noted above that the development has in part already taken place cannot weigh against the application or be taken into account in the determination.
- 12.39 It is noted that the existing 1.8m close boarded fence on the southern boundary is not in keeping the character and appearance of the development. As such it will be necessary to condition a requirement to construct the new replacement wall in place of the fence to ensure the character and appearance is preserved and Officers are proposing a period of three months for the work to take place.

Biodiversity Net Gain

- 12.40 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 relates to a change of use which has already taken place and which is exempt from providing biodiversity net gain.

13.0 Planning Balance and Conclusion

- 13.1 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 and the Site Allocations Development Plan Document.
- 13.2 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 13.3 The change of use and enclosure of the land, whilst removing open space from the development, does not remove formal open space and the resulting design and layout retains the most important areas of open space upon the development (those on the

edges and adjacent to the roads) such that this is not a wider harmful impact on the character and appearance of the development.

- 13.4 The development has no minimal impact on neighbouring properties amenities but does have a beneficial impact on the occupants of the flat at number 9 by providing them with outdoor space for their enjoyment when previously they had none.
- 13.5 The design of the wall, replacing the out of keeping fence, represents a high-quality means of enclosure in keeping the remainder of the development.
- 13.6 The Blue Cedar tree is considered to be of visual importance to the character of the area, however, the Arboricultural Method Statement submitted shows that no additional harm will be created by the change of use or the construction of the wall and that the pre-existing landscaping condition already provides a high level of protection for the tree over the next few years.
- 13.7 The proposal is considered to have a neutral impact in respect flood risk.
- 13.8 As such and for the reasons set out within the assessment section, it is considered that the application complies with Policies DP26, DP29, DP37 and DP41 of the Mid Sussex District Plan and the principles of the Mid Sussex Design Guide SPD and the contents of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

- 1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
- 2. The wall hereby approved shall be constructed and completed within 3 months from the date of this permission, unless agreed in writing by the Council, and shall in all respects match the material construction, design, appearance and bond of the adjoining boundary wall.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
- 3. The development hereby permitted shall be carried out in adherence with the Arboricultural Method Statement dated 30th June 2026 and notwithstanding the content of the Arboricultural Method Statement, that Arboricultural Supervision shall be present on site for the duration of the below ground installation

Reason: To ensure that the existing trees on site will be protected throughout the development process and to accord with Policy DP37 of the Mid Sussex District Plan.

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is begun** because it is considered that one of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Elevations	BWH208-PL-100P1	Plot 21	25.02.2026
Location Plan	6714-PL-01		13.02.2026
Site Plan	6714-PL-02	Rev B	29.07.2026
Proposed Elevations	BWH208-PL-100 P6	rear and sides	26.06.2026