

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1243	Case Officer:	Tracie Axford
Application Type:	Householder Application		
Proposal:	Retrospective planning for front fence		
Site:	16 Hurst Road, Hassocks, West Sussex, BN6 9NJ, , , ,		
Validation Date	12 May 2025	Overall Expiry Date:	26 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	1 Jul 2025
Target Date:	7 Jul 2025	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	2 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1243

**16 Hurst Road, Hassocks, West Sussex, BN6 9NJ, , ,
Retrospective planning for front fence
Mr Martin Dugard**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

WSCC Highways: 'does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'

NatureSpace Partnership: 'The type of development is not considered to be relevant to the District Licensing Scheme in this case, as it is retrospective, and we consider there would be no likely impact on great crested newts or their habitats. . I therefore have no comments to make at this time.'

TOWN/PARISH COUNCIL OBSERVATIONS

Hassocks Parish Council recommend approval

INTRODUCTION

The application seeks retrospective planning permission for a 1.7m fence to the front boundary of the site adjacent to the highway.

RELEVANT PLANNING HISTORY

CN/010/99 - Extension to existing house at first floor and re-positioning of west end wall. Application Withdrawn

CN/021/99 - Extension to existing house at first floor and re-positioning of west end wall. Permission Granted 26.11.1999

SITE AND SURROUNDINGS

The application site is located on Hurst Road which sits just outside the built-up area of Hassocks and is therefore within the countryside. Neighbouring dwellings are located to the east and west, whilst to the north there are fields. No. 16 Hurst Road is a dormer bungalow set back from the highway with a driveway for several cars. The vicinity is characterised by single and two-storey detached properties set back from the highway by driveways and front gardens.

APPLICATION DETAILS

The fence is constructed of close board timber fencing with timber fence posts and is located on the front boundary of the application site. The fence measures some 1.7 metres in height by some 15 metres in length to the east of the driveway entrance and 1.2 metres in length to the west.

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 the Hassocks 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:

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.

Hassocks Neighbourhood Plan

The Hassocks Neighbourhood plan was made in 2016.

Relevant Policies:

Policy 9 - Character and Design

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:

DPS1 - Climate Change

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)

The National Planning Policy Framework (NPPF) 2021 is also a material consideration and paragraphs 8, 11, 129 and 132 are considered to be relevant to this application.

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 neighbouring properties

Design and Character

Policy DP26 of the Mid Sussex District Plan 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;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- 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;*
- optimises the potential of the site to accommodate development."*

A similar ethos is found in policy 9 of the Hassocks Neighbourhood Plan which states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*

10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'

In Chapter 6 relating to high quality building design, the supporting text for principle DG40 of the Mid Sussex Design Guide SPD identifies examples of positive and negative boundary treatments and on page 107, states: *'The use of close panel timber fencing to define the highway boundary is unacceptable'*.

The frontages of dwellings within the vicinity of the application site are characterised, with front garden boundaries either having no formal demarcation, limited to low level walls/fences, or hedging, creating a green and verdant streetscene.

Enclosing most of the front garden of the application property with a relatively tall timber screen has removed the open and green character to this part of the streetscene. In contrast to the low and green boundaries and open frontages in the vicinity, the fence is a stark and highly visible feature which appears as an incongruous projection of development. As a result, the fence is visually harmful to the open character and appearance of this area.

The fence is therefore considered to be in conflict with policy DP26 of the Mid Sussex District Plan and policy 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF.

Impact on neighbouring properties

In terms of impact upon 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);'

The fence is located some distance away from the neighbouring dwellinghouses and as such it can be reasonably considered that it would not cause significant harm to the amenities of neighbours in terms of impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Therefore, the fence is considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD in terms of impact on neighbouring amenity.

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

Due to its size, design and appearance, the fence constitutes an overbearing feature which is out of keeping with the character of the area and has a detrimental effect upon the street scene. Sited along the front boundary of the dwelling, adjacent to the public highway, it is considered an incongruent feature which negatively impacts upon the appearance of the area as well as causing harm to its distinctive character.

The fence is therefore considered to be in conflict with policy DP26 of the Mid Sussex District Plan and policy 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF. Therefore, the application is recommended for refusal.

Decision: Refusal

Case Officer: Tracie Axford

