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PLANNING STATEMENT

MALTINGS FARM, MALTHOUSE LANE

ON BEHALF OF
MS ANDREA FUNNELL



Client: MS ANDREA FUNNELL

Site Location: MALTINGS FARM, MALTHOUSE LANE, BN6 9JZ

Job History:

Version	Date	Author	Checked	Notes
V1	20/04/2026	J Pearson	S Bareham	
V2	07/05/2026	J Pearson S Bareham	Client	
FINAL	08/05/2026	J Pearson S Bareham		



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APPENDIX A – ARBORICULTURAL REPORT FOR DM/24/2467





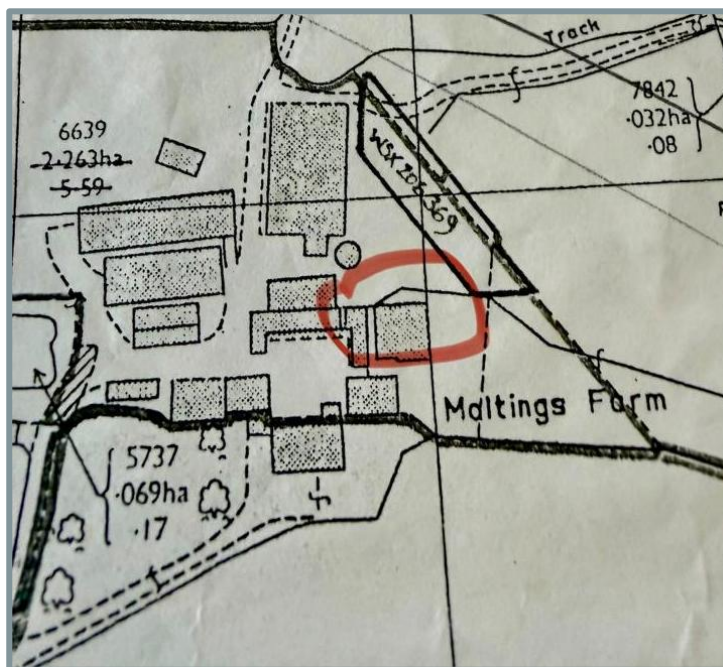
1.0 INTRODUCTION AND SUMMARY

- 1.1 This Statement has been prepared on behalf of Ms Andrea Funnell (the applicant) and relates to a *part-retrospective application for alterations to existing wall to reduce height* at Maltings Farm, Malthouse Lane.
- 1.2 The application follows pre-application discussions with the Council and would reduce the existing wall to the height allowed under permitted development rights. Due to its part retrospective nature, the application is made under Section 73A of the Town and Country Planning Act 1990.
- 1.3 The wall is situated in the same location as an earlier boundary and provides important privacy, security and noise attenuation for the residents of Maltings Farm. The principle of a means of enclosure in this location is enshrined within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Schedule 2, Part 2, Class A.
- 1.4 This Statement addresses the proposed development, site and surrounding area and compliance with relevant local and national planning policies and guidance. As the development would meet relevant planning policy requirements, planning permission should be granted.



2.0 APPLICATION SITE & SURROUNDING AREA

- 2.1. The application site is an existing detached residential dwelling located on the edge of Burgess Hill close to the A273 (Jane Murray Way). Site access is from Malthouse Lane. The site consists of the Maltings (the dwelling), Maltings Farm/Maltings Grange livery yard and associated paddocks.
- 2.2. The wall in question acts as a boundary to a private garden at the eastern end of the house and is set in from the wider property boundary in the same position as an earlier curtilage boundary.
- 2.3. The existing dwellinghouse features red brickwork with a number of other external boundary walls throughout the site are constructed with red brickwork in a Sussex bond, including the main entrance gates to the west of the site.
- 2.4. As the livery yard immediately abuts the residential property to the rear of the dwelling, the residential curtilage to the east of the building provides a key area of outdoor amenity space for residents.



Former aircraft hangar on historic plans



- 2.5. Earlier in its history, it is understood that the eastern part of the Maltings Farm site featured a private airstrip, with an aircraft hangar (6m in height) situated to the east of the existing stable building (see plan above) – demonstrating that the site has a history of being previously developed/brownfield land.
- 2.6. The site sits on a slight ridgeline, with land levels falling away gently from the centre of the site to both the north-east and south.
- 2.7. The residential property is located only a short distance from the A273 and no other acoustic screening exists to reduce noise and disturbance impacts to residents. An accompanying Noise Assessment by Acoustic South East demonstrates that the historic noise environment within the private garden area to the east of the property showed sound pressure levels averaging between 56.8 - 61.2 decibels – in excess of the upper limit for external amenity space within World Health Organisation guidance¹.
- 2.8. There are public rights of way that cross the Maltings Farm site, including HSC-58HU which runs close to the dwellinghouse and impacts upon residential privacy.
- 2.9. The wall therefore performs important functions for the residents of Maltings Farm and the applicant is seeking to agree alterations that would reflect the scale of development allowed for under normal permitted development rights for minor operations, following refusal of retrospective consent for the existing wall currently in situ.
- 2.10. There are no immediately adjoining residential neighbours to the east of Maltings Grange. The nearest neighbours to the eastern side of the property are located 275m south-east. No surrounding residents are therefore directly affected by the wall.
- 2.11. The Burgess Hill Green Circle network is a multi-functional public route that passes along the northern boundary of the site, with views across the adjoining

¹ BS8233:2014 and the WHO Guidance on Community Noise Levels set an external amenity space 'upper limit' (for daytime periods) of 55dB.



land (also in the applicant's ownership). These views will be maintained with the exception of direct views in the applicant's residential garden.

- 2.12. Over recent years the Victoria Business Park has expanded into land to the north of the A273 and commercial buildings, including B&Q and Pets at Homes superstores have occupied this neighbouring land. The original B&Q and Pets at Homes store permissions were approved in 2012 under reference 11/03924/FUL, but further permissions were sought for additional illuminated signage under application reference 13/01892/ADV (B&Q – three illuminated signs) and appeal reference APP/D3830/H/13/2203102 (Pets at Home). This signage has a detrimental impact on the enjoyment of the residential property and garden, and visual quality of the site, which the wall mitigates against.
- 2.13. The site is not located within a Conservation Area or within the setting of any listed buildings. There are no policy designations that directly influence the character or design of the proposed walled garden.
- 2.14. The site is located adjacent to the built-up area boundary of Burgess Hill but in policy terms is currently outside the defined boundary of the town. Residential and estate walls, particularly built in brick, are a common feature of both urban and countryside areas throughout the district.
- 2.15. Land surrounding Maltings Farm is being promoted by a developer. The identification of adjoining land as a draft housing allocation may be a material consideration in the determination of this application.



3.0 PLANNING HISTORY

- 3.1 The site has been subject to ongoing dialogue with the local planning authority, as well as recent planning applications which are directly relevant to the consideration of the current proposals.
- 3.2 Retrospective planning consent for the existing wall was sought under application reference **DM/24/0013** and appeal reference **APP/D3830/D/24/3349584**. Following the refusal of retrospective consent and the dismissal of the subsequent appeal, the applicant has been in continued dialogue with the local planning authority to agree alterations to the wall that would be acceptable in planning terms.
- 3.3 Pre-application advice was sought in February 2025 under reference **DM/25/0524**, with written advice subsequently received on 15th May 2025 (following a meeting at the Council offices on 22nd April 2025).
- 3.4 The Council's position at that point in time was that it could not lawfully comment on alternative design amendments due to the ongoing appeal at that time (**APP/D3830/W/25/3361330**), even if an adjournment to the appeal process was requested by the applicant to allow the matter to be addressed outside of the appeal process. The Council therefore requested that a second pre-application enquiry be made to allow consideration of amendments if that appeal were subsequently dismissed.
- 3.5 However, the Council did confirm that a proposal in line with the permitted development right would be acceptable. The written advice on 15th May 2025 stated:

"it remains the view that a 2 metre high wall in this location would be considered to be acceptable"

- 3.6 Following the dismissal of **APP/D3830/W/25/3361330**, the applicant's agent confirmed to the local planning authority that the applicant was preparing a further application with the *"wall largely reduced to 2m in height"* and asked the local planning authority to confirm whether they wished for this to be submitted



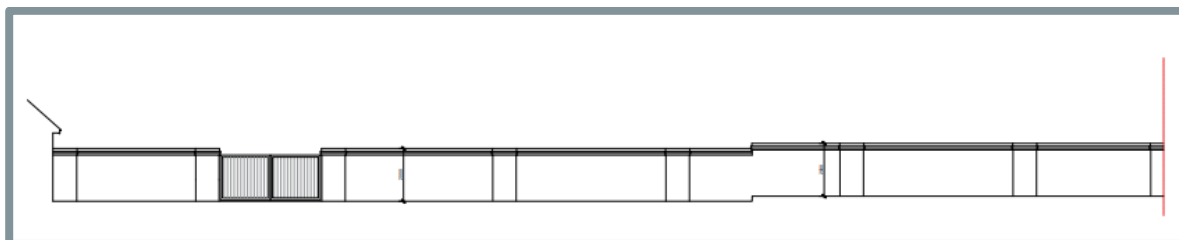
as a planning application without delay, or whether a further round of pre-application advice was still preferred by the local planning authority. The Council confirmed on 9th September 2025 that they still considered a further round of pre-app to be beneficial.

- 3.7 A further request for pre-application advice was submitted on this basis under reference **DM/25/3140**. Advice was sought on whether the application should be made as a proposed certificate of lawfulness to alter the wall in line with permitted development, or as a planning application, as well as whether it would be practical to deal with different sections of the wall under separate applications depending on their relative sensitivity. The local planning authority advised that the application should be made for the wall in its totality and as an application for planning permission (part-retrospective in nature).
- 3.8 Under **DM/25/3140**, the local planning authority also raised concerns that the proposals didn't go far enough to address the Council's concerns due to the retention of the existing archway at the western end of the wall. Following this advice, design amendments were made to reduce the proposal to 2m in height along the full length of the wall – in accordance with what could otherwise be achieved through Schedule 2, Part 2, Class A permitted development rights.
- 3.9 The acceptability of the existing materials were considered under the appeal for retrospective planning permission (**APP/D3830/D/24/3349584**), where the Inspector concluded that *“the use of local red brick and a Sussex Bond reflects locally prominent materials and appropriately matches the host dwelling”*. The subsequent appeal again confirmed *“materials used for the wall and detailing are reflective of the host dwelling”*. This therefore provides strong evidence that the materials used are acceptable for the site and its context, contrary to earlier objections by the local planning authority.
- 3.10 Discussions with officers on 5th May 2026 confirmed that the Council would consider an application to reduce the height of the wall to 2m in accordance with permitted development rights.



4.0 PROPOSED DEVELOPMENT

- 4.1 The proposals consist of a *part-retrospective application for alterations to existing wall to reduce height*.
- 4.2 The application relates to an existing wall constructed around the residential garden at Maltings Farm. The works proposed would alter this wall to reduce its height to that permitted under PD rights relating to the property.
- 4.3 The works would remove existing piers and an existing archway, as well as reducing the height of the wall itself to 2m height from ground level. In place of the archway, a new gate is proposed to this opening.



Proposed South Elevation (showing western end of wall)

- 4.4 As there is a change in ground level within the site, the wall would drop in height part way along its length to maintain a consistent 2m height throughout.
- 4.5 Advice was sought from the local planning authority under the initial pre-application advice request (reference DM/25/0524) on how the height of the wall should be measured given changes in ground level in different parts of the site. Officers agreed that the height should be interpreted in accordance with the Government's technical guidance for "Permitted Development Rights for Householders" which states:

"Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

Extract from Permitted development rights for households: technical guidance



- 4.6 Pre-application advice also confirmed that the local planning authority considered a 2-metre-high wall in this location to be acceptable in planning terms, stating under DM/25/0524:

"I can advise that it remains the view that a 2 metre high wall in this location would be considered to be acceptable".

- 4.7 The proposals have been prepared on this basis.



5.0 RELEVANT PLANNING POLICIES

- 5.1 The adopted Local Development Plan is formed of the adopted Mid Sussex District Plan 2014 - 2031 (2018), Site Allocations Development Plan Document (2022), Hurstpierpoint and Sayers Common Neighbourhood Plan (2015) and the National Planning Policy Framework (December 2024). Relevant policies and guidance are summarised below.
- 5.2 The site is located within the Hurstpierpoint and Sayers Common Neighbourhood Plan area. The Neighbourhood Plan was made in March 2015 and forms part of the Local Development Plan, however any policies that conflict with the more recently adopted District Plan may be out-of-date in policies terms/superseded by District Plan policies.

Mid Sussex District Plan 2014 – 2031 (2018)

- 5.3 The Local Plan was adopted in March 2018 and covers a Plan period from 2014 - 2031.
- 5.4 Policy DP12 (Protection and Enhancement of Countryside) supports development outside of built-up area boundaries where they maintain (or where possible enhance) the quality of the rural and landscape character of the District.
- 5.5 Policy DP13 (Preventing Coalescence) permits development in local gaps providing such development does not result in coalescence of settlements.
- 5.6 Policy DP26 (Character and Design) provides the Council's strategic design policy and seeks well-designed new development that is sensitive to the countryside character of the area. The policy seeks to create and reinforce a sense of place by ensuring that developments address the existing character of the built environment. The policy also requires new development to protect against harm to the amenities of existing residents.
- 5.7 Policy DP29 (Noise, Air and Light Pollution) supports developments that are designed to minimise the impacts in terms of noise, air and light pollution.



- 5.8 Policy DP37 (Trees, Woodland and Hedgerows) seeks to retain of trees that support the amenity value of the area. Policy DP38 (Biodiversity) supports the delivery of biodiversity and green infrastructure improvements, including ensuring no net loss of biodiversity.
- 5.9 Policy DP39 (Sustainable Design and Construction) seeks to deliver new developments that minimum energy use through design, use renewable sources of energy, maximise efficient use of resources and meet the challenges of climate change.

Mid Sussex Site Allocations Development Plan Document (2022)

- 5.10 No policies within the Site Allocations DPD are considered directly relevant to the application.

Emerging Mid Sussex District Plan Review (2026)

- 5.11 In addition to these adopted development plan documents, the District Council have submitted their draft District Plan 2021 – 2039 for examination, and examination hearings took place in February and March 2026.
- 5.12 The District Plan Review process will ultimately lead to the adoption of this new District Plan following examination by an independent Inspector. The Council intend to consult on main modifications to the Plan during Summer 2026.
- 5.13 Land adjacent to the application site is being promoted for residential development through the District Plan Review process. If identified as a draft allocation during the application process, the future status of this land would be a significant material consideration in the determination of this application.



Mid Sussex Design Guide SPD (2020)

- 5.14 The Mid Sussex Design Guide SPD was adopted in November 2020 and provides detailed design guidance that informs the assessment of proposals against Policy DP26 (Character and Design) and others.
- 5.15 Principle DG38 (design of buildings with architectural integrity and a sense of place) supports a design approach that is borne from place, including using the design and materials used within the locality as a starting point for the architectural design of the building.
- 5.16 Principles DG45 (privacy of existing and future residents), DG46 (provide attractive and usable external amenity space for all homes) and DG48 (design to minimise the impact of noise, air and light pollution) all deal with relevant matters affecting design standards and residential amenity.

Hurstpierpoint and Sayers Common Neighbourhood Plan (2015)

- 5.17 Policy HurstC1 supports new development in countryside areas where the works comprise an “*appropriate countryside use*” and maintain or enhance the quality of the rural and landscape character.



6.0 PLANNING ASSESSMENT

6.1 The key material planning considerations relevant to this proposal are:

- The Principle of Development
- Design and Visual Impact
- Impact on Residential Amenity
- Ecology and Landscaping
- Heritage
- Sustainability
- Flood Risk and Drainage

Principle of Development

- 6.2 The principle of a wall in this location is enshrined within permitted development rights for minor operations. Under Class A (gates, fences, walls etc) of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the Government provides permitted development rights for the construction of any wall of up to 2 metres above ground level.
- 6.3 Schedule 2, Part 1 of the General Permitted Development Order also allows for the provision of *“any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse”* within the curtilage of a dwellinghouse - under Class E (buildings etc incidental to the enjoyment of a dwellinghouse).
- 6.4 Provided that the wall in question is not immediately adjacent to a highway used by vehicular traffic, Schedule 2, Part 2, Class A allows the new wall to be a height of up to 2 metres above ground level. The Government’s technical guidance for “Permitted Development Rights for Householders” states that where the ground level is not uniform (for example if the ground is sloping), the height should be measured from the *“highest part of the surface of the ground”*. The proposed wall reflects these conditions and accompanying guidance.



- 6.5 Confirmation of this approach was sought during pre-application discussions with the Council in a meeting on 22nd April 2025 and drawings have been prepared in accordance with the Council's advice.
- 6.6 In addition to permitted development rights for minor operations, householder permitted development rights under Schedule 2, Part 1, Class E also allow for an enclosure of up to *"2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse"*. A larger building could therefore be constructed in the same position as the existing wall under householder permitted development rights.
- 6.7 These existing permitted development rights are a key material consideration in the determination of this application as they provide a lawful fallback that could be implemented by the applicants to secure the same benefits to residential amenity.
- 6.8 On this basis, the local planning authority confirmed through their pre-application process (DM/25/0524) that they *"advise that it remains the view that a 2 metre high wall in this location would be considered to be acceptable"*. As parts of the existing wall constructed onsite currently exceed this height, the application proposes alterations to the wall to reduce the overall height of the structure to the height allowed under Schedule 2, Part 2, Class A. The resultant impact is that the wall would reflect what could have been built under permitted development rights without the need for express planning permission.
- 6.9 There are no conflicts with any other adopted policies, the works would remain consistent with the character of the area in accordance with Policy HurstC1 and would not result in coalescence in accordance with Policy DP13 (Preventing Coalescence) of the adopted District Plan.
- 6.10 Other material considerations are addressed in detail below.

Design and Visual Impact

- 6.11 As the proposed development would reduce the existing wall to a height that is permitted under Schedule 2, Part 2, Class A permitted development rights, the



appearance and height of the wall would align with those introduced across the local countryside and would be consistent with countryside character in accordance with Policy DP12. Due to the conventional size and distribution of similar features from others exercising their permitted development rights (including on the main frontage of the application site), the character and visual impact of the wall would be acceptable and appropriate.

- 6.12 The application dwelling is a Sussex country house that forms part of the Maltings Farm (now in an equestrian use) estate. The wall would also reflect the character and materiality of the property. The wall is constructed in locally-appropriate, matching materials to the main dwellinghouse and features a Sussex-bond.
- 6.13 The suitability of the materials were considered by an Appeal Inspector (see paragraph 3.9 of this Statement) and found to be appropriate. Brick and tile manufacturing formed a major part of the local economy from the 17th century onwards and handmade bricks were produced in Burgess Hill until the closure of the last brick works (Keymer Brick and Tile Company) in 2014.
- 6.14 The natural palette of materials reflects the design guidance under Principle DG38 (Delivering Architectural Integrity and a Sense of Place) of the Mid Sussex Design Guide SPD, which aims for new developments to have an identity *“borne from the place”*. DG38 encourages an *“appropriate palette of good quality materials that are preferably locally sourced”*.
- 6.15 In addition to the materials, the wall has also been laid in a Sussex bond style, in accordance with traditional local fashions.



Brick Wall – Sussex Bond

- 6.16 The previous appeal decision (APP/D3830/D/24/3349584) considered the acceptability of the proposed wall and found that from the aspect within the residential garden the wall appears as a *“reasonable means of garden enclosure, respectful of the property’s size and status”*. The works to reduce the height of the wall to that permissible under permitted development rights – and in alignment with the Council’s pre-application advice *“that a 2 metre high wall in this location would be considered to be acceptable”* – ensure that the wall also has an acceptable impact from other aspects.
- 6.17 The adopted Mid Sussex Design Guide sets a general expectation that private/rear gardens should benefit from rear boundary walls or features that are a *“secure height”* and safeguard the garden. By retaining a wall of sufficient height these requirements would continue to be met.
- 6.18 On this basis, the proposals will align with the permitted development rights available to the applicants to construct a wall in this location. While the permitted development rights do not provide any other design limitations beyond the height of the wall proposed, the altered wall proposed under this application would meet relevant design policies and guidance, ensuring a higher standard of design is achieved than might otherwise be delivered under a permitted development fallback.
- 6.19 For these reasons the development complies with relevant design policies within the Mid Sussex District Plan and Mid Sussex Design Guide.



Impact on Amenity

- 6.20 The wall is remote from other residential neighbours and neighbouring uses and therefore has no material impact on the residential amenity of neighbours.
- 6.21 The current wall provides an important acoustic barrier to the garden and residential property, particularly from road noise from the A273. The accompanying Acoustic Report from Acoustic South East demonstrates the positive acoustic benefits the wall provides for residents. The Assessment highlights that without the wall in situ the noise levels close to the house and garden area would exceed the criterion as listed in BS8233:2014, World Health Organisation Guidelines for Community Noise and ProPG2017, resulting in material harm to residential amenity as a result.
- 6.22 The Assessment identifies a noise reduction of 11.7dB from the existing wall, which is classified as a 'significant' reduction in perception and noise level change. Acoustic South East have subsequently confirmed that reducing this feature to a 2m-high wall would still offer a noise reduction of 10.2dB, and therefore the works proposed would continue to provide a meaningful benefit in terms of noise mitigation.
- 6.23 Relevant British Standards and World Health Organisation guidelines suggest that moderate annoyance from noise is likely to occur at around 50dB and serious annoyance at 55dB. The wall therefore provides a significant amenity benefit by bringing the sound pressure level down to 51.1dB from assessed levels averaging over 60dB. Whilst some 'moderate annoyance' could still occur, this still provides a marked improvement compared to the 'serious annoyance' experienced prior to the erection of a wall.
- 6.24 Although the alterations proposed will reduce the mitigating effect of the wall, it will continue to provide a significant material benefit to the amenity of residents given the pre-existing impacts of road noise.
- 6.25 Given the proximity of the site to public routes, the applicants have also suffered from instances of trespassing, vandalism and burglary given the open nature of their residential curtilage and its proximity to public rights of way. The wall has the added benefit of improving the security and safety of their own property.



- 6.26 As a detached family home, it is a reasonable expectation of the applicant to be able to establish a private residential garden for outdoor amenity. As set out above, the Design Guide sets a general expectation that private/rear gardens should benefit from rear boundary walls or features that are a “*secure height*” and safeguard the garden.
- 6.27 In addition to noise attenuation and privacy, the wall also provides a visual barrier between the private outdoor amenity space and commercial stores on the northern side of the A273, and their illuminated signage, from the property. This signage and illumination has a detrimental impact on the enjoyment of the residential property and garden, and visual quality of the site.
- 6.28 Principle DG48 of the Mid Sussex Design Guide encourages orienting ‘sitting-out areas’ and landscape features to reduce the impact of sources of noise disturbance and air/light pollution. The siting of the wall achieves this by providing a visual and acoustic barrier between the residential garden and sources of pollution from the A273 and business park.
- 6.29 The wall is therefore important for residential privacy and reducing the adverse impacts from these surrounding features that negatively impact the day-to-day lives of residents. The walled garden has improved the amenity of residents as well as their safety and security. For these reasons, it is understandable that the applicants would seek to retain a wall in this location and the alterations proposed would continue to maintain the majority of these benefits – providing positive benefits for residential amenity.
- 6.30 Principle DG46 of the Mid Sussex Design Guide states that all homes should have access to a usable and private outdoor amenity space.
- 6.31 On this basis, the proposed development will preserve the amenities of existing residents and neighbours, and so complies with District Plan Policy DP26 and Principles DG45 (privacy of existing and future residents), DG46 (provide attractive and usable external amenity space for all homes) and DG48 (design to minimise the impact of noise, air and light pollution) of the Mid Sussex Design Guide.



Ecology, Trees and Landscaping

- 6.32 On the northern side of the wall, new planting and an attached trellis with native climbing plants have been introduced. While the local planning authority have made clear that they wish the structure to be made visually acceptable in its own right, these features nevertheless have a softening effect on the appearance of the wall. Brick walls alongside appropriate planting are encouraged with the Mid Sussex Design Guide to deliver an attractive design.
- 6.33 The landscaping works undertaken were informed by detailed advice from Quaife Woodlands, identifying a planting specification delivering native species that would provide a wide range of multifunctional benefits to the site and wider area, as well as visual variation. The arboricultural report that accompanied an earlier application is submitted for information and forms Appendix A of this Statement, however this planting has been undertaken and has now been in situ for some time.
- 6.34 Trees planted include field maple, hazel, wild apple and bird cherry, offering a biodiverse mix that provide an ecological resource for other plants and species. The trees planted aligns with the requirements of Policy DP37 of the Mid Sussex District Plan, including addressing the policy's preference for native trees.
- 6.35 The planted trellis features a mix of native climbers and evergreen climbers that will offer wider biodiversity benefits, including attracting insects and use by nesting birds.
- 6.36 Full details are set out within the accompanying Arboricultural Report at Appendix A.
- 6.37 On the garden side of the wall, the garden space features a mix of grass, shrubs and trees, the majority of which were existing features that have been retained throughout the works and/or have self-seeded since the construction of the wall.
- 6.38 By granting part-retrospective consent for the altered wall, works can be undertaken in a way that minimises the impact on these natural features that have established over time (since the existing wall was originally constructed).



- 6.39 As a **result**, the scheme offers benefits for local biodiversity within the requirements of Policy DP38 (Biodiversity) of the District Plan as there will be no adverse impacts on existing features or habitats and new planting already introduced will be maintained.

Heritage

- 6.40 The site is not located within or close to any listed buildings or areas subject to heritage designation and will not impact upon heritage assets as a result.

Sustainability

- 6.41 Policy DP39 (Sustainable Design and Construction) of the adopted Mid Sussex District Plan supports developments that *“maximise efficient use of resources, including minimising waste and maximising recycling/re-use of material through both construction and occupation”*.
- 6.42 Under paragraph 8 (environmental objective) of the National Planning Policy Framework, the same objectives to minimise waste are reinforced.
- 6.43 By proposing alterations to the existing wall, the application would minimise potential waste and allow the reuse of existing materials as part of a development that is in full accordance with prior advice from the Council.

Flood Risk and Drainage

- 6.44 The applicant has been working alongside officers from West Sussex County Council to improve surface water drainage across the applicant's land and surrounding public land. This included the delivery of new tree planting intended to the northern boundary of the site to provide natural drainage mitigation through increased surface water absorption and reduced runoff.
- 6.45 As part of those efforts, a Memorandum of Understanding was agreed between the applicant and West Sussex County Council covering both the works to be



undertaken and the long-term arrangements and responsibilities for management and maintenance.

- 6.46 The applicant has agreed to maintain the new tree planting introduced between the existing wall and the site boundary in perpetuity as part of these negotiations. As a result, this Memorandum of Understanding is submitted alongside the application for additional reassurance that this soft landscaping is to be retained in perpetuity and will have a beneficial effect on the overall visibility and prominence of the wall – particularly after the works to alter the wall have been completed.



7.0 CONCLUSIONS

- 7.1 Planning permission is sought for a *part-retrospective application for alterations to existing wall to reduce height* at Maltings Farm, Malthouse Lane. The site is located on the edge of Burgess Hill.
- 7.2 The application has been developed in full accordance with the Council's pre-application advice and in line with the permitted development rights and provide a realistic fallback position. The design and visual impact, including height, is therefore considered to be acceptable.
- 7.3 This Statement demonstrates compliance with all relevant national and local planning policies, including countryside policies and wider considerations including ecology and sustainability.
- 7.4 The wall proposed would deliver a number of amenity benefits to the residents of Maltings Farm, including addressing materially significant noise impacts from the A273 and providing a high-quality private amenity space.
- 7.5 The proposals reflect what could have been built under existing permitted development rights, but instead will alter the existing wall to minimise construction waste and impact on existing natural features.
- 7.6 In light of the above, Mid Sussex District Council is respectfully requested to grant planning permission for the proposed development without undue delay.

Lewis and Co Planning
May 2026



LEWIS & CO

APPENDIX A

ARBORICULTURAL REPORT (DM/24/2467)



Arboricultural Report on the Revised Planting Proposal

at

**Maltings Farm,
Malthouse Lane,
Hurstpierpoint,
Hassocks,
West Sussex.
BN6 9JZ**

15th July, 2024



C O N T E N T S

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The statements made in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. Quaife Woodlands cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works unspecified in the Report are carried out to, or affecting, the Subject Trees, whichever is the sooner.



LOCATION Maltings Farm, Malthouse Lane, Hurstpierpoint, Hassocks. West Sussex. BN6 9JZ	REF: AR/4415/jq
CLIENT Mr Chris Gargan, address as above	DATE OF REPORT 15 th July, 2024
REPORT PREPARED BY J. Quaife, AA Registered Consultant Dip.Arb.(RFS), F.Arbor.A, CEnv.	DATE OF INSPECTION 5 th June, 2024
SURVEY INSPECTOR(S) J. Quaife, AA Registered Consultant Dip.Arb.(RFS), F.Arbor.A, CEnv.	SHEET No. 1 of 7

LOCAL AUTHORITY Mid Sussex District Council Planning reference - DM/24/0013
CONTACT Emma Rivett Assistant Tree Officer - Development Management

Please note that abbreviations introduced in [square brackets] are used throughout the report.

INSTRUCTIONS

Issued by – Joseph Pearson, Lewis and Co Planning, 2 Port Hall Road, Brighton, East Sussex, BN1 5PD on behalf of the applicant.

TERMS OF REFERENCE – To visit the site to provide advice with regard to the planting required to screen the eastern boundary wall to the House in response to the Council's concerns about the initial proposal.

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Summary

The property is a farm with several paddocks and is run as a livery. The new house has a large garden and a new eastern boundary wall has been constructed to provide visual and acoustic separation from the public right of way and a busy road beyond. The retrospective application for the creation of a walled garden was refused consent primarily due to the visual appearance of the wall, and the proposed planting scheme has been adversely criticised by the Council's tree officer. This report sets out the detail of a revised planting scheme which accommodates those concerns.

I have given due consideration to the specific screening requirements, the local soil type and drainage limitations with a planting method to overcome them, an emphasis upon the use of native tree species of commensurately modest potential mature sizes, and to soften the appearance of the new wall with flowering climbing plants.

As such these proposals are appropriate and sustainable in site-specific and ecological terms.

Documents Referred to:

- Mid Sussex Notice of planning refusal reference DM/24/0013 dated 17th May 2024
- British Standard BS 8545:2014 trees from Nursery to independence in the landscape - Recommendations
- Tree Design and Action Group - Tree Species Selection for Green Infrastructure 2019.

Scope of the Report

- 1.1 This report is concerned with the arboricultural and planting aspects of the site only.
- 1.2 I have not explored or discussed the applicable policies as my input is about species choice, planting methods including the practicalities of establishment, the visual appearance of the site and the necessary screening from the public right of way and particularly the noise from the busy main road.
- 1.3 This report does not invoke BS5837 (relating to the integration of trees with development) but the planting will be in accordance with BS 8545:2014 trees from Nursery to independence in the landscape - Recommendations.
- 1.4 Mindful that the planting is for the long term this report sets out the working specifications of the tree and screening planting with species selection to accommodate the need for sustainability in the terms encouraged by the Tree Design and Action Group.

Survey Method

- 2.1 The survey was conducted from ground level with the aid of binoculars. The principle subject trees are numbered and listed at Appendix A, together with RPA determinations. These and the less important trees are identified on the plan at Appendix B.
- 2.2 No tissue samples were taken nor was any internal investigation of the subject trees undertaken.
- 2.3 The stem diameters [SD] were measured or estimated in centimetres at 1.5 metres above ground level and otherwise in accordance with Annex C of BS5837.
- 2.4 The crown diameters were estimated by pacing or visually where access was restricted.
- 2.5 The positions of the subject trees are plotted at Appendix A derived from the supplied plan. Please note that the attached plan is for indicative purposes only.

The Site

- 3.1 With reference to the plan at Appendix A, the subject site is the band of land between the main road A273 and the newly constructed boundary wall to the garden. There is a strip of land within the site between the wall and the Green Circle Walk public right of way (Appendix A, photograph 1), with a close-board wooden fence along the property boundary (Appendix A, photographs 2 and 3).

- 3.2 Between the A273 and the Green Circle Walk is a wooded shaw of mixed semi-mature tree species with a significant number of dead and dying trees (Appendix A, photographs 5 and 6).
- 3.3 I did not take any soil samples but with reference to the British Geological Survey drift map the site is on a clay-based soil with some loam content and noted to have impeded drainage. This much was clearly evident as illustrated in photograph 4 at Appendix A.
- 3.4 I am not an expert on soils and although I have some working knowledge of them, if accurate soil analysis is required then a soil specialist should be contacted. However, I am content to offer a choice of species based upon the geological data and my own observations.

The Proposed Planting in the Planning Application

- 4.1 This is rejected by the Council for the reasons set out by Emma Rivett in her note to Caroline Grist of May this year, which I have reproduced below, numbering the paragraphs for ease of reference.
- i) I have been reviewing this application and in particular, the landscape plans and have some issues with them.
 - ii) The holly suggested to be standard trees, wouldn't be suitable. They are typically understorey, woodland plants, and not standard trees. Further to that, horses and people walking alongside the prickly, hedge would mean that it probably isn't an appropriate selection. Other species may be more appropriate, but adequate space to grow and thrive is questionable.
 - iii) The hornbeam hedge, although native, would still need adequate space to grow and develop.
 - iv) The space allowed for these plants looks very restricted.
 - v) I am concerned that the space between the wall and the fence is very limited and don't think that there is sufficient space for the trees to grow. Any tree that is planted in this location will be under constant pressure to be pruned, to ensure that the Public Right of Way (PROW) [*Green Circle Walk*] is accessible, as well as the private track/ path. That would mean having to prune trees from both sides to ensure accessibility. Over pruning trees makes them weak and potentially dangerous, and that could create a safety issue concerning the PROW and future maintenance of these trees/ hedges.
 - vi) There are also further concerns that any species selected to soften the imposing nature of the wall, could undermine the wall, therefore making it unstable and dangerous.

The Proposed Revised Planting Scheme

5. Trees

- 5.1 I have taken account of these concerns and will take each in turn. At Appendix A I have listed my suggested species along with a cross-section of the wall and the mound planting. There are two distinct elements;
- a, the planting of the strip of land between the wall and the PROW, and
 - b, the screening to be afforded to the wall.

- 5.2 The criticism of a hornbeam hedge is justified and so to me the more pragmatic solution is to renew the existing fence so that there is a clear boundary demarcation without the need for a hedge and the on-going maintenance it would require. A hedge would be softer in appearance and have some habitat benefit, but there is very little of that currently along the fence line, (Appendix A, photographs 1, 2 and 3).
- 5.3 A fence is far more effective at encouraging users of the path to stay on it.
- 5.4 The full revised planting proposal will have much greater habitat benefit and consequently there will be a considerable net ecological benefit increase.
- 5.5 The proposed planting of trees between the fence and the wall is also criticised:
- v) I am concerned that the space between the wall and the fence is very limited and don't think that there is sufficient space for the trees to grow. Any tree that is planted in this location will be under constant pressure to be pruned, to ensure that the Public Right of Way (PROW) [*Green Circle Walk*] is accessible, as well as the private track/ path. That would mean having to prune trees from both sides to ensure accessibility. Over pruning trees makes them weak and potentially dangerous, and that could create a safety issue concerning the PROW and future maintenance of these trees/ hedges.
- 5.6 The requirement for trees is as far as I am concerned essential. There is limited space and so I have selected species with naturally modest mature heights as listed under 'Mound Planting' at Appendix A. They are all suited to the soil type and of limited mature height. Whereas Field maple is capable of considerable growth, the cultivar of it I have specified has a very compact crown form and does not grow to much more than 30 feet in height (photo right). The other species, the wild apple and Bird cherry, are of obvious benefit, and I have included hazel because it can be coppiced regularly on a 4-5 year cycle which is beneficial as a stool. The multiple shoots from the stool which trap leaf litter is a good environment for invertebrates. The pruned stems can be cut into short lengths and heaped to provide more decaying material. A single stem can be retained as a small tree.
- 
- 5.7 In fact all pruned material should be cut into short lengths and allowed to decay on the ground. Whereas this might be construed as being "untidy", in fact nature is "untidy" and decaying ground cover is an important ecological resource. Added to which it will be behind the boundary fence.
- 5.8 Ground *flora* will also grow and in a very few years this linear strip will be colonised by a whole range of organisms and smaller wildlife.
- 5.9 As I mention in paragraph 5.4 above, the trees to be planted will be on mounded soil simply because this area is prone to water-logging. This is a very long-established forestry planting technique used in these situations, ranging from "ditch and dollop" where the spoil from ditches parallel to the planting lines is mounded alongside at the planting distances. Where ditch excavation needs to be relatively deep creating a larger volume of spoil, it is heaped continuously alongside.

- 5.10 In this instance soil will be imported to form a continuous mound. It will be friable general purpose topsoil¹ which suits tree root growth and will allow unrestricted, intermingled linear root development along the bund. In many cases this can encourage root growth to enter the water-logged zone, albeit to a limited depth, but in maturity trees can and do change their growing environment.
- 5.11 For logical and justifiable reasons I have selected trees with modest mature heights so that they are not compromised by the restricted space. Despite being of modest size their crowns will form a combined canopy. I have indicated a planting separation distance of about 4 metres as this will provide space for the trees to develop and allow the trellis planting to be seen.
- 5.12 Another criticism of the previous planting scheme is that the proposed use of holly was inappropriate because they are "understory species". I have not chosen holly because it has a relatively large growth potential, and would not harmonise with my species choice.
- 5.13 That my species choice could also be described as understory species is not a conflict. In fact quite the reverse because tree species which would achieve a high storey would be demonstrably inappropriate for the limited space available. As I have mentioned, my species choice is precisely to be harmonious, and importantly sustainable, in the specific site circumstances.
- 5.14 The comments at the Council's paragraph v) "Over pruning trees makes them [the trees] weak and potentially dangerous" is not explained. Frankly I am at a loss as to understand this. Pruning carried out with poor practice can of course cause harm to trees, but as Mr Gargan will be going to considerable effort and expense to plant, establish and maintain the proposed trees, I fail to see that commensurate with his wish for successful effective and ecologically sound tree growth, that as and when pruning is required he would not use a qualified arboricultural contractor. Such a contractor would be well-versed in carrying out pruning in compliance with British Standard 3998: 2010 - Tree work.
- 5.15 Finally the suggestion was made at the Council's paragraph vi) that; There are also further concerns that any species selected to soften the imposing nature of the wall, could undermine the wall, therefore making it unstable and dangerous.
- 5.16 The likelihood of the species I have chosen causing damage to the wall by undermining it is in my opinion sufficiently unlikely so as to be disregarded.
- 5.17 There are two distinct reasons for this. First the wall is very substantial and has a footing foundation depth of a metre, and the footing is solid concrete with steel reinforcement. In full maturity none of the proposed trees has the capability of dislodging such a comparatively massive structure.

¹ British Standard 3882:2015: Specification for Topsoil - 'General Purpose grade'

- 5.18 The second reason is the high water table which causes the water-logging. Tree roots need soil moisture but they also need aeration. The fibrous roots which take in moisture and a few minerals cannot function alone. They have evolved a symbiotic relationship with specialised mycorrhizal fungi which facilitate such absorption. These fungi have to have atmospheric oxygen to survive. This is why I have specified the mound planting, so that the root systems can grow in a sufficient depth of aerated soil.
- 5.19 In short, the roots of the tree species I have proposed will not damage the wall.

6. The planted trellis.

- 6.1 Being new the wall's appearance is a little stark, but it will tone down in due course.
- 6.2 That it is described as being incongruous is an entirely subjective matter.
- 6.3 Walls of various different materials are commonplace on landed estates and accepted as being entirely appropriate. I'm not suggesting that Maltings is a landed estate in historical terms, but the reasons for such a wall are privacy and noise attenuation from the busy main road. The main garden is behind the wall.
- 6.4 There is a shaw of trees along the road edge (plan at Appendix A) but traffic noise can be heard and is worse in the winter when the trees are not in leaf. This is the driving criterion for the wall's height.
- 6.5 To soften the wall's appearance the proposal is to face it with a trellis which will support a range of climbing plants. At Appendix A I have shown a diagram with the trellis fixed to the wall, and also a photographic example of a free-standing trellis. The choice is of no particular moment visually as in time it will be largely hidden and the wood colour will tone down. However, fixing it to the wall is a less expensive option, particularly given the proposed height.
- 6.6 Whether the trellis matches the height of the wall or not is a subjective choice, but my advice would be for it to stop short of the top.
- 6.7 I have suggested a selection of climbing plants which flower and will be an attractive feature. They are not native to the UK, but nevertheless attract a wide range of insects, and when fully grown will be used for nesting.
- 6.8 The tree planting mound will be extended to the wall which will be faced with a damp proof membrane to prevent deterioration of the brickwork pointing.

Conclusion

- 7.1 The Council is concerned about the proposals for tree planting on the ground between the PROW and the wall boundary wall, and the visual prominence of the wall.

- 7.2 I have proposed tree planting of indigenous species to be planted on a linear mound to compensate for the water-logging of the ground. The intention in landscape terms is to provide visual variation rather than uniform planting, and of species with modest mature height growth so as to remain proportionate.
- 7.3 The appearance of the wall will be mitigated with climbing plants on a custom-made trellis, planted into the linear mound which will extend to the wall. The species choice is to provide visual interest and diversity, and although not indigenous the plants are flowering and attract a wide range of insects which in turn attract birds.
- 7.4 The separation of the PROW from the planting area will be sustained with a replacement of the existing fence to the same style. Having a physical barrier is important.
- 7.5 In summary, the revised planting scheme and installation methodology I am proposing answers the concerns of the Council in sustainable terms.



Photograph 1. View of RoW Path looking NW



Photograph 2. View of the ground between the wall and fence looking NW



Photograph 3. View of the ground between the wall and fence looking SE



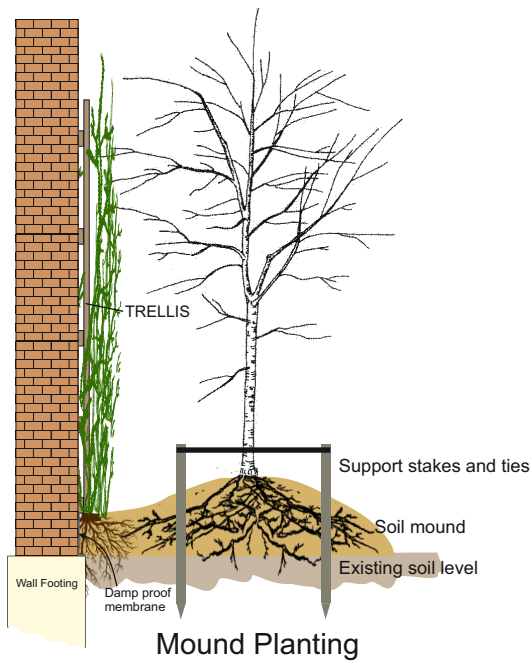
Photograph 4. View of the water-logged ground north of the wall



Photograph 5. View of dead and dying trees in the Wooded Shaw



Photograph 6. View of dead and dying trees in the Wooded Shaw



Mound Planting



Example of a trellis to a robust specification with timber preservative treated for a minimum of 15 years life (QW installation at Sevenoaks School)

Mound Planting BS 8545:2014 trees from Nursery to independence in the landscape - Recommendations 10 trees at 4m spacing

Field maple	<i>Acer campestre fastigiata</i>	x 3
Wild Apple	<i>Malus sylvestris</i>	x 2
Hazel	<i>Corylus avellana</i>	x 3
Bird cherry	<i>Prunus padus</i>	x 2

Trellis Planting

Honeysuckle	<i>Lonicera Periclymenum</i>
Common hop	<i>Humulus lupulus</i>
Climbing hydrangea	<i>Hydrangea anomala glabra 'Crüg Coral'</i>
Wild rose	<i>Rosa canina</i>
Passion flower	<i>Passiflora sp.</i>
Jasmine	<i>Jasmine officinale</i>

Quaife Woodlands Arboricultural Survey AR/4415/jq

Maltings Farm, Malthouse Lane, Burgess Hill, BN6 9JZ

Site Plan - East Garden Wall - Proposed Landscape Planting

Plan scale 1:400 approximately @ A3

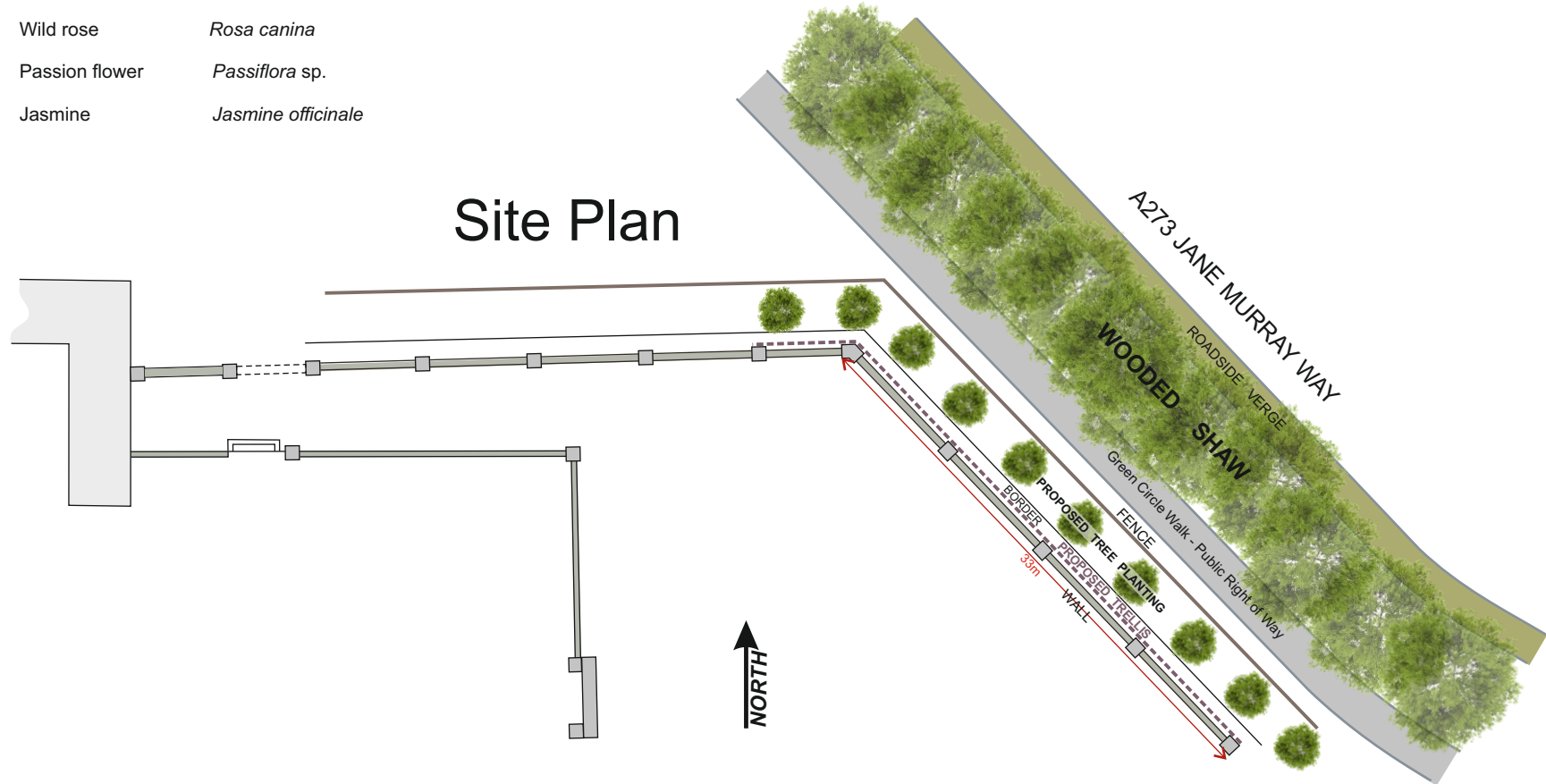
20th June 2014

0 10 20 30 40 metres

Scaling accuracy is sufficient for planning purposes but this drawing should not be used for construction
This plan is drawn in colour so monochrome reproduction may be unreliable



Local setting of the subject wall Google Earth extract



I am a Fellow and Registered Consultant of the Arboricultural Association and hold the Royal Forestry Society's Professional Diploma in Arboriculture¹, and a Chartered Environmentalist with the Society for the Environment. In the matter of determining TPO Appeals I spent 5 years as an Inspecting Officer for the Office of the Deputy Prime Minister and subsequently the Department of Communities and Local Government, and then 7 years as an Inspector for PINS determining TPO and High Hedge Appeals, until 2015 when all Arboricultural Inspectors were retired. In the summer of 2006 I appeared at the Public Inquiry for Phases 4 and 5 of the Bolnore Village Application and as part of my evidence the Inspector accepted my definition of the Ancient Woodland Buffer Zone which was subsequently adopted nationally.

I have worked in woodland management and arboriculture since 1972 and following six years with English Woodlands Ltd. I was appointed as woodland manager at the Squerryes Estate in Westerham, Kent. My work there covered all aspects of lowland forestry and woodland management (also managing woodland on some of the neighbouring estates), land use integration and conservation, as well as the establishment of a successful contractual and advisory arboricultural service. I was also responsible for the management of two SSSIs (a pre-Roman ancient woodland, and a bat habitat in old mine workings in woodland), and a Scheduled Ancient Monument in woodland. I completed the Bat Conservation Trust three-day residential course run by Dr S. Sowler covering the biology and habitats of bats, their behaviour, and roost emergence and return surveying.

I began my own business in 1990, which is now a busy consultancy practice for arboriculture and woodlands.

In addition to clients ranging from national, regional and local authorities, the MoD, corporations, charities and private individuals, I have experience of acting as an expert witness at planning inquiries and for litigation in civil and criminal courts (including acting for the Crown Prosecution Service) and the Lands Tribunal. I was also a member of the panel of approved consultants over a period of three years acting for the Welsh Assembly through the Welsh Development Agency in the implementation of the country's "Timber II" woodland regeneration programme, my role being to appraise grant applications for added-value woodland enterprises. For five years I was the arboricultural advisor to the States of Guernsey and additionally assisted the Island Development Committee with the formulation of new tree protection ordinance (legislation) – Tree Protection Order 2007, and was instructed to assist with writing the States' Tree Policy. I was also a consultee to the UK Government's Arboricultural Officer Peter Annett in the formulation of the 2012 TPO Regulations. I was the arboricultural advisor to the Liverpool King's Dock redevelopment as part of that City's preparations for their year as European Capital of Culture for 2008.

Of particular interest, in 2013 Quaife Woodlands was instructed to survey all trees on a regular basis within Finsbury Circus, which was a main works access site for the Crossrail project, as there had been some concern for the trees due to some ground movement. In 2020 I was instructed personally to oversee the decommissioning and restoration of the site, which is surrounded by trees protected with a TPO, and in particular one large London plane (which was individually cited in the Crossrail Act) adjacent to the access hole (25 metres in diameter and 40 metres deep). All trees survived unharmed. I have also advised on specific arboricultural matters with HS2 in London.

I was a co-presenter of the national series of seminars run by the Arboricultural Association introducing British Standard 5837 2005, and participated in the review of the current 2012 Standard. Instructed by DCLG for the anticipated revision of Circular 11/95, I wrote the draft of arboricultural planning conditions (which was issued for public consultation through the PINS website), but the entire review was suspended in 2010 following a change of Government and has not been reinstated. I am a visiting lecturer at Greenwich University, and previously at Merrist Wood and Hadlow colleges. I have presented at numerous seminars and conferences, together with writing arboricultural articles, and television and radio interviews.

For ten years I was an examiner for the Royal Forestry Society's Professional Diploma in Arboriculture. I was a Trustee Director of the Arboricultural Association for 19 years and served as Chairman for two separate periods of office. I served on the Association's Professional Committee for some 12 years and I worked for seven years as the lead assessor for the Arboricultural Association's Registered Consultant scheme, leading the initial development of the current application and assessment process. I instigated and co-presented the Arboricultural Association's two-day residential course for consultants, which ran for ten years. I served on planning committees as an elected councillor for 24 years from 1983 and my past chairmanships at Sevenoaks District Council included Development Control.

¹ When I achieved the RFS PDA in 1998 there was no arboricultural consultancy degree course available, but it is recognised within the arboricultural profession as being at BSc level. (A BSc in arboriculture is now available.)