



Appeal Decision

Site visit made on 20 November 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/D3830/D/24/3349584

Maltings Farm, Malthouse Lane, Hurstpierpoint, West Sussex, BN6 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Andrea Funnell against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/0013.
 - The development proposed is the creation of a new walled garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively and at the time of my visit the wall had been constructed and was largely complete.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal relates to a detached property associated with Maltings Farm and a wider equestrian estate. The dwelling has a wedge-shaped residential garden to the side. This extends up the land's eastern boundary adjacent to a public right of way (bridleway) known as the Green Circle Walk which runs in a northwest-southeast direction along this stretch through a vegetated belt and at an elevated position above the parallel adjoining A273. Directly opposite the appeal site, on the east side of the road, is an out-of-town retail park comprising a single large building including DIY and pet superstores. This sits on the fringe of a wider business area. The appeal site lies outside the defined boundary for the built-up area of Burgess Hill, the line of which follows the A273's alignment.
5. The wall runs straight for approximately 40m from a point behind the rear elevation of the dwelling, and almost parallel to it in an easterly direction. It then turns at an obtuse angle to run south-east for a distance of around 30m, parallel with the site's boundary but set away from it by around 4m. The wall is constructed with red brick and varies in height when measured above the changing ground levels within the appeal site, ranging from 4.2m over an

arched entrance set behind the dwelling, to a more consistent 2.8-2.9m along its majority length, according to undisputed figures provided by the Council. A total of twelve intermittent and regularly spaced piers project approximately 0.9m taller than the height of the wall.

6. The use of local red brick and a Sussex Bond reflects locally prominent materials and appropriately matches the host dwelling. This correlation is appreciated most from within the confines of the appeal site where the house and wall can be seen within the same context. From this aspect, the wall appears as a reasonable means of garden enclosure, respectful of the property's size and status.
7. However, the Green Circle Walk follows a route that is distinctly rural in character and appearance, despite its proximity to the A273. There is a clear shift in character between the urban and rural sides of the road. This is defined not only by the notional settlement boundary line but also, and more importantly in this instance, by the land uses and the verdant qualities of the countryside setting to the west.
8. When approaching the appeal site on foot from the south, the main road is to the right-hand side and set at a lower level. There is a vegetated and wooded belt between both. The retail units on the opposite side of the road can be seen through the foliage but not intrusively so, and in any event, within the context of the urban area that extends beyond it in this direction. To the left side the bridleway adjoins the appellant's land, the boundary to which at this point is marked with a post and rail fence and hedgerow, with views over into paddock and countryside beyond. Where the bridleway passes the appeal property's garden, the boundary to the site is marked with a 1.8m high close-boarded fence, which is typical for a residential garden enclosure, and not overtly out of context. Overall, the route has the pleasing feel of a traditional and verdant countryside right of way.
9. Despite the wall's recessed position away from the boundary, it looms large and imposing when seen in the vista along the bridleway. It appears excessively tall for a domestic garden boundary with its height exaggerated further, not only by the slightly raised levels of the appeal site in relation to those beyond it but also by its much taller and chunky looking piers. Its presence appears unexpected and stark in its countryside and predominantly rural setting. As such, I share the Council's view that the wall appears out of keeping with and harmful to the rural character and appearance of the area.
10. During my visit I saw that the external face of the wall had been fitted with trellis. In addition, I counted a total of nine newly planted young trees spaced out along the length adjacent to the bridleway and three more along the side return. I note past suggestions, that the space between the site's boundary and the wall would be used as an access route to the paddocks beyond, no longer apply, with alternative routes now identified. I therefore have no reason to doubt that any planting within this space would flourish. However, I note the appellant's assertions that any planting is entirely independent of the development undertaken. Furthermore, I do not consider that planting should be relied upon to screen development that is harmful in its own right.
11. I appreciate that the wall provides effective noise attenuation within the appellant's garden, protecting them from excessive traffic noise from the A273. However, there is no evidence before me to suggest that the current

construction is the only means of achieving acceptable levels of noise attenuation. Similarly, I am not persuaded that it represents the only means of achieving acceptable levels of privacy. I observed sight of the signage associated with the commercial businesses on the opposite side of the A273 from first-floor accommodation within the dwelling. It was apparent to me that the wall served no purpose for screening sight of this from this aspect. Neither is there any substantive evidence before me to support an assertion that the illuminated signage is detrimental to the appellant's living conditions.

12. I have noted the appellant's rights to construct a wall up to 2m in height as permitted development, but that does not alter my findings as far as they relate to the scale of development that has been undertaken and which is before me. Walled gardens in other circumstances in the locality are not directly relevant to the merits or context of this case.

Conclusion

13. For the reasons given, the wall is harmful to the character and appearance of the area. By failing to appear sensitive to its countryside setting or to maintain the area's rural and landscape character, the development is contrary to Policies DP12 and DP26 of the Mid Sussex District Plan 2014-2031, adopted in 2018, and Policy C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan 2014. For the same reason, the development is contrary to the National Planning Policy Framework's objectives for achieving well-designed places and for conserving and enhancing the natural environment.
14. Accordingly, and despite some significant number of expressions in support of the development, the appeal is dismissed.

John D Allan

INSPECTOR