



Appeal Decision

Site visit made on 24 April 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/D3830/W/24/3358100

21 Caffin Gardens, Burgess Hill, West Sussex RH15 0QS

- 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 Mrs Newton against the decision of Mid Sussex District Council
 - The application Ref is DM/24/2228.
 - The development proposed is to change land adjacent to property to residential curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that the description of development does not make reference to the proposed boundary treatment. Plans and details of the boundary treatment formed part of the original planning application and the Council made their decision based on these details. Accordingly, I consider that the proposed boundary treatment forms part of the proposal and so is for my consideration.
3. Although the red line shown on the site location plan does not enclose the entire site, I am satisfied that the information provided on the site location plan and block plan together identifies the appeal site with sufficient clarity to enable the appeal to be determined.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a small parcel of land to the south of no. 21 Caffin Gardens (no. 21). No. 21 is a recently constructed end of terrace house situated off a cul-de-sac with a rear garden bounded by a brick wall. The appeal site comprises an area of grass situated between the southern elevation of the dwelling (including the garden wall) and a public footway that runs between the residential parking area of Caffin Gardens and Unicorn Way.
6. The proposal is to incorporate the grassed area into the appellant's domestic garden and to erect a close board fence on the boundary immediately adjacent to the footway.

7. Whilst it is assumed that the grassed area between the dwelling and the footway is in private ownership, it appears to perform a public function by providing a landscaped margin between the footway and the domestic use of the house and garden. I note that the Council has made reference to this piece of land being part of a designated area of 'amenity space/grass and soft landscaping' under the approved site plan for the wider development; and this has not been disputed by the appellant.
8. I consider that the designation of the land as amenity space performs an important function in providing a small 'buffer zone' between the public realm and private amenity and living space. The benefits of this designation appear reciprocal for both the occupiers of no. 21 and the users of the path, providing distance between the two uses and an increased sense of spaciousness that is seen elsewhere throughout the development as an aspect of local character.
9. The proposal would bring the private amenity space of no. 21 to the boundary of the path and would introduce a 1.75m high fence immediately adjacent to it. This would be an oppressive and incongruous feature within the street scene, at odds with the general pattern of the wider development. Not only would the fence be highly visible, prominent and out of character with the area, it would create a sense of enclosure to the footway on one side, likely adversely affecting how users experience the footway. Overall, it is considered that the change of use of the existing landscaped amenity space and the introduction of the fence would undermine the landscaping of the wider development.
10. Accordingly, I find that the proposal would have an unacceptable adverse impact on the character and appearance of the area. It fails to accord with policy DP26 of the Council's Mid Sussex District Plan 2014-2031 (2018) which requires high quality design, for layouts to contribute positively to public and private realms. I also find the proposal conflicts with the Mid Sussex Design Guide Supplementary Planning Document (2020) which requires boundary treatments to be reflective of the local area and coordinated to contribute to the character of the street. The proposal also conflicts with Section 12 of Framework which requires developments to function well and add to the overall quality of the area.

Other Matters

11. The appellant has made reference to the proposal being needed to prevent dogs fouling on their land. Whilst the current situation is clearly frustrating for the appellant, it does not provide sufficient planning justification to outweigh the harm to the character and appearance of the area identified above.
12. An explanation has also been provided by the appellant as to why a hedgerow in this location would not be appropriate. This is acknowledged, but the disadvantages of establishing a hedge, in this case, again do not outweigh the harm identified.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

JJ Packman

INSPECTOR