



Appeal Decision

Site visit made on 14 January 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/D3830/D/25/3362008

1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ

- 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 Scott Percy against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/2330.
 - The development proposed is two storey side extension to be used as annex.
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Decision

1. The appeal is allowed and planning permission is granted for two storey extension to be used as annex at 1 Wintergreen Way, Sayers Common, Hassocks, West Sussex BN6 9ZQ in accordance with the terms of the application, Ref DM/24/2330, and the plans submitted with it, subject to the conditions shown at the end of this decision.

Preliminary Matters

2. For completeness, I have taken the address from the appeal form.

Main Issue

3. The main issue is the effect of the proposal on trees and the setting of the village.

Reasons

4. The appeal site at 1 Wintergreen Way comprises a modern, semi-detached dwelling located within a modest cul-de-sac development at the edge of the settlement. Set back from the main road, the appeal dwelling and its neighbour are accessed off a driveway behind established and mature trees. The southern boundary of the appeal site is formed by a low timber post and rail fence, behind which are a line of Oak trees with countryside beyond, which contains open fields and sporadic tree planting and vegetation.
5. The trees along the boundary do not enjoy protection from being within a conservation area, nor are they protected by a tree preservation order. Nevertheless, whilst individually they are not high value trees, collectively they make a positive contribution to the amenity value of the area and together with the trees alongside the main road, help to form a soft edge to Sayers Common and manage the transition from built form to countryside.
6. The appeal scheme does not propose the loss of any trees, a matter not in dispute. Rather, the concerns relate to firstly, whether the trees would be adequately protected during construction and secondly, whether there would be sufficient space for the trees thereafter.

7. The Arboricultural Implications Assessment¹ (AIA) advanced, shows that the proposed extension would sit outside of the root protection area (RPA) of the Oak trees. To avoid adverse impacts, in advance of the construction works commencing, it details that protective fencing would be installed along with the laying of ground protection measures within the RPA of the affected trees. Furthermore, a minimal ground intervention foundation system is proposed, utilising a special screw fix/mini-piles and a ground level ring beam foundation system, allowing for the majority of roots beyond the RPA to remain in situ beneath the footprint.
8. The Council question the tree protection plan (TPP) set out in the AIA. This is due to the previous Arboricultural Method Statement dated 2019, submitted alongside the original development for residential development² (the 2019 permission), which showed a more extensive TPP. However, the Council stop short of concluding that the proposal would cause unacceptable root damage. On the basis of the evidence that I have read, and from my observations on site, I am satisfied that the avoidance measures set out in the AIA would offer adequate protection to the existing trees during construction.
9. There is disagreement between the parties regarding the maturity of the trees along the appeal site boundary, with the appellant describing them as 'young' whilst the Council believe they are 'semi-mature'. Irrespective of this, with the majority identified as category C trees, all are expected to have a life expectancy of at least 10 years, with the one category B tree expected to have at least 20 years.
10. The trees have been heavily pruned with their canopies set some distance from the dwelling. Even allowing them to adapt with new growth, the trees are unlikely to interfere with the proposed extension for many years and with ongoing maintenance and pruning, they would be able to maintain an appropriate separation distance to allow the trees to successfully coexist alongside the proposal. As such the effect of the proposal on the trees would be an acceptable one, and they would still be able to help to screen the edge of the settlement and continue to positively contribute to biodiversity and climate change.
11. Consequently, the proposal accords with Policy DP26 of the Mid Sussex District Plan 2014-2031 (adopted 2018) (DP) which amongst other things expects development to protect trees that contribute to the character of the area. It also meets the expectations of DP Policy DP37 which seeks to protect trees that contribute either individually or as part of a group, to the visual amenity or character of an area from damage or loss.

Other Matters

12. An existing cabin type structure is in place to the south side of the appeal property. It is not my role in determining this appeal to establish the lawfulness of this structure, albeit my attention has not been drawn to any planning permission having been granted and I note that permitted development rights were removed in respect of curtilage buildings by Condition 27 of the 2019 permission. Consequently, the presence of the cabin has had limited weight in my decision and is a matter for the Council to take up as they see fit.

¹ ref: J65.92 by Broad Oak Tree Consultants Limited, 2024

² Planning Ref: DM/19/3952

Conditions

13. The Council have suggested conditions which I have considered against the necessary tests and amended accordingly, and omitted, for the reasons set out below.
14. In addition to the standard time condition (No. 1), in the interests of certainty I have imposed a condition setting out the approved plans (No. 2).
15. To ensure that the development is appropriate for the character and appearance of the area, condition (No. 3) requires that external facing materials match those of the existing dwelling.
16. To protect the trees along the southern boundary from harm, Condition (No. 4) requires that the tree protection measures detailed on the TPP to be employed prior to development commencing, whilst condition No. 5 requires the use of the specialist foundations advanced.
17. For the avoidance of doubt and to ensure the development remains as one planning unit, a condition (No.6) to ensure that the extension is used as part of the existing house is reasonable, and the model condition is therefore imposed.
18. As it should be known whether any drain or watercourse lies within 8 metres of the construction area, I do not find the recommended condition to restrict development within this zone to be necessary or reasonable.
19. A condition is recommended by the Council to require the removal of the summerhouse/cabin currently located at the side of the property. However, no plan is before me to accurately depict its position and I have no means of securing it. Moreover, the Council have their own powers to require its removal should it be necessary. Therefore, I have not imposed it.

Conclusion

20. For the reasons given above the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawings (unreferenced) comprising Proposed Floor and Elevation Plans, Proposed Block Plan and Location Plan.
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

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- 4) No development shall be commenced until the tree protection measures shown on drawing number J65.92/02 (Tree Protection Plan) within the Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited, dated August 2024 have been implemented on site. These measures shall be retained throughout the construction process.
- 5) The foundation design of the extension hereby approved shall be as set out in the Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited, dated August 2024.
- 6) The extension hereby permitted shall not be used other than as part of the dwelling known as No. 1 Wintergreen Way, Sayers Common, Hassocks, West Sussex, BN6 9ZQ.

End of Condition Schedule