



Appeal Decision

Site visit made on 17 March 2026

by **E Everitt BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 April 2026

Appeal Ref: APP/Q3820/W/25/3376679

23 Downland Drive, Southgate, Crawley, West Sussex RH11 8QN

- 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 Agata Skolek against the decision of Crawley Borough Council.
 - The application Ref is CR/2025/0291/FUL.
 - The development proposed is change of use and enclosure of privately owned public amenity land into private residential garden land.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and enclosure of privately owned public amenity land into private residential garden land at 23 Downland Drive, Southgate, Crawley, West Sussex RH11 8QN in accordance with the terms of the application, Ref CR/2025/0291/FUL, subject to the following 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 drawing nos 25.23DD.P05v1 Location and Block Plan, 25.23DD.P02v1 Proposed site plan and 25.23DD.P04v1 Proposed elevations for the fence, hedge and gate.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure exceeding 1m in height above normal ground level shall be erected or constructed on the boundary of the site which fronts on to the adjacent footpath.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is an end-of-terrace dwelling located on a corner plot. To the front and rear, the property has private garden space enclosed by wooden fencing. To the side, a strip of land, which is the focus of this appeal, separates the property from a footpath connecting nearby open spaces.

4. The property is located within an area which is residential in character, with housing sited around large open spaces. I observed during my site visit that the open spaces contribute towards an open, verdant character. Nevertheless, the housing in the surrounding area is experienced as distinct from the open spaces, including as a result of many properties being set behind front gardens bordered by fencing and walls.
5. While the land adjacent to the appeal property includes some planting, its appearance differs markedly to that of the nearby open spaces which are substantially greater in size and grassed. The nearby open spaces are also considerably more open in character than the land adjacent to the appeal property, which is abutted by tall, mature shrubs in the front garden of the appeal property and that of the dwelling to the rear. In this context, the land appears distinct from the nearby open spaces and is, instead, experienced in conjunction with the adjacent housing. As a result, it makes a limited contribution to the character and amenity value of the area. This is irrespective of its visibility from the footpath and proximity to the nearby open spaces.
6. The appeal proposal would alter the established garden pattern in the area through the enclosure of the land to the side of the appeal property and its change of use to form part of an enlarged residential garden. In this regard, the proposal would depart from the planned layout of the area, including the network of open spaces which characterise this part of the New Town.
7. Nonetheless, in the context of the existing adjacent boundary treatments and vegetation greater in height than the proposed fencing, the fencing would not, due to its limited height, fundamentally alter the openness of the land. It would not disrupt the street rhythm in this part of the estate, given the land is already experienced in conjunction with the adjacent housing and as distinct from the nearby open spaces. Moreover, due to the proposed hedgerow planting, the verdant character of the area would be retained. Consequently, the proposal would not undermine how the planned layout of the area or the network of open spaces is experienced.
8. Accordingly, I conclude that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. It would, therefore, comply with the relevant provisions of Policies CL1, CL2 and DD1 of the Crawley Borough Local Plan 2023 to 2040 (adopted 2024). In summary, these policies seek development which maintains the neighbourhood structure of the town, including the arrangement of open spaces, and respects, protects, builds upon and enhances the positive aspects of existing character, significance and distinctiveness.

Other Matters

9. The Council raises concerns that the proposal could set a precedent for similar development in the area. However, any future proposals would be assessed on the basis of their own individual circumstances, as I have done with this appeal. This matter does not, therefore, lead me to an alternative conclusion on the main issue.

Conditions

10. In addition to requiring commencement within the relevant statutory period, I have imposed a condition requiring adherence to the approved plans. These conditions are imposed for certainty.
11. A condition restricting boundary treatments to 1m in height is necessary in the interests of safeguarding the character and appearance of the surrounding area.

Conclusion

12. For the reasons given above, the proposal complies with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be allowed.

E Everitt

INSPECTOR