

944

MID SUSSEX DISTRICT COUNCIL

MEMORANDUM

File

To: District Planning Officer
From: Senior Legal Officer - Chief Executive

Date: 2nd June, 1983
My Ref: PS/ES P.23
Your Ref:

Town & Country Planning General Development Order 1977
Mid Sussex (Land to the rear of Cobbetts Mead, Orchid Park Haywards Heath)
Direction 1983

I attach a copy of the above Direction for your information and file.

The Direction supercedes that made in December of last year.

Stephen

Senior Legal Officer.

MID SUSSEX DC PLANNING DEPT	
recd - 3 JUN 1983	CU.190.82
ack	letter

Noted
BJ
3/6/83

SEE ALSO CU.190.82

175

MID SUSSEX DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING
GENERAL DEVELOPMENT ORDER 1977

WHEREAS the MID SUSSEX DISTRICT COUNCIL of Oaklands Oaklands Road Haywards Heath in the County of West Sussex as the Local Planning Authority (hereinafter called "the Council") is satisfied that it is expedient that development of the descriptions set out in the Schedule hereto should not be carried out on land situate to the rear of Cobbetts Mead Orchid Park Haywards Heath in the aforesaid County (hereinafter called "the land") shown edged red on the plan attached hereto unless permission therefor is granted on an application in that behalf made under the Town and Country General Development Order 1977

NOW THEREFOR

the Council in pursuance of the powers conferred upon it by Article 4 of the Town and Country Planning General Development Order 1977 HEREBY DIRECTS that the permission granted by Article 3 of the said Order shall not apply to development on the land of the descriptions set out in the Schedule hereto SAVE that this Direction shall not apply to the boundaries of the land between the points marked A-B and D-C on the plan attached hereto

This Direction may be cited as the "MID SUSSEX (LAND TO THE REAR OF COBBETTS MEAD ORCHID PARK HAYWARDS HEATH) DIRECTION 1983"

THE SCHEDULE

The erection or construction of gates fences walls or other means of enclosure not exceeding one metre in height where abutting on a

highway used by vehicular traffic or two metres in height in any other case and to the maintenance improvement or other alteration to any gates fences walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure being development comprised within Class II(1) of Schedule 1 to the General Development Order 1977 and not being development comprised within any other class

THE COMMON SEAL of MID)
SUSSEX DISTRICT COUNCIL)
was hereunto affixed on the)
27th day of APRIL)
1983 in the presence of:-)



A. Palmer for
Chief Executive

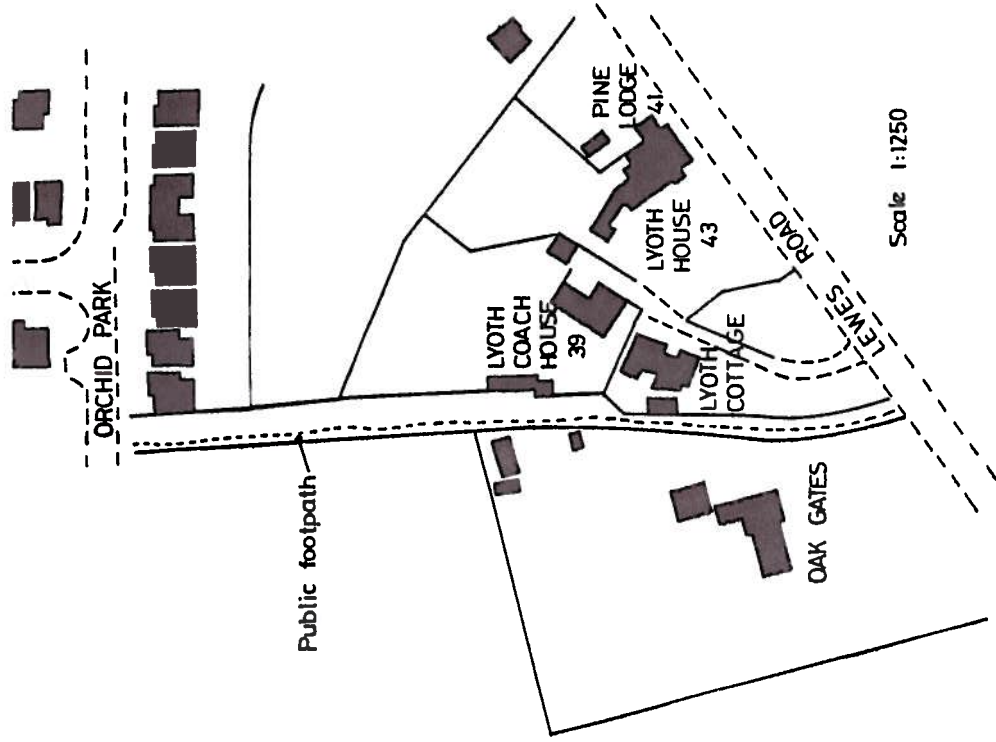
The Secretary of State for the Environment hereby approves the foregoing direction.


M. [Signature]

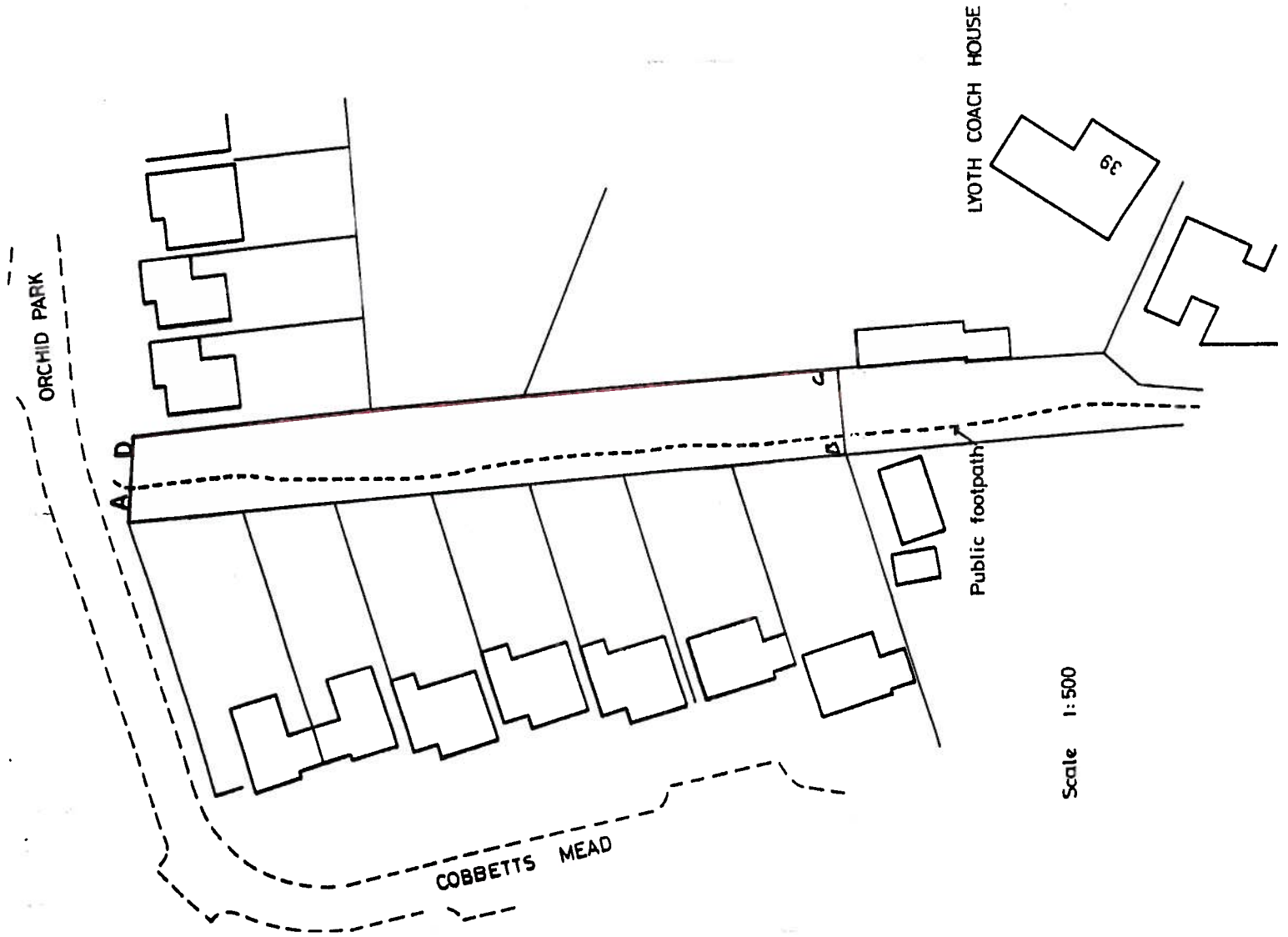
Signed by authority of the Secretary of State

An Assistant Secretary in the Department of the Environment.

20th MAY 1983



MID SUSSEX DISTRICT COUNCIL		 north	
W. J. H. Hatton B.A. M.R.T.P.I. District Planning Officer, 38 Balbro Road Haywards Heath Sussex. RH 16 1LP		scale 1:500 + 1:1250	
project PLAN No.1, ARTICLE 4 DIRECTION, ORCHID PARK, HAYWARDS HEATH		drawing title	
drawn	checked	date	file ref
		June 1982	
			drawing number



Dated 27th APRIL 1982

MID SUSSEX (LAND TO THE REAR
OF COBBETTS MEAD ORCHID PARK
HAYWARDS HEATH) DIRECTION 1983

Statement of reason for making the Mid Sussex (land to the rear of Cobbetts Mead Haywards Heath) Direction 1983

1. Purpose of the direction

1.1 At its meeting on the 22nd June 1982, the Plans Sub-Committee No. 2 resolved that an Article 4 Direction be made to secure the removal of permitted development rights under Schedule 1, Class II(1) of the Town and Country Planning General Development Order 1977 namely:-

1.2 "The erection or construction of gates, fences, walls or other means of enclosure not exceeding 1 metre in height where abutting on a highway used by vehicular traffic or 2 metres in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure; so long as such improvement or alteration does not increase the height appropriate for a new means of enclosure".

2. The Site and its location

2.1 The area to which the Direction applies is edged red on the attached Plan No. 1. This covers an area approximately 270 ft. long and 32 ft. wide, that extends up to but not including the boundaries of the adjoining residential properties marked A - B and C - C on Plan No. 1. It is not intended to restrict the permitted rights enjoyed by these properties. The area covered by the Order is roughly rectangular in shape about 32 ft. in depth including the publicly designated footpath CU 29 that links the Lewes Road (A.272) to the south with Lyoth Lane to the north and runs through the Northlands Wood/Orchid Park residential area.

2.2 Northlands Wood/Orchid Park area is on the eastern side of Haywards Heath and forms the boundary to the extent of allocated residential development in that part of the town. It extends from Gravelye Lane to the west, Lyoth Lane to the north and east and the properties that front onto the Lewes Road to the south. Much of the site has been developed since the early 1970's by residential development and the remaining wooded area has the benefit of planning permissions for up to an additional 279 dwellings.

2.3 Immediately to the west of the area covered by the Order is part of the public footpath CU 29, beyond which are the new residential properties of Cobbetts Mead, the majority of which have recently been completed by Crest Homes Limited and are now occupied. At the time of the application for planning permission to develop the Cobbetts Mead the area covered by the Order and the adjoining footpath was shown to be in the ownership of Crest Homes. It is understood that this land has or is being transferred to the owners of the properties on the east side of Cobbetts Mead and to the owner of Lyoth Coach House (No. 39) Lewes Road.

2.4 To the north are parts of the Northlands Wood/Orchid Park developments that were built in the late 1970's. The character of the footpath through this area is determined by the tarmac surface and trees and bushes along the eastern side.

2.5 To the east are the detached properties with large and mature gardens of properties fronting onto Lewes Road.

3. Planning Policies

- 3.1 The local planning policies for the area are contained in the Haywards Heath Interim District Plan which although it is not yet a Statutory Local Plan is accepted to be the most up to-date instrument for development control. An extract from the Proposals Map of the Interim District Plan is Plan No. 2.
- 3.2 One of the policy aims of the Local Plan is "to conserve the overall appearance and character of the landscape in the Plan area". It is within this context that the desirability of the Article 4 Direction was considered.

4. Explanatory Comments

The character of footpaths is determined by a number of individual elements and features including:-

- (a) the surface of the path;
- (b) the width and direction of the path;
- (c) the feeling of "confinement" or "openness" resulting from areas adjoining the path and the amount and type of trees, bushes and other vegetation;
- (d) the size of any adjoining boundary fences and the materials used.

- 4.2 It is the Local Planning Authority's opinion that the character of the southern part of Footpath CU 29 is largely determined by the wide verge to the east and the wild trees, bushes, brambles and flowers growing on it.
- 4.3 This semi-rural character is considered to be particularly appropriate for this transitional zone between the more intense urban areas to the north and the low density along the Lewes Road and open countryside to the south.
- 4.4 By virtue of the permitted development rights granted by the General Development Order 1977 the open verge can be enclosed by fences of up to 2 metres in height and possibly included within private gardens which the Local Planning Authority would find it difficult to resist. The net result of such development would be the alteration and ultimate destruction of this sensitive transitional zone.
- 4.5 It is believed that several owners wish to enclose part of the land in this ~~matter~~, which if carried out would set an unfortunate precedent for the erection of other enclosures.

5. Conclusions

- 5.1 It is the opinion of the Local Planning Authority that the removal of the permitted development rights afforded by Class II(1) of Schedule I of the Town and Country Planning General Development Order 1977 by the making of a Direction under Article 4 of the same Order is the appropriate action to be taken to ensure the retention and protection of the elements that make up this important transitional zone.
- 5.2 For the reasons given above it is requested that the Secretary of State approve the Article 4 Direction.

Chief Executive,
Oaklands, Oaklands Road,
Haywards Heath, West Sussex.

1983.