

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0650	Case Officer:	Deborah Lynn
Application Type:	Prior Approval Demolition of Buildings		
Proposal:	Demolition of detached domestic garage		
Site:	139 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HE, , , ,		
Validation Date	12 Mar 2026	Overall Expiry Date:	
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval Is Not Required	Recommendation Date:	8 Apr 2026
Target Date:	9 Apr 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0650

**139 Chanctonbury Road, Burgess Hill, West Sussex, RH15 9HE, , ,
Demolition of detached domestic garage
Mr And Mrs Morley**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Not applicable.

TOWN COUNCIL OBSERVATIONS

Not applicable.

INTRODUCTION

This application seeks prior approval for the demolition of a detached domestic garage.

RELEVANT PLANNING HISTORY

DM/25/3181 - Larger home extension. Erection of a single storey rear extension extending beyond the rear wall of the original house by 5m, to a maximum height of 3m and the height of the eaves to 3m. Prior approval not required 15.01.2026.

DM/26/0122 - Application for a lawful development certificate - proposed. Removal of existing garage and conservatory. Erection of a rear single-storey extension spanning the width of the original house. Pending consideration.

SITE AND SURROUNDINGS

No. 139 Chanctonbury Road is a semi-detached 1950s house located within a row of similar properties on the eastern side of the road. The dwellinghouse is well set back from the road with a large grass verge to the front and a shared driveway to the south that provides access to a detached garage set back to the rear of the house. A small conservatory has been added to the rear. The property backs onto the London to Brighton railway line; land levels gently rise to the rear.

In terms of planning policy, the site lies within the built up area of Burgess Hill.

APPLICATION DETAILS

This application seeks prior approval for the demolition of the detached garage set back to the rear of the house. Demolition of the structure is required to facilitate the erection of a larger home extension following application reference DM/25/3181.

Section 55 of The Town and Country Planning Act 1990 sets out that the demolition of buildings is considered a building operation and as such constitutes development. Section 55 (2) sets out operations that shall not be taken for the purposes of the Act to involve development of the land, which at criteria (g) states *'the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.'*

This refers to The Town and Country Planning (Demolition - Description of Buildings) Direction 2021 by the Secretary of State for Housing, Communities and Local Government which states at Section 3. (1) that:

'3. (1) Subject to sub-paragraph (2), the demolition of the following descriptions of building shall not be taken, for the purposes of the Town and Country Planning Act 1990, to involve development of land: (a) any building the cubic content of which, measured externally, does not exceed 50 cubic metres; (b) the whole or any part of any gate, fence, wall or other means of enclosure.'

As the detached garage has a cubic content that exceeds 50 cubic metres, the proposed demolition of the building is considered to constitute development.

Part 11, Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that any building operation consisting of the demolition of a building is permitted development. The demolition of buildings is therefore permitted subject to a number of criteria set out in this part of the GPDO. The applicant needs to apply to the Council to determine whether prior approval is required for the method of demolition and any proposed restoration of the site.

The LPA has 28 days from the receipt of the application to advise that prior approval is not required or advise that prior approval is required and such approval is granted or refused.

Unless otherwise agreed in writing the development must be carried out where prior approval is required, in accordance with the details approved or where prior approval is not required, in accordance with the details submitted with the application.

The planning merits of the proposal cannot be taken into account and the Council can only determine whether their prior approval is required for the proposed method of demolition and any proposed restoration of the site.

LEGAL FRAMEWORK

In determining an application for prior approval, the only issues that are relevant to the determination of the application are whether the proposal complies with criteria set out in the GPDO and whether the details contained within the application are acceptable.

Part 11, Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states in part that:

Class B - demolition of buildings

Permitted development

B. Any building operation consisting of the demolition of a building.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
- (b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);
- (c) the building is used, or was last used, for a purpose falling within—
 - (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
 - (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;
- (d) the building is used, or was last used, for the purpose of—
 - (i) a concert hall;
 - (ii) a venue for live music performance; or
 - (iii) a theatre; or

(e) the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—

- (i) that is a listed building;
- (ii) that is a scheduled monument;
- (iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
- (iv) within the grounds of a museum or art gallery; or
- (v) within the curtilage of a dwellinghouse.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;
- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition—
 - (i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;...

Class B.3 clarifies that "'excluded demolition" means demolition—

- (a) on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part 3 of the Act (control over development),
- (b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent),
- (c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent),
- (d) required or permitted to be carried out by or under any other enactment, or
- (e) required to be carried out by virtue of a relevant obligation.'

ASSESSMENT

Firstly, the proposed development is considered to comply with relevant permitted development criteria as noted above, however as the proposal is not classed as excluded demolition, prior approval is sought from the local planning authority in respect of the method of demolition and the proposed restoration of the site.

Secondly, in accordance with Class B.2 (b) (ii), a written description of the proposed development has been provided with the application, together with a site notice statement that a site notice has been posted on the land, with photographs showing the site notices in place on the 16th March 2026.

The application form submitted with the application advises that the garage roof which is comprised of asbestos cement sheets will be manually removed by a specialist; no power tools will be used. The proposed works are non-notifiable, i.e. low risk, non-licensed works that do not require prior notification to the HSE. The sheeting will be double-bagged and taken to Burgess Hill Recycling Centre.

The walls of the garage will be removed by a mini-digger and / or sledgehammer. A licensed skip removal company will be used to dispose of the walls.

The concrete slab on which the garage stands will be retained and turned over to patio.

The proposed works are expected to commence on the 6th July 2026.

It is considered that sufficient information has been provided to determine the application, and on the basis of the information provided, it is considered that prior approval is not required.

PLANNING BALANCE AND CONCLUSION

To summarise, the proposed demolition of the garage is permitted development. It is considered that the application has met the relevant provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the LPA to determine this application. It is considered that prior approval is not required.

Decision: Prior Approval Is Not Required

Case Officer: Deborah Lynn