

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2570	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed replacement out-building		
Site:	17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , , ,		
Validation Date	10 Oct 2025	Overall Expiry Date:	10 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Nov 2025
Target Date:	5 Dec 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	17 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2570

**17 Dellney Avenue, Haywards Heath, West Sussex, RH16 3LX, , ,
Proposed replacement out-building
Mr And Mrs Burton**

REPRESENTATIONS

None received.

TOWN COUNCIL OBSERVATIONS

As this is an application for a Lawful Development Certificate and is therefore a legal matter, the Town Council defers this decision to Mid Sussex District Council.

INTRODUCTION

This is an application for a lawful development certificate to replace an existing outbuilding.

RELEVANT PLANNING HISTORY

DM/24/2879- Replace conservatory, lean-to structure and garage with single storey rear extension and patio. Permission.

DM/25/0244- Proposed loft conversion. Permission.

SITE AND SURROUNDINGS

17 Dellney Avenue is a semi-detached, two-storey dwelling. It forms part of a symmetrical pair of dwellings, with a shared pitched hipped roof and mirroring front gable projection. The property is constructed of brick, a plain tile roof and has white uPVC windows. The dwelling has white pebble dash render to the ground and first floor elevations. The dwelling is set back from the highway, and benefits from off road parking to the front and side of the property. To the rear of the property is a single storey garage which has previously been extended.

The property is located within the built-up area of Haywards Heath. Neighbouring properties are located to the north-east, north-west and south-west, whilst the highway is to the east.

APPLICATION DETAILS

The proposed outbuilding would be sited to the rear of the property. This would measure some 5.5 metres in width and some 2.4 metres in depth. This would have a maximum height of some 2.5 metres and a height to the eaves of some 2.3 metres. It is also proposed to install a door on the front (eastern) elevation, a window on the side (southern) elevation and a window on the rear (western) elevation.

The proposed building would be decorated timber weatherboarding. The outbuilding is proposed to be used as a study and store.

LEGAL FRAMEWORK

This application is to establish whether the proposed development would benefit from permitted development rights and will be a legal decision; planning merits cannot be taken into account when considering this application.

The proposal will be tested against the relevant criteria of Part 1, Class E, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; ..
- (j) the capacity of the container would exceed 3,500 litres; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact for the proposed development. The property is not located on article 2 (3) land. The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The building would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The building would not have more than a single storey and would not exceed 2.5 metres in height. The height of the eaves would not exceed 2.5 metres. The building would not be situated within the curtilage of a listed building. The building would not include the construction of a verandah, balcony or raised platform. The building does not relate to a microwave antenna. The building would be used for a purpose incidental to the enjoyment of the dwellinghouse.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate can be issued.

Decision: Permission

Case Officer: Catherine Cardin