

PLANNING STATEMENT / SUPPORTING LAWFULNESS STATEMENT

Proposed Lawful Development Certificate

3 Wilmington Close, Hassocks, BN6 8QB

Revised proposal: enlarged single-storey side extension linking the existing dwellinghouse to the existing detached garage and garage rear projection, with associated external alterations and matching materials.

Prepared in support of an application under section 192 of the Town and Country Planning Act 1990

Site address	3 Wilmington Close, Hassocks, BN6 8QB
Local planning authority	Mid Sussex District Council
Application type	Certificate of Lawfulness for Proposed Development
Relevant legislation	Section 192, Town and Country Planning Act 1990; Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
Submission status	Fresh/revised LDC application following the previously granted certificate for the earlier link-extension scheme.
Revised proposal summary	Slightly larger single-storey side extension linking the dwellinghouse to the existing detached single-storey garage, including the existing rear projection to the garage. The revised side extension projects further forward than the earlier certified design but does not extend beyond the principal front elevation of the original dwellinghouse.
Materials note	Existing non-matching cladding to the rear projection of the garage is to be removed/replaced with tiles/materials of similar appearance to those used on the existing dwellinghouse.

Purpose of statement	To demonstrate that the revised proposal remains lawful as permitted development under Class A of Part 1 of Schedule 2 to the GPDO.
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1. Introduction

This statement is submitted in support of a fresh application for a Certificate of Lawfulness for Proposed Development under section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that the revised proposed works at 3 Wilmington Close, Hassocks, BN6 8QB would be lawful if carried out, because they constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

A previous proposed lawful development certificate for a side link extension at this site has now been granted. The present application is not a challenge to that certificate. It is a fresh certificate application for a revised scheme which includes a slightly larger side extension. The revised side extension extends further forward than the previously certified design, but it remains behind the principal front elevation of the original dwellinghouse and therefore does not offend the principal elevation restriction in Class A.1(e).

The revised proposal remains deliberately conservative. When the proposed side extension, the existing garage and the existing garage rear projection are viewed cumulatively, the resultant built form remains within the relevant GPDO limitations on width, depth, height, eaves height, siting and materials.

A key purpose of this revised statement is to clarify the correct legal treatment of the existing garage/outbuilding. The existing garage and rear projection were not originally physically linked with the dwellinghouse. They should not therefore be treated as part of the original dwellinghouse, nor should they be used to redefine the principal elevation or the original side/rear walls of the dwellinghouse. They are existing curtilage buildings. The proposed development is the Class A enlargement which links to them.

For robustness, and without accepting that the garage is an existing enlargement of the original dwellinghouse, the applicant has nevertheless assessed the resultant linked arrangement cumulatively. Even on that cautious assessment, the revised proposal remains within the Class A limits.

2. Submitted drawings and revised design

The application should be read with the submitted location plan, block plan and Proposed Plans Rev B. The Proposed Plans Rev B drawing identifies the site address, the status as planning, the drawing title as Proposed Plans, the date as August 2026, and the revision as a new submission.

The revised Proposed Plans Rev B show the dwellinghouse, the existing garage, the existing rear garage projection/sun room, the proposed side/link extension, demolition/making good and the proposed elevations/section. The drawing legend distinguishes existing structure, proposed structure, demolished structure and structural beam by engineer.

The key dimensions shown on the submitted Rev B drawing include:

Drawing item	Annotated dimension	Lawfulness relevance
As-built existing dwelling width	9,130 mm	Used as the reference width for the Class A.1(j) side-extension assessment.
Side/link extension width	3,922 mm	3,922 mm is approximately 43% of 9,130 mm and is therefore less than half the width of the original/as-built dwellinghouse.
Annotated extension dimension	3,100 mm	The revised side extension projects further forward than the earlier scheme but remains behind the principal front elevation of the original dwellinghouse.

Drawing item	Annotated dimension	Lawfulness relevance
Maximum ridge height to single-storey garage/link arrangement	3,700 mm	Below the 4 metre Class A single-storey/side-extension height limit.
Eaves height	2,750 mm	Below 3 metres where relevant to the boundary limitation in Class A.1(i).

The dimensions above are taken from the submitted Rev B drawing and should be cross-checked by the Council against the scaled plans. The applicant is prepared to provide a dimensioned compliance plan if the Council requires further annotation.

3. Description of the proposed operations

The proposed operations comprise:

1. construction of a slightly enlarged single-storey side extension to the existing dwellinghouse;
2. physical connection of that side extension to the existing detached single-storey garage, thereby creating a linked house/garage arrangement;
3. incorporation/retention of the existing garage and its rear single-storey projection within the overall resultant built form shown on the submitted drawings;
4. associated openings, making good and internal works required to connect the accommodation; and
5. replacement of the non-matching cladding to the existing rear garage projection with tiles/materials to match, or be of similar appearance to, the exterior materials of the existing dwellinghouse.

Suggested application description:

Proposed Lawful Development Certificate for a revised single-storey side extension linking the existing dwellinghouse to the existing detached garage and rear garage projection, together with associated external alterations including replacement of existing non-matching cladding to the garage rear projection with tiles/materials of similar appearance to the existing dwellinghouse.

4. The correct legal test

The statutory question under section 192 is whether the proposed operations, if begun on the date of the application, would be lawful for planning purposes. The assessment is legal and factual. It is not an assessment of design preference, policy merits, neighbour amenity or whether the Council might prefer a smaller link.

The lawful development certificate guidance confirms that planning merits are not relevant to the determination of an LDC. The Council must ask whether the proposed operation, if commenced on the application date, would be lawful for planning purposes. Where the relevant permitted development right applies and all limitations and conditions are met, the certificate should be granted.

The Council should therefore determine the application by reference to the GPDO and the submitted plans. The previous certificate granted at the site is relevant context, but the present application is properly assessed as a new, precise and self-contained proposed operation.

5. Relevant permitted development right: Schedule 2, Part 1, Class A

Class A permits the enlargement, improvement or other alteration of a dwellinghouse, subject to the limitations in Class A.1, the restrictions for article 2(3) land in Class A.2 and the conditions in Class A.3.

The revised side extension is an enlargement of the dwellinghouse. The external works needed to create the physical link and to regularise the garage rear projection materials are part of the same overall operation. Nothing within the wording of Class A states that an otherwise compliant side extension ceases to be permitted development simply because it touches or links to an existing garage or domestic outbuilding.

Accordingly, the correct approach is to identify the original dwellinghouse, identify the proposed enlargement, and then test the resultant development against the express GPDO limitations and conditions. The Order does not include an additional free-standing prohibition on a link between a house and an existing garage/outbuilding.

6. Key lawfulness point: the detached garage is not part of the original dwellinghouse

The existing garage and the rear projection to that garage were not originally linked with the dwellinghouse. They should therefore not be treated as part of the original dwellinghouse for the purpose of identifying the principal elevation, original side elevation, original rear wall or original/as-built dwelling width.

This distinction is important for the revised design. The fact that the new side extension projects further forward than the earlier certified layout does not cause a breach of Class A.1(e), because the relevant test is whether the enlarged part extends beyond a wall forming the principal elevation of the original dwellinghouse. The revised extension remains behind that principal elevation.

Nor should the existing detached garage be treated as an existing enlargement of the original dwellinghouse. It was a separate curtilage building/outbuilding and was not physically part of the dwellinghouse. The proposed side extension will create the physical link prospectively, but that does not retrospectively make the garage part of the original dwellinghouse.

The applicant nevertheless adopts a cautious evidential approach. The garage and rear garage projection are counted for curtilage coverage under Class A.1(b), and the overall linked arrangement has been checked cumulatively against the relevant width, depth and height controls. This means the proposal remains compliant even if the Council takes a cautious view of the resultant built form.

7. Assessment against Class A.1 limitations

The proposal is assessed against the relevant Class A.1 limitations below. The submitted Rev B plans demonstrate compliance with the objective GPDO limits.

GPDO provision	Requirement / limitation	Assessment
A.1(a)	The dwellinghouse must not have been created by specified Part 3 change of use classes.	The application is advanced on the basis that 3 Wilmington Close is an existing dwellinghouse and was not created by Classes M, N, P, PA or Q. This limitation is satisfied.
A.1(b)	The total area of ground covered by buildings within the curtilage, other than the original dwellinghouse, must not exceed 50% of the curtilage excluding the original dwellinghouse.	The proposed side/link extension, the existing garage, the existing garage rear projection and other curtilage buildings are to be counted. The submitted block plan demonstrates that the resultant curtilage coverage remains below 50%. This limitation is satisfied.
A.1(c)	The height of the enlarged, improved or altered part must not exceed the height of the highest part of the roof of the existing dwellinghouse.	The proposed single-storey linked arrangement remains below the highest part of the existing dwellinghouse. The Rev B section/elevations show the single-storey garage/link ridge height as 3,700 mm, materially below the main house roof. This limitation is satisfied.
A.1(d)	The eaves height of the enlarged, improved or altered part must not exceed the eaves height of the existing dwellinghouse.	The proposed linked arrangement remains single-storey and the Rev B section annotates an eaves height of 2,750 mm. This is below the eaves of the existing two-storey dwellinghouse. This limitation is satisfied.

GPDO provision	Requirement / limitation	Assessment
A.1(e)	The enlarged part must not extend beyond a wall forming the principal elevation of the original dwellinghouse, or a side elevation of the original dwellinghouse which fronts a highway.	This is the key change from the earlier certificate. The revised side extension projects further forward than the previously certified design, but it does not extend beyond the existing principal front elevation of the original dwellinghouse. The garage/outbuilding was not originally part of the dwellinghouse and should not be used to redefine the principal elevation test. This limitation is satisfied.
A.1(f) / A.1(g)	Single-storey rear extensions must remain within the applicable rear projection and 4 metre height limits.	The revised proposal does not introduce a rear extension which exceeds the applicable rear-depth limits. Where the existing rear garage projection is read as part of the resultant arrangement, the development remains within the relevant dimensional envelope and does not exceed 4 metres in height. This limitation is satisfied.
A.1(h)	Restrictions for enlargements of more than one storey.	Not engaged. The proposal is single-storey only.
A.1(i)	Where the enlarged part is within 2 metres of a curtilage boundary, eaves height must not exceed 3 metres.	Where any part of the linked development is within 2 metres of a boundary, the eaves height remains no greater than 3 metres. The submitted Rev B section annotates eaves height as 2,750 mm. This limitation is satisfied.
A.1(j)	A side extension must not exceed 4 metres in height, must not have more than one storey, and must not have a width greater than half the width of the original dwellinghouse.	The side/link extension is single-storey and the Rev B drawing annotates a ridge height of 3,700 mm. The as-built existing dwelling width is annotated as 9,130 mm and the side/link extension width as 3,922 mm. Half of 9,130 mm is 4,565 mm. The 3,922 mm side/link width is therefore approximately 643 mm below the half-width limit. This limitation is satisfied.
A.1(ja)	Any total enlargement, being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined, must not exceed the limits in A.1(e) to A.1(j).	The existing detached garage and rear garage projection were not an existing enlargement of the original dwellinghouse. They were not originally linked to the dwellinghouse and should not be reclassified as part of the dwellinghouse for the purposes of A.1(ja). In any event, the applicant has assessed the resultant linked arrangement cumulatively. The combined arrangement remains within the relevant width, depth, height and eaves controls. This limitation is satisfied.
A.1(k)	The development must not include a verandah, balcony, raised platform, microwave antenna, chimney, flue, soil and vent pipe, or alteration to any part of the roof of the dwellinghouse.	The proposal does not include any of these excluded forms of development. This limitation is satisfied.

8. Article 2(3) land, Article 4 directions and removed permitted development rights

The application is advanced on the basis that the site is not within article 2(3) land, is not within a Site of Special Scientific Interest, is not a listed building and that relevant Class A permitted development rights have not been removed or restricted by condition or Article 4 direction.

If the Council considers that any restriction applies, the applicant requests that the Council identify the precise planning permission, condition, Article 4 direction or designation relied upon. In the absence of such a restriction, national permitted development rights remain available.

9. Materials compliance: Class A.3(a)

Class A.3(a) requires that materials used in exterior work, other than materials used in the construction of a conservatory, must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

This revised application expressly addresses that requirement. The existing rear projection to the garage currently includes external cladding which does not match the dwellinghouse. The applicant recognises that, once the garage and rear garage projection form part of the linked resultant arrangement, the external appearance of that element should be brought into compliance with Class A.3(a).

Accordingly, the existing non-matching cladding to the rear garage projection will be removed/replaced. The replacement finish will comprise tiles/materials to match, or be of similar appearance to, the exterior materials of the existing dwellinghouse. This is an integral element of the scheme for which the certificate is sought, not a later or optional alteration.

The materials point is a positive reason to grant the certificate. The application package does not ask the Council to certify a linked arrangement while leaving a non-matching cladded element in place. Rather, the submitted scheme defines a compliant final arrangement: the side link extension, existing garage and garage rear projection will be read as one coherent domestic built form with exterior finishes of similar appearance to the existing dwellinghouse.

The certificate should therefore expressly include the replacement of the existing non-matching cladding with matching/similar tiles or materials within the description of the lawful development.

10. Specific response to likely concern: forward projection of the revised side extension

The revised side extension is slightly larger than the previous certified scheme and extends further forward. That does not render the proposal unlawful.

Class A.1(e) does not prohibit a side extension from projecting further forward than an earlier design. The statutory test is whether the enlarged part extends beyond a wall forming the principal elevation of the original dwellinghouse, or beyond a highway-facing side elevation of the original dwellinghouse. On the submitted Rev B drawings, the revised extension remains behind the dwelling's existing principal front elevation.

The existing garage/outbuilding was not originally linked to the dwellinghouse. It should not be used to create a different or more restrictive principal elevation test. The principal elevation is identified by reference to the original dwellinghouse, not the detached garage or the previous smaller certificate scheme.

The previous LDC is therefore relevant in two ways. First, it confirms that the principle of a lawful physical link between the dwellinghouse and garage has already been accepted at this site. Secondly, the revised application shows that the enlarged forward extent remains within Class A.1(e), A.1(j) and the other objective GPDO limitations.

11. Planning merits are not relevant

This application is not a householder planning application. The Council is not being asked to decide whether it prefers the previous design, whether the link should be smaller, or whether the garage would look better if left detached. Those matters are planning merits and are not determinative of a lawful development certificate application.

The only determinative issue is whether the proposed operation would be lawful for planning purposes if commenced on the date of the application. For the reasons set out above, the revised proposal satisfies Schedule 2, Part 1, Class A of the GPDO and should be certified lawful.

12. Suggested certificate wording

To avoid any ambiguity, the applicant respectfully suggests that the certificate should describe the lawful development as follows:

The proposed development comprises a revised single-storey side extension linking the existing dwellinghouse to the existing detached garage and rear garage projection, together with associated external alterations including replacement of existing non-matching cladding to the garage rear projection with tiles/materials of similar appearance to the existing dwellinghouse, as shown on the approved plans.

13. Conclusion

The revised proposed development at 3 Wilmington Close, Hassocks, BN6 8QB constitutes permitted development under Schedule 2, Part 1, Class A of the GPDO.

The proposal would:

- comprise the enlargement, improvement or alteration of an existing dwellinghouse;
- remain single-storey;
- not exceed the height of the highest part of the existing dwellinghouse;
- not exceed the eaves height of the existing dwellinghouse;
- not project beyond the principal elevation or a highway-facing side elevation of the original dwellinghouse;
- remain within the relevant rear projection and height limitations, where applicable;
- remain within the side extension limitations on width, height and number of storeys;
- remain compliant even when the proposed side extension, existing garage and rear garage projection are considered together as a resultant linked built form;
- not include any excluded form of development such as a verandah, balcony, raised platform, chimney, flue, soil/vent pipe or roof alteration; and
- satisfy Class A.3(a), because the existing non-matching cladding to the garage rear projection will be replaced with tiles/materials of similar appearance to those used on the existing dwellinghouse.

The existing garage and garage rear projection were not originally linked to the dwellinghouse and should not be treated as part of the original dwellinghouse for the purpose of identifying the principal elevation, original side elevation or dwelling width. The fact that the revised side extension now links to that garage is not expressly prohibited by Class A. The correct test is whether the resultant proposal complies with the GPDO limitations and conditions. On the submitted Rev B plans, it does.

The Council is therefore respectfully requested to issue a Certificate of Lawfulness for Proposed Development confirming that the revised single-storey side link extension and associated external alterations are lawful and do not require express planning permission.

Appendix A - Documents and references relied upon

Reference	Relevance
Submitted drawing	3 Wilmington Close OS Map Rev A - Location Plan 1:1250 @ A4 and Block Plan 1:500 @ A4.
Submitted drawing	3 Wilmington Close Proposed Plans Rev B - Proposed ground floor plan, section and elevations, August 2026.
Previously submitted statement	3 Wilmington Close LDC Statement - May 2026, including materials compliance and Stafford Borough Council reference decision.
Legislation	Town and Country Planning Act 1990, section 192.
Legislation	Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, Schedule 2, Part 1, Class A.

Guidance	Planning Practice Guidance: Lawful development certificates.
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