

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0917	Case Officer:	Peter Davies
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed garden building		
Site:	20 Royal George Road, Burgess Hill, West Sussex, RH15 9SD, , , ,		
Validation Date	24 Apr 2026	Overall Expiry Date:	29 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	19 Jun 2026
Target Date:	19 Jun 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	19 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0917

**20 Royal George Road, Burgess Hill, West Sussex, RH15 9SD, , ,
Proposed garden building
Ms E Smith**

PARISH COUNCIL OBSERVATIONS

The Committee of the 11th May noted that this was a legal decision to be made by the Mid Sussex Planning Officers.

REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for a proposed garden building.

SITE AND SURROUNDINGS

The application property is an end of terrace two storey dwelling located on the north side of Royal George Road, within the built-up area boundary of Burgess Hill and within the Fairfield Conservation Area.

The application property has a pitched roof and is constructed from brick with slate roof tiles and white fenestration. the dwelling is set back from the highway with a garden area to the front. The locality is characterised by brick-built dwellings of varying scale, form and design.

APPLICATION DETAILS

The proposed garden building is to be located at the north end of the rear garden and will be used as a garden office/hobby room. The building will have a width and depth of 5.0 metres and 3.0 metres. The building will have a flat roof with a height of approximately 2.80 metres. The building will be timber clad with white uPVC windows and doors with a green roof.

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 existing enlargements and alterations 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

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

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 element proposed. The property is located on Article 2(3) land and is not subject to an Article 4 Direction.

The proposed out building would be within 2 metres of the boundary if the curtilage and have a height of 2.8 metres. The building has a flat roof and therefore the eaves height is also 2.8 metres. It would therefore breach Class E.1 (e)(ii) and E.1 (f) which requires the height to not exceed 2.5 metres when located within 2 metres of the curtilage boundary and for the eaves height to not exceed 2.5 metres. The outbuilding would therefore not constitute permitted development.

CONCLUSION

The proposed development is deemed to conflict with the applicable permitted development criteria as set out within Schedule 2, Part 1, Class E (e)(ii) and (f) of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) and therefore a certificate cannot be issued.

Decision: Refusal

Case Officer: Peter Davies