

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0476	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Removal of existing chimney stack and reinstating the roof covering to match existing materials		
Site:	Bee House, Earwig Lane, Bolney, Haywards Heath, West Sussex, RH17 5RZ,		
Validation Date	24 Feb 2026	Overall Expiry Date:	6 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Apr 2026
Target Date:	21 Apr 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	21 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0476

**Bee House, Earwig Lane, Bolney, Haywards Heath, West Sussex, RH17 5RZ,
Removal of existing chimney stack and reinstating the roof covering to match existing materials
Mr Oliver St John Davis**

CONSULTATIONS

Conservation Officer: Considers that the removal of the chimney would materially affect the character of the building, a small outhouse which has later become attached to the main house by a link extension. The fact that the outhouse had a chimney is interesting in terms of the narrative of the building (and site generally) and its possible original use. Perhaps it had a copper and was used as a wash house? The chimney also contributes visually to the roofline interest of the building.

It would be shame to see it go in my opinion, although there would be nothing to stop the applicant repairing the chimney and retaining it above roof level, but removing the stack underneath, if this survives.

PARISH COUNCIL

Bolney Parish Council: No reply received.

SUMMARY OF REPRESENTATIONS

None received.

INTRODUCTION

This application seeks a Lawful Development Certificate for the removal of an existing chimney stack and reinstating the roof covering to match existing materials on an attached former outbuilding at Bee House, off Earwig Lane to the west of Bolney village.

RELEVANT PLANNING HISTORY

BK/025/74. Single-storey extension to existing house. Approved September 1974.

SITE AND SURROUNDINGS

Bee House is a detached dwelling located in a rural setting off Earwig Lane, amongst a small group of other residential dwellings outside the built up area of Bolney, to the west of the village.

The property is constructed in a red brick with a gabled roof, which has been extended by the addition of large front and rear gabled dormers, and with a single storey addition at the rear to link the former outhouse into the property to form the kitchen. The main roof on the dwelling has two chimneys, symmetrically sited at each end of the gabled roof.

The outhouse has been linked to the main house with a flat roofed single storey extension, and adapted to form the kitchen serving the property. The chimney which is the subject of this application is located on the single storey roofline of the former outbuilding.

The house is located in the High Weald AONB/National Landscape.

APPLICATION DETAILS

The chimney appears to have been historically altered and raised in height by approx. 10 courses of lighter coloured bricks. The submitted plans show the removal of the chimney and the replacement of the affected area with a tiled roof with new ridge tiles.

The application has been accompanied by a supporting statement which confirms that the chimney formerly served an oil fired boiler which has been replaced with a modern external boiler system. Therefore the stack no longer serves any active appliance. It is confirmed that the stack measures approximately 1.5 metres above roof level on the former outbuilding, which is approximately 3.2 metres in height, and exhibits structural deterioration including leaning and cracking.

The external removal of the chimney stack will allow the space inside the kitchen to be enlarged as a result of the removal of the associated internal chimney breast.

The application has been supported by a Statement, which can be viewed on the planning file. This explains how the development will comply with Permitted Development Rights and confirms that the proposed reinstatement of the roof covering will use construction materials to match the existing roof.

LEGAL FRAMEWORK

This application is to establish whether the proposal is development, and if so, whether it 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 G of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to development within the curtilage of a dwelling house, as detailed below:

Permitted Development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G 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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.; or
- (d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

ASSESSMENT

The first step is an assessment of whether the works for the removal of the chimney represent 'development' as defined in section 55 of the Town and Country Planning Act 1990 needs to be made. Section 55 of the Act states in part:

'(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

F1[(1A)For the purposes of this Act " building operations " includes—

(a)demolition of buildings;

(b)rebuilding;

(c)structural alterations of or additions to buildings; and

(d)other operations normally undertaken by a person carrying on business as a builder.]

(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;'

As the removal of the rear chimney at Bee House is considered to materially affect the character of the building, then the works can be considered as 'development'.

The site is within Article 2(3) land. The planning history of the site has been checked and the permitted development rights are understood to be intact. The chimney, by the attachment of the outbuilding to the dwellinghouse, forms part of the residential unit. The application details that the external materials proposed for the roof reconstruction match the appearance of the existing dwelling.

As the proposed works are classed as development, then the application should be assessed under Part 1, Class G of the GPDO, which refers to the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. Whilst this class doesn't specifically refer to works that allow the removal of chimneys, there have been reported cases where Appeal Inspectors have concluded that such works (ie, chimney removal) can be allowed under an 'alteration'.

In this case it is considered that the alteration of the chimney, ie. its entire removal, complies with the above permitted development criteria.

CONCLUSION

The proposed development is deemed to comply with the applicable permitted development criteria as set out within Class G of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

On this basis it is recommended that the Lawful Development Certificate is issued.

Decision: Permission

Case Officer: Anna Tidey