

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0010	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	New outbuilding to replace existing garage		
Site:	116 New England Road, Haywards Heath, West Sussex, RH16 3LF, , , ,		
Validation Date	9 Jan 2025	Overall Expiry Date:	3 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 Feb 2025
Target Date:	6 Mar 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0010

**116 New England Road, Haywards Heath, West Sussex, RH16 3LF, , ,
New outbuilding to replace existing garage
Mr Nico Milillo**

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

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

INTRODUCTION

This application seeks a lawful development certificate for a detached single storey outbuilding.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to 116 New England Road, a two-storey semi-detached dwelling featuring a pitched roof with a rear box dormer addition. There is an existing detached outbuilding set to the sites north-eastern boundary and directly abuts the neighbouring site at No.118. The property is afforded ample garden amenity space through a linear plot to the rear and has a front garden space which sets the dwelling back from the highway edge. The existing outbuilding on site is composed of brick walls, a corrugated metal sheet roof and a black painted metal garage door.

APPLICATION DETAILS

The application would demolish the entirety of the existing outbuilding and construct a new larger outbuilding in its place. The proposed outbuilding would measure at 8m in length, 3m in width and have a maximum height of 2.5m.

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

The proposed outbuilding would be assessed under Class E as outlined below:

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.

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;
- (j) the capacity of the container would exceed 3,500 litres
- (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.

Interpretation of Class E:

E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is not located on Article 2(3) land.

Despite the outbuilding increasing the overall footprint when compared to the existing arrangement, it is not considered that the proposal would exceed 50% of the total area of the properties curtilage and would comply with the provisions of E.1(b). As the proposed outbuilding would be within 2m of the boundary, a height of 2.5m must not be exceeded. Based off the information provided, this height would not be exceeded and the proposal would therefore comply with E.1(e, ii).

The outbuilding would be used for storage and as a home office use, both uses of which are considered to be incidental towards the enjoyment of the host dwellinghouse. Accordingly, the proposal is considered to comply with Class E in this regard.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class E of Part 1 to 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: Stefan Galyas