

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1543	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	The creation of an in ground swimming pool 8m by 4m. Together with poolhouse 4m by 3m. Height 2.5m.		
Site:	49 Wickham Hill, Hurstpierpoint, Hassocks, West Sussex, BN6 9NP, , ,		
Validation Date	22 Jun 2026	Overall Expiry Date:	15 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Aug 2026
Target Date:	17 Aug 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1543

49 Wickham Hill, Hurstpierpoint, Hassocks, West Sussex, BN6 9NP, ,
The creation of an in ground swimming pool 8m by 4m. Together with poolhouse 4m by 3m.
Height 2.5m.
Mr Santino Sarri

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

Hurstpierpoint & Sayers Common Parish Council: No comment, noted application for lawful development certificate.

INTRODUCTION

The application seeks a lawful development certificate for the construction of an in ground swimming pool and an associated pool house within the rear garden of No 49 Wickham Hill in Hurstpierpoint.

RELEVANT PLANNING HISTORY

HP/086/94. Two storey extension at rear to form dining room and bedroom. Approved September 1994.

SITE AND SURROUNDINGS

No 49 Wickham Hill is a detached house which is located within a line of larger houses on the southern side of the south east approach road into Hurstpierpoint. The house has been altered and extended.

The house benefits from a private access driveway and a rear garden which backs onto fields to the south of the village. The wide lawn at the rear enjoys views towards the South Downs through a chain link fence on the southern garden boundary. This fencing marks the boundary of the South Downs National Park.

The house is located in the Built up Area of Hurstpierpoint.

APPLICATION DETAILS

The proposed swimming pool measures 8m long by 4m wide, and is to be constructed below the ground level. An associated Pool House building which measures 4m by 3m by 2.5m in height is proposed to be located to the north east of the pool.

The submitted block plan indicates that the pool and pool house building will be located approx. 2m in from the southern and western boundaries of the garden.

The application has been accompanied by a Supporting Planning Statement which conforms that the proposal is for a private swimming pool, ancillary to the use of the residential use of No 49 Wickham Hill. This confirms:

- the pool is for the sole use of the occupants of the house.
- Associated with the construction of the pool it is proposed to provide a surrounding terrace, with soft landscaping to integrate the pool into the garden.
- An acoustic plant enclosure will house the pump and filtration equipment.
- There is no change to the residential use, no commercial or public access.
- The outdoor swimming pool can be undertaken as permitted development.

LEGAL FRAMEWORK

As this is an application 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 Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

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.

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 site is not within Article 2(3) land or subject to an Article 4 Direction. The planning history of the site has been checked and the permitted development rights are understood to be intact.

The swimming pool and pool house will not exceed 50 per cent of the total area of the curtilage of No 49 Wickham Hill, excluding the ground area of the original house.

The proposed development is located at the rear of the house and not forward of the principal elevation of the house.

The external dimensions and height of the proposed pool house have been detailed on the application form and on the supporting plans. The pool house will be of a single storey design, with the building height confirmed as 2.5m. The building is also shown to be sited over 2m from the garden boundary.

The site lies outside of the boundary of the South Downs National Park, and also is not within a designated Conservation Area.

The applicant has confirmed that the pool is for residential purposes ancillary to the occupation of No 49 Wickham Hill.

CONCLUSION

The proposed development of an in ground swimming pool and pool house which are the subject of this application are deemed to comply with the applicable permitted development criteria as set out within Classe E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a Lawful Development Certificate can be issued.

Decision: Permission

Case Officer: Anna Tidey