

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1568	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Demolition of existing outbuilding and erection of new domestic incidental building		
Site:	Henley Grange, Chapel Road, Bolney, Haywards Heath, West Sussex, RH17 5QY, ,		
Validation Date	24 Jun 2026	Overall Expiry Date:	21 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	13 Aug 2026
Target Date:	19 Aug 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	18 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1568

**Henley Grange, Chapel Road, Bolney, Haywards Heath, West Sussex, RH17 5QY,
Demolition of existing outbuilding and erection of new domestic incidental building
Mr And Mrs M Turner**

REPRESENTATIONS

None received.

PARISH COUNCIL OBSERVATIONS

None received.

INTRODUCTION

This is an application for a Lawful Development Certificate to demolish an existing outbuilding and to construct an outbuilding.

RECENT PLANNING HISTORY

BK/012/84- Two storey rear extension. Permission.

BK/032/92- Erection of double garage. Permission.

DM/18/4373- Two Storey Rear Infill Extensions and a Two Storey Southern Extension, Replacement of All Windows, the Removal of Two Chimneys and Relocation of the Garage. Permission.

DM/19/0266- Replacement single storey pitched roof porch to front of property. Permission.

SITE AND SURROUNDINGS

The application site consists of a detached two-storey dwelling which is characterised by white render, grey slate roof tiles and grey uPVC fenestration. The existing dwelling has a gravel driveway to the front of the dwelling.

The site is located outside the built-up area boundary of Bolney. Residential properties are located to the north of the site. The public highway lies to the west.

APPLICATION DETAILS

The proposal seeks to construct a single storey outbuilding located to the rear of the property. The development would measure approximately 10 metres in width and 5 metres in depth. This would incorporate a flat roof with a maximum height of approximately 2.4 metres. The outbuilding would feature sliding doors on the front (southern) elevation.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

This provides permitted development rights within the curtilage of a house for:

- (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 M, N, P, PA or Q of Part 2 of this Schedule (change 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.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -

- (a) a World Heritage Site,
- (b) a National Park, ,
- (c) an area of outstanding natural beauty or
- (d) the Broads, 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 application seeks a Certificate of Lawfulness for Proposed Development under Section 192 of the Town and Country Planning Act 1990 for the demolition of an existing outbuilding and the erection of a replacement outbuilding within the curtilage of the dwellinghouse.

The proposal has been assessed against the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In determining an application for a Certificate of Lawfulness, the Local Planning Authority must be satisfied that the specific development proposed would be lawful if carried out.

The submitted plans show a detached outbuilding measuring approximately 10m by 5m. However, no internal layout is shown, and insufficient information has been provided regarding the design and configuration of the building. The plans do not adequately identify the arrangement of rooms or facilities, nor do they establish the final form of the development for which certification is sought.

Whilst the supporting statement refers to incidental uses such as a gym, workshop and summerhouse, these are provided as examples only and the submitted drawings indicate that significant details of the proposal remain to be determined.

The Local Planning Authority is therefore unable to establish with sufficient certainty the precise development proposed and cannot be satisfied that the proposal has been described with the degree of specificity required for a Certificate of Lawfulness under Section 192 of the Act.

CONCLUSION

The development has not been defined with sufficient precision to enable the Local Planning Authority to determine whether the proposal would constitute lawful permitted development under Schedule 2, Part 1, Class E of the GPDO. Accordingly, the Authority is not satisfied, on the balance of probability, that the proposed development would be lawful and the application is recommended for refusal.

Decision: Refusal

Case Officer: Catherine Cardin