

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0260	Case Officer:	Anna Tidey
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Garden building in rear garden		
Site:	High Leigh, Church Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NH, ,		
Validation Date	3 Feb 2025	Overall Expiry Date:	26 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 Mar 2025
Target Date:	31 Mar 2025	Recommending Officer Signature:	Anna Tidey

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

Signed and Agreed By:	Joanne Fisher	Date:	31 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0260

**High Leigh, Church Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NH,
Garden building in rear garden
Mr Kevin George**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council: No comments received.

INTRODUCTION

The application seeks a lawful development certificate for the proposed erection of a detached single storey outbuilding at High Leigh, Church Road, Scaynes Hill.

RELEVANT PLANNING HISTORY

DM/24/1858. Proposed brick built shed to rear of garden. Tree Report received 20.11.2024. Withdrawn February 2025.

LR/024/80. Two storey extension. Approved July 1980.

LR/049/77. Single storey extension at rear, comprising new dining room. Approved December 1977.

SITE AND SURROUNDINGS

High Leigh is a semi detached house located on the eastern side of Church Road in the built up area of Scaynes Hill.

The house benefits from a long rear garden which extends from the rear of the house and drops down in level at the rear. The garden boundaries are well screened with established hedges and trees.

The house is constructed in brick with a hipped roofline, and is a symmetrical pair to the attached property at 'Cwm Bychan'. To the front of both houses are detached single garages, served off private access drives.

APPLICATION DETAILS

The proposed outbuilding measures 20m long by 3.5m in width with a height to a flat roof of 2.5m, which is stepped half way down the length of the building. The outbuilding will serve as a garden building and domestic store.

LIST OF POLICIES

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 Part 1 Class E 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 on 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

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

Having checked the planning history of the site, standard householder permitted development rights are understood to be intact for this type of development.

The description of the application and plans make clear that the outbuilding will be an incidental usage to the main house

In *Emin v SSE and Mid Sussex District Council* [1989] 58 P & CR 416 it was established that whilst the size of the building may be an important consideration when determining if a building is to be used incidental to the enjoyment of a dwellinghouse, it is not by itself conclusive. In particular, there is a need to consider whether a proposed building is genuinely and reasonably required or necessary in order to accommodate the proposed use or purpose.

In this instance, the application site comprises a semi detached dwelling with a substantial garden to its rear and also a front garden in which a single brick built garage is located.

Given the close physical and functional relationship between the garden and the main dwelling, it is clear the garden forms part of the property's curtilage. The development would leave a large area of garden for other garden uses, thereby falling comfortably within the 50% footprint restriction prescribed by Class E.

In this instance, the proposed outbuilding would provide domestic storage for the occupiers of the property and this is understood to be related to a hobby/interest. Such use is not uncommon, and as a domestic use this would be considered incidental to the enjoyment of the main dwelling.

Whilst a sizeable addition the outbuilding relates to the intended use. The location and dimensions of the proposed building complies with the criteria specified above.

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: Anna Tidey