

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1906	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Existing garage to be converted into a habitable living area.		
Site:	5 Iden Hurst, Hurstpierpoint, Hassocks, West Sussex, BN6 9XZ, , ,		
Validation Date	28 Jul 2025	Overall Expiry Date:	22 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Sep 2025
Target Date:	22 Sep 2025	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	26 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1906

**5 Iden Hurst, Hurstpierpoint, Hassocks, West Sussex, BN6 9XZ, ,
Existing garage to be converted into a habitable living area.
Mr Carlan Li**

REPRESENTATIONS

None Received

SUMMARY OF CONSULTEES

None

PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council - No Comment

INTRODUCTION

This application is seeking a Lawful Development Certificate for the conversion of an existing single storey detached garage into habitable space.

SITE AND SURROUNDINGS

The application property is a detached single-storey dwelling with a separate single storey garage, located on Iden Hurst, off of Cuckfield Road, Hurstpierpoint.

The application property has a pitched roof and is constructed from brick with hanging tile at first floor level. The dwelling is set back from the highway with soft landscaping, with off street parking and a separate detached double garage accessed to the side of property from White's Close. The locality is characterised by a wide variety of detached and semi-detached, single-storey and two-storey dwellings of varying scale and form.

APPLICATION DETAILS

The detached garage on the northern elevation is to be converted into a habitable space. The garage door on the front elevation is to be bricked up. The proposed materials are to match the existing dwellinghouse.

The existing garage is situated within the curtilage of the dwellinghouse and is proposed to be converted for use by the occupants. No changes are proposed to the existing proportions of the garage, and no exterior alterations are proposed to the flat roof.

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:

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 property's planning history has been checked and household permitted development rights are understood to be intact for the element proposed. The garage was measured by the planning officer and was found to be less than the 2.5m maximum height limit. Following this assessment, the plans were corrected to reflect the correct height. The property is not subject to an Article 4 Direction or located on Article 2(3) land. The use of the building will remain incidental to the main dwellinghouse.

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 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: Tracie Axford