Development Management – Delegated Officer Report

Application Number: AWDM/0130/25 Recommendation: APPROVE

Site: 53 Holmbush Way, Southwick, West Sussex

Proposal: Application for a Lawful Development Certificate for a Proposed outbuilding for use as a home office, hobbies room, playroom, fitness room, incidental to the enjoyment of the host dwellinghouse.

Date of Site Visit: visited when considering previous application for detached bungalow at the same site, AWDM/1035/24.

Site and Surroundings

The application site is a semi detached bungalow set back from the road on the north side of Holmbush Way in Southwick. The ground levels rise to the rear of the site and there is currently a block work structure partly built to the rear of the bungalow adjacent to the rear boundary of the site. There is an access to the rear of the property leading to a garage area and the rear of adjacent dwellings. Consent was originally sought for a detached bungalow at the site under AWDM/1035/24 however officers considered that this could not be supported as this did not meet the requirements for an independent dwelling in terms of amenity and impact upon the host and future occupiers. The current application has been submitted as an alternative, an outbuilding incidental to the main dwelling.

The property is not a Listed Building, nor is it within a Conservation Area.

Proposal

A Certificate of Lawfulness is sought to provide an outbuilding in the rear garden. The plans show a single storey flat roof building with a maximum height of 2.5 metres, The floor plans show a shower room and describe the building as incidental to the enjoyment of the host dwelling, as an office,hobbies room, playroom, fitness room. Amended plans have been received removing a kitchen from the floor plans and removing ‘bedroom’ as a proposed use. This is to avoid any ‘self contained’ use of the building which would not therefore be classed as ‘incidental use.’

Adur and Worthing Council Legal Services: - Following the change in description and amendment to the floor plans the Lawful Development Certificate can be issued.

Original comments advised that the description should be amended to exclude the bedroom.

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse.

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.

Analysis: The building must be required for a purpose incidental to the enjoyment of the dwellinghouse. Page 41 of the Government Guidance on PD rights for householders states: - " A purpose incidental to a house would not, however, cover normal residential uses, such as a separate self contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen."

The floorplans show the building with a shower room and open floor area with no identified bedroom or kitchen. It is not self contained and would therefore be reliant on the main house. The shower room is to facilitate the use of the building as a gym and home office. It is not to provide a self contained use. The building as shown would provide an incidental function for the enjoyment of the occupiers of the main dwelling.

The plans show an entrance to the rear of the site from the rear access road. This entrance is for use of the dwelling as a whole. The superseded floor plan of the building showed the building filling the full width of the site, therefore this access would have been for the use of the new building only with no way to reach the main dwelling. The amended plans now show a space to the side of the building with full

access from the rear entrance to the existing bungalow. The amenity space, existing dwelling and proposed outbuilding are all therefore linked as a single use. A single dwellinghouse with an outbuilding with incidental use.

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);

Analysis: This is not the case for this property.

(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);

Analysis: The 50% will not be exceeded. The bungalow has a large front garden and rear garden will remain.

(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;

Analysis: The new building will be within the rear garden, therefore the above does not apply.

(d) the building would have more than a single storey;

Analysis: The building will be single storey as shown on the submitted plans.

(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;

Analysis: The building is within 2 metres of a boundary; and has a flat roof to a height, shown on the plans, as 2.5m. It will thereby comply with the above requirements.

(f) the height of the eaves of the building would exceed 2.5 metres;

Analysis: The eaves will not exceed 2.5metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Analysis: The site is not within the curtilage of a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis: None of the above are shown on the plans.

(i) it relates to a dwelling or a microwave antenna; or

Analysis: None are shown on the plans.

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

Analysis: No liquid capacity.

(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: The above does not apply.

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.

Analysis: The site is not within any of the above list.

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.

Analysis: The site is not within article 2(3) land.

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.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Class E, within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

The proposal constitutes ‘development’ as defined by Section 55 of the Town and Country Planning Act 1990, and is permitted by Schedule 2 , Part 1, Class E of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Hannah Barker Date: 22nd April 2025

Authorised by: Peter Barnett Date: 24 April 2025