

Development Management – Delegated Officer Report

Application Number: AWDM/1557/25

Recommendation – APPROVE

Site: 17 Franklin Road Worthing West Sussex BN13 2PG

**Proposal: Application for a Lawful Development Certificate for a
Proposed storage/battery store shed/outbuilding**

Date of site visit: 10.12.2025

Neighbours checked: N/A

Additional neighbour notifications: N

Site and Surroundings

The application relates to a semi-detached mid-C20 dwelling house located on the west side of Franklin Road, within an established residential suburb of the town. The dwelling is set back from a front garden with vehicle access from Franklin Road. It benefits from a long rear garden.

The dwelling has been enlarged by a single-storey rear extension and roof extensions comprising a hip to side gable and rear dormer. It is currently in use as a small HMO (Class C4).

Adjoining the site to the north is the attached house No.19.

Adjoining the site to the south is a private access drive leading to a group of 3 link-attached bungalows (Nos 15A/B/C) occupying a 'backland' position to the rear of 5-11 Franklin Road.

Proposal

The application seeks confirmation under S192 of the Act that planning permission is not required for a proposed detached outbuilding to be sited in the rear garden to be used as a store/battery store incidental to the occupation of the dwelling house.

Relevant Planning History:

AWDM/1735/23: Application for a Lawful Development Certificate for Proposed rooms in roof consisting of hip to gable, rear dormer with Juliet balcony and front roof lights. Certificate issued 29.02.2024. Implemented.

AWDM/0352/24: Demolish existing conservatory and replace with single storey extension. Approved 09.05.2024. Implemented.

AWDM/1594/24: Application for a Lawful Development Certificate for a Proposed Change of use from residential to 6-bed (single occupant) HMO (Class C4). Certificate issued 04.02.2025.

AWDM/0998/25: Application for Certificate of Lawfulness for Change of Use from Residential (Class C3) to a 6-bedroom (single occupant) HMO (Class C4). Issued 25.09.2025. Implemented.

AWDM/1322/25: Development of a detached bungalow in the rear garden with access drive from Franklin Road. PENDING DECISION.

Consultations: N/A

Representations:

An objection has been received from the attached neighbour (No.19) raising the following concerns:-

- Proximity to boundary: the outbuilding will be next to the boundary line leaving no gap and making maintenance difficult for both parties;
- The outbuilding will be some 1.3m taller than the existing fence and will look extremely odd, aesthetically unpleasing and out of character;
- The height and proximity of the outbuilding will block light to part of the garden for the whole day, making the garden mossy and damp, affecting its viability and having a negative effect on biodiversity;
- Fire risk as a result of storing batteries. No fire break provided to the boundary with No.19.
- The siting of the building in a known surface water flow path with increase flood risks on the site and elsewhere.

Relevant Legislation and Case Law

Town & Country Planning (General Permitted Development) Order 2015 (as amended).

London Borough of Brent v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2051 (Admin)

Gravesham Borough Council v Secretary of State for the Environment and O'Brien (Michael W) [1984]

Planning Assessment

The relevant considerations are matters of fact. The planning merits of the proposed development are not relevant to the consideration of this CLPUD application. The key issues are:

- (i) Whether the property which is in use as a small HMO (Class C4) benefits from 'permitted development' rights; and

- (ii) If so, does the proposed development adhere to the provisions set out under Class E, Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

(i) The High Court ruling (12th July 2022) in *London Borough of Brent v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2051 (Admin)* found that a C4 HMO may be considered a 'dwellinghouse' [where not in flats] and accordingly benefits from permitted development rights as a 'dwellinghouse' under the GPDO.

The application property is in use as a C4 HMO consisting of 6no single occupancy rooms with shared kitchen/lounge facilities. It is not in use as flats. It can therefore be considered a 'dwellinghouse' comprising a unit of residential accommodation which provides the facilities needed for day-to-day private existence [i.e. the 'Gravesham' test].

The provisions of Class E, Part 1, Schedule 2 of the Town & Country Planning (General Permitted development) Order 2015 (as amended) allow for the development of a building incidental to the enjoyment of a dwelling house within the curtilage of a dwelling house.

Development is not permitted by Class E if:

E.1

- (a) Permission to use the dwelling house as a dwelling house has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of the Schedule;
- (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);
- (c) Any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwelling house;
- (d) The building would have more than one storey;
- (e) The height of the building would exceed –
 - 1. 4 metres in the case of a building with a dual pitch roof,
 - 2. 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage of the dwelling house, or
 - 3. 3 metres in any other case.
- (f) The height of the eaves of the building would exceed 2.5 metres;
- (g) The building would be sited 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 microwave antenna;
- (j) The capacity of a container would exceed 3,500 litres; or
- (k) The dwelling house is built under Part 20 of the Schedule.

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 20metres 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.

The proposed outbuilding is 6m wide x 4m deep with a flat roof 2.5m high. It is shown on the submitted plans within the rear garden sited approximately 8.5m from the rear elevation of the house. The floor plan shows the internal area of the building bisected into unequal parts, the larger area comprising a battery store, and the smaller area a store.

The Agent has clarified that incidental purpose of the proposed building as follows: -

- (i) Storage for Occupants: The outbuilding provides essential general storage space for the occupants of the property, which is necessary for the functional enjoyment of the dwellinghouse.
- (ii) Renewable Energy Management: The building will house the battery storage system for the property's photovoltaic (PV) solar panels which will be placed on the main roof of the dwelling house. Power will run from the PV panels to this dedicated battery shed and then back to the main house to provide sustainable power for the occupants therefore being more energy efficient and reducing electricity bills.
- (iii) Fire Risk Mitigation: By locating the battery storage in a detached outbuilding, they are proactively mitigating the fire risks associated with housing high-capacity battery systems inside the main property which is not advised in general.
- (iv) Spatial Constraints: There is currently no adequate or safe space within the existing dwellinghouse to accommodate the necessary battery storage equipment. By placing these facilities in the garden, we ensure the equipment is housed safely and efficiently in a manner that supports the residential use of the site without impacting the primary living areas.

There are no other incidental buildings, enclosures or containers within the curtilage and the proposed building will not occupy more than 50% of the

curtilage area excluding the ground area of the original dwelling. The site is not in a conservation area.

The criteria within Class E, Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) Order are met, and the proposed incidental garden building can be considered 'permitted development'. An application for planning permission is not required.

Recommendation

ISSUE Certificate:-

The proposal constitutes development under Section 55 of the Town & Country Planning Act but is permitted development by virtue of Class E, Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Is recommendation contrary to letter(s) of representation? Y (See above)

Case Officer: Jo Morin

Date: 12.02.2026

Authorised by: Louise Prew

Date: 12/02/2026