Development Management - Delegated Officer Report

Application Number: AWDM/0561/25 Recommendation – APPROVE

Site: 12 Mill Hill Close, Shoreham-by-Sea, BN43 5TP

Proposal: Application for Lawful Development Certificate for an Existing Outbuilding.

Date of site visit: N/A Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

No. 12 Mill Hill Close is a detached bungalow situated on the north side of the close of a cul-de-sac. The land is on rising land from the road, and continues to rise through the site. The rear garden has a terrace rise.

The street comprises predominantly bungalows and chalet bungalow dwellings, many of which have been extended to the rear and/or to the roof.

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

Proposal:

A Certificate of Lawfulness is sought for:-

- An existing detached outbuilding within the rear garden area.

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 enclose; 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);

Analysis: The above does not apply

(b) the total area of ground covered by buildings within the curtilage of the dwellinghouse (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 detached outbuilding together with other buildings etc., do not exceed 50% of the total area of the curtilage etc.

(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 detached outbuilding is not situated on land forward of the principal elevation as it is sited within the rear garden.

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

Analysis: The detached outbuilding is 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;

Analysis: The submitted plans show that the outbuilding is less than 2.5m in height where it is 1metre from the boundary of the curtilage of the dwellinghouse. However

sections of the outbuilding are over the 2.5m, but the height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure or container to its highest point. Where the building is over 2.5m it is next to low lying land and more than 1m from the boundary. Therefore the highest point of ground is where the detached outbuilding is under 2.5m.

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

Analysis: The detached outbuilding is single storey and in line with (e) above the eaves would not exceed 2.5m

(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: There is a raised platform which is 300mm in height measured from the highest point of ground.

The document 'Permitted development rights for householders' 'Technical Guidance' states that raised platforms are not permitted development under Class E.

However, it goes on to say that a raised platform is any platform with a height greater than 0.3m and will include roof terraces.

Class E covers provision of a 'building' within the area around the house required for a purpose incidental to the enjoyment of the house but restricts the height of raised platforms. A 'Building' has the meaning set out in the 'General Issues' section and includes any structure or erection – so allows garden decking (platform) provided it is not more than 0.3m high.

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

Analysis: The detached outbuilding is used as a home office and gym for personal use, and is solely used ancillary to the main dwelling.

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

Analysis: Does not apply as not a storage container

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

Analysis: 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: None of the above applies.

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 land is not on 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: Eve Hearsey Date: 17.09.2025

Authorised by: Peter Barnett Date: 17 September 2025