

Development Management – Delegated Officer Report

Application Number: AWD/1513/25 Recommendation: – APPROVE

Site: 327 Brighton Road Worthing West Sussex BN11 2HP

Proposal: Application for Certificate of Lawfulness for single storey outbuilding

Date of Site Visit: NA

Site and Surroundings

The site is located on the northern side of Brighton Road. The property comprises a detached two storey dwelling. The property has a detached pitched roof garage accessed from Seaview Park Avenue. There is an existing shed with a part flat roof and part lean to roof attached to the rear of the garage (west). The property is surrounded by residential development

The property does not contain 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 floor plans show a garden room/gym and shower room.

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 a garden room, gym with a separate shower room and wc. The garden room is within approx. 10-15m of the main dwelling house. The applicant has indicated that the building would be used partly for training and provide additional equipment for the applicant to train for competitive indoor cycling at an elite and competition level, this training currently takes place in the existing rear conservatory. The shower and toilet are to allow for more convenient use during training. The accommodation looks directly into the garden area of the property and although large also replaces an existing shed. Although there is potential for separate access through the garage, in view of the proscribed nature by the applicant for the building, its outlook into the existing garden and only shower/toilet facilities, the applicants confirmation would ensure that the building would be for purposes incidental to the mainly dwelling house and not be used as a separate self-contained accommodation.

Following additional supporting information the development would meet the criteria listed under class E and would be incidental.

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.

(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 of 2.460m

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

Analysis: Eaves height is 2.460m

(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: NA

(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 for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

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

Case Officer: Jackie Fox

Date: 18.03.26

Authorised by: Louise Prew Date: 24/03/2026