Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0799
14 Fair View, Horsham, West Sussex, RH12 2PY

DESCRIPTION:
Extension and adaption of existing outbuilding (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/18/1092	Erection of a single storey side extension and a proposed loft conversion including installation of a rear roof dormer and front roof lights (Certificate of Lawful Development - Proposed)	Application Permitted on 12.07.2018
DC/18/1853	Erection of a single storey side and rear extension (Certificate of Lawful Development - Proposed)	Application Permitted on 30.10.2018
DC/18/1894	Erection of a single storey rear extension, installation of 2no dormer windows to front elevation and replacement of front porch with pitched roof.	Application Permitted on 01.11.2018

DESCRIPTION OF THE SITE

			Yes	No
Detached Dwellinghouse	☒	Article 2(3) Land	☐	☒
Semi-Detached / Terrace Dwellinghouse	☐	PD rights removed on previous permission	☐	☒

RELEVANT PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015.

PLANNING ASSESSMENT

The main consideration is whether the proposed extensions/alterations fall within 'permitted development rights' as defined within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

(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.

The proposal seeks to alter and extend an existing garage, which is situated in the northeast corner of the site. The existing floor plan and elevations drawing, (Drawing number 01), states that this garage was converted in January 2020, which includes the provision of a WC. The proposal seeks to alter the existing garage and construct a wraparound extension, having a footprint of approximately 48.5 square metres, a considerable addition in comparison to the existing dwelling.

It was established in Emin v Secretary of State for the Environment and Mid Sussex District Council [1989] JPL 909 that there is a need to consider whether '*the nature of the activities carried out in the proposed building ensure they are incidental or conducive to the very condition of living in the dwellinghouse'*. It goes on to say that '*the physical sizes of buildings could be a relevant consideration in that they might represent some indication as to the nature and scale of the activities*'. As such while size is an important consideration, it is not conclusive, and it must also be considered whether the nature of the use would be incidental.

The proposed floor plans and elevations (Drawing number 02), detail that the proposed building will consist of a kitchenette, WC, two areas of storage, a hobby room and a home study. Whilst no bedrooms are proposed, the nature of these rooms collectively means the building is capable of functioning independently from that of the main dwelling. Furthermore, there is no supporting information to justify the need for this accommodation, and while this accommodation may be desirable, it has not been demonstrated that it would be reasonably required for purposes incidental to the main dwellinghouse. This is further supported given the services provided by the main dwellinghouse (DC/18/1894), which benefits from 3 bedrooms, 4 bathrooms/WCs, a study, dining room, two living rooms, a snug, utility room, and a hobby room, amongst other storage areas. The proposal, therefore, does not indicate that the use would function incidentally and has a degree of independence from the main dwelling.

It is considered that the combination of these factors, on the basis of the evidence available and as a matter of fact and degree, means that the proposed outbuilding would not be reasonably required for purposes incidental to the enjoyment of the dwellinghouse. Therefore, it would not be permitted development falling within Class E of the GPDO.

Notwithstanding the above, it will also be considered whether the proposed outbuilding would have met the relevant limitations of Class E, as set out below:

E.1 Development not permitted:-

Criteria		Yes	No
(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.	☐	☒
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	☐	☒

		Yes	No	N/A
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.	☐	☐	☒

		Yes	No	N/A
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.	☐	☐	☒

Recommendation: Application Refused

Reason for Refusal:

1. It has not been demonstrated, on the balance of probabilities, that the development would be reasonably required for purposes incidental to the enjoyment of the dwellinghouse. The development would not therefore be permitted by Class E of Schedule 2, Part 1 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0799

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	10 REV 0	13.05.2025
Elevation & Floor plan	Proposed Plans	02	13.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 07/07/2025

Authorising Officer sign/initial RHERMITAGE Date: 08.07.2025