



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0239

Andrews Farm House, Station Road, Warnham, West Sussex, RH12 3SP

DESCRIPTION:

Erection of a single storey outbuilding to the rear of the existing house comprising a gym, study, cinema room and open garage. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/25/1533	Erection of a two storey side extension, single storey rear extension with associated changes to landscaping, materials and fenestration.	Application Permitted on 30.12.2025
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SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a detached two-storey dwelling located to the north of Station Road, Warnham. The site is a countryside location, outside any built-up area boundary.

The site is not within a conservation area and there are no Article 4 Directions covering the site.

The proposed outbuilding will provide two internal parking spaces, a private gym with ancillary shower facilities, and a home office. These facilities are intended solely for domestic use and incidental to the main dwellinghouse, and will contain no primary living accommodation and will not be used for commercial purposes or independent residential occupation

Two open parking bays and glazed doors to the front (southwest elevation). Two openings to the rear and one to the side (west) elevation. Six rooflights to the front roof slope, three roof lights to the rear roof slope. The application form states that the roof will be finished in tiles to match the existing roof finish of the house while the external finish will have hung tiles to match existing house external finish.

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.

Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 relates to "development within the curtilage of a dwellinghouse". It is therefore necessary to determine whether the proposed development would be located within the curtilage of Andrews Farm House.

For the purposes of the application of permitted development rights bestowed under Part 1 of the Order there is no definition contained within the Order of the term 'curtilage'. A definition afforded in Scot's Law, is that curtilage comprises of:-

"ground which is used for the comfortable enjoyment of a house... and thereby as an integral part of the same, although it has not been marked off or enclosed in any way. It is enough that it serves the purposes of the house... in some necessary or reasonable way."

The case of Attorney General ex rel Sutcliffe v Calderdale BC (1982) 46 P&CR offers three criteria to establish for identifying curtilage;

- (i) the physical layout;
- (ii) the ownership past and present;
- (iii) the use or function, past and present.

Case law, therefore, would confirm that curtilage is a matter of fact and degree to be determined with reference to the physical layout of land, including enclosure with a building or dwelling, in addition to the functional relationship of land with such a building or dwelling.

Google Earth images of the site dated 09/2018, 04/2020, 06/2021, 03/2022, 07/2022, 03/2024, 07/2024, and 05/2025 show the area of land to the north of Andrews Farm House to be clearly divided by a fence line, with evidence of the land being in agricultural use, including livestock being grazed. There is no evidence available to the Council which demonstrates that this area of land is, or has been, utilised for C3 purposes incidental to the enjoyment of Andrews Farm House, Station Road, Warnham.

The physical subdivision of the site and the evidence available through the Google Earth images show clearly that the land to which the outbuilding is proposed is not intimately linked to the residential dwelling and does not therefore represent residential curtilage. Rather the land maintains an agricultural use, physically and functionally separate from the residential dwelling. As such, the land subject of the application would not benefit from permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 as amended, and the proposed outbuilding would not represent permitted development under Class E of the aforementioned Part.

Recommendation: Application Refused

Reason:

1. The proposed outbuilding would fall outside of the incidental curtilage of Andrews Farm House, Station Road, Warnham, and would therefore represent a form of development which would not be permitted by Class E of Part 1 within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Plans list for: DC/26/0239

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

Plan Type	Description	Drawing Number	Received Date
Block plan	Proposed & Existing Block Plan	SR/W/26/2/PL/L01 A	23.02.2026
Location plan	Location Plan	SR/W/26/2/PL/LP0 1	23.02.2026
Floor plan	Proposed Outbuilding Ground Floor Plan	SR/W/26/2/PL/L10 A	23.02.2026
Elevation plan	Proposed Outbuilding Front & Side Elevation 1	SR/W/26/2/PL/L20 A	23.02.2026
Elevation plan	Proposed Outbuilding Rear & Side Elevation 2	SR/W/26/2/PL/L21 A	23.02.2026
Supporting Statement	Planning Statement	NONE	12.02.2026

DELEGATED

Case Officer sign/initial Steve Astles Date: 05.05.2026

Authorising Officer sign/initial Tamara Dale Date: 06.05.2026