Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0730
Danfield, Harbolets Road, West Chiltington, West Sussex, RH20 2LQ

DESCRIPTION:
Application to confirm lawfulness of a 5m x 11m outdoor swimming pool (Certificate of Lawfulness - Existing)

SITE:

Detached Dwellinghouse	☒
Semi-Detached / Terrace Dwellinghouse	☐

	Yes	No
Article 2(3) Land	☐	☒
PD rights removed on previous permission	☐	☒

ASSESSMENT:

Aerial photographs indicate the swimming pool was installed within the last two years. Whilst the applicant initially applied for a Certificate under the 4/10 year rule rendering development beyond these timeframes immune from enforcement action, the swimming pool would not meet these time limits therefore in the alternative it falls to be considered whether the swimming pool is permitted development under Class E of the GPDO.

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.

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 Permitted

Reason:

1 The swimming pool is permitted by Class E of Part 1 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

Plans list for: DC/24/0730

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		2015/065/PL7	09.05.2024
Site plan		2015/065/PL8	09.05.2024

DELEGATED

Case Officer sign/initial Marie Riggs Date: 18.09.2024

Authorising Officer sign/initial Adrian Smith Date: 18/09/2024