Statement of Case For:

Site Address: Firwood House, Bashurst Hill, Itchingfield, West Sussex, RH13 0NY

LPA Reference: DC/25/1122

Applicant: Mr Guy Wakeley

Date: 21st November 2025



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The Site and Surroundings

The application site is situated within the residential curtilage of Firwood House, which is a substantial detached two storey family house located on the eastern side of Bashurst Hill.

There are woodlands to the north, east and western boundaries. The large garden area situated mainly to the rear (northern) side of Firwood House includes a tennis court and a number of domestic outbuildings.

The site is not situated in a conservation area and Firwood House is not a listed building.

The Proposal

The application seeks Lawful Development Certificate for a development of four elements as follows:

1. Consent for the formation of a new access onto Bashurst Hill
2. New entrance gates which will be set back 4000mm from the highway
3. Construction of an access driveway with hardstanding turning area
4. New proposed detached garage.

Lawful Development Certificate Application

The application has been designed to conform to relevant permitted development requirements.

Copied below is the architect's accompanying statement, which sets out the permitted development classes relevant to this application, together with comments confirming their compliance.

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Planning Statement
Detached Garage

Firwood House
Bashurst Hill
Itchingfield

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted:

(a)the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed— (i)for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; (ii)in any other case, 1 metre above ground level;

The proposal is to provide new gates no more than 2 meters high and set 4000mm back from the highway.

(b)the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level; No part of the gate, piers or wall would exceed 2 metres above ground level.

The proposal is to provide new gates no more than 2 meters high and set 4000mm back from the highway

(c)the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Nor relevant.

(d)it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. The development is

Not within the curtilage of a listed building.

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

The development proposed is the formation, laying out and construction of a means of access to Bashurst Hill. Bashurst Hill is an unclassified road. The access is required in connection with a proposed hard surface.

F. Hard surfaces incidental to the enjoyment of a dwellinghouse

The hard surface will provide parking incidental to the enjoyment of Firwood House

Development not permitted:

(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); or

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

Not applicable

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

There is no hard surfacing proposed directly on land in front of the principal elevation of the dwellinghouse and a highway. In general porous surfacing is proposed with any excess leading to an overflow soakway.

Appellant's Grounds of Appeal & Rebuttal of the Council's Reasons for Refusal

The reasons for refusal are as follows:

Reason One

The development, namely the proposed formation of a new access, proposed installation of hard surfacing, and the proposed erection of new gates, as a single building operation, would not be permitted by Class B of Part 2 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended, Class F of Part 1 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended and Class A of Part 2 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended respectively.

Reason Two

The development, namely the proposed erection of a garage, would not be permitted by Class E of Part 1 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

The application clearly shows that there are four elements to this proposal and therefore their individual merits and compliance with permitted development rights should be considered.

The formation of a new vehicular access onto Bashurst Hill and driveway to garage

Bashurst Hill is an unnumbered road. Access drive will be on land within the residential curtilage.

Erection of new access gates

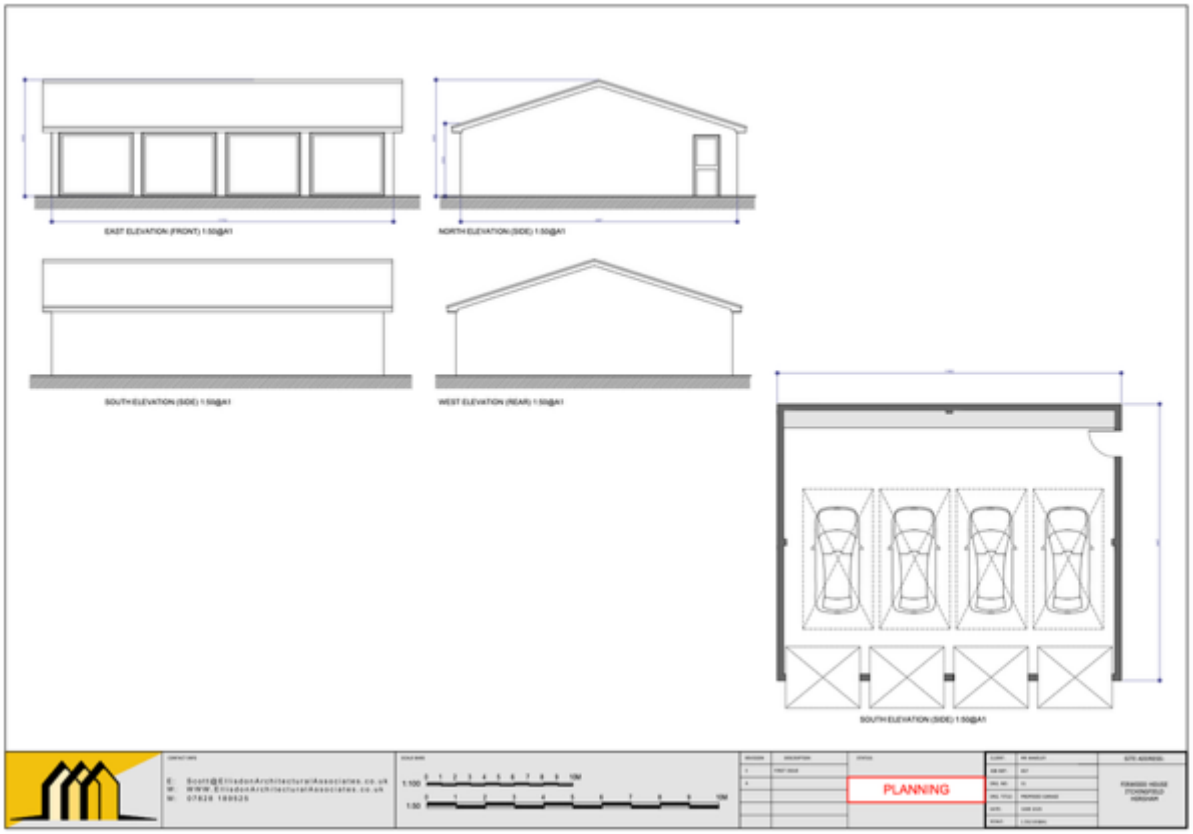
This comes under Class A Part 2 Schedule 2 of the Town and Country Planning Act (General Permitted Development) (England) 2015.

This proposal will provide new gates, which are no more than 2m high and 4000mm back from the highway.

The Planning Officer's Delegated Report confirms that the proposal in respect of the proposed new gates will be compliant with permitted development requirements.

Detached Garage

The plans of the proposed detached garage are copied below.



These plans show that the proposed garage building will have a pitched roof with a ridge height of 4m and a height to eaves level of 2.5m. Therefore, this is within the permitted development criteria.

The garage would be a single storey building.

The application location and block plan is copied below, and this shows that the proposals are within the residential curtilage of Firwood House.



The front elevation of the house faces south-west and the garage siting will be in land to the rear of the property close to existing domestic outbuildings and tennis court.

As can be clearly seen from the site plan, the outbuildings with the proposed new garage building will cover well under 50% of the residential curtilage area.

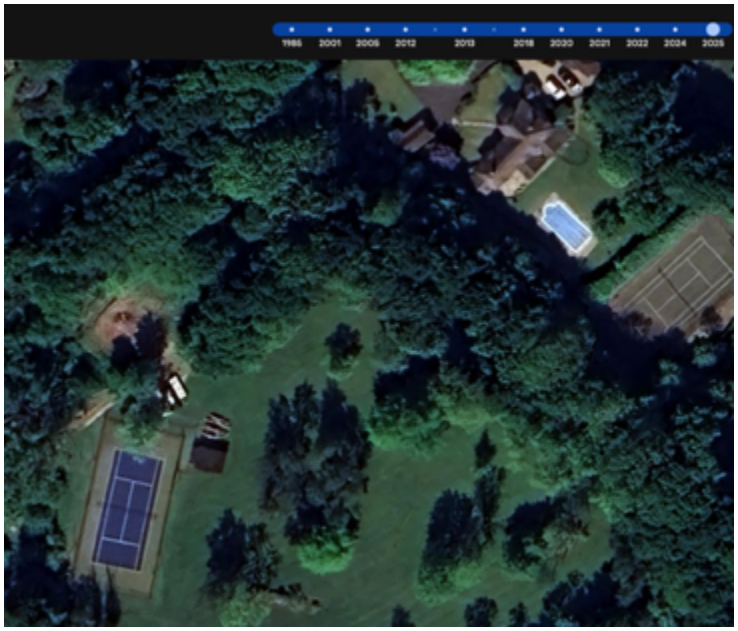
The land is not in an area of outstanding natural beauty and not in a conservation area. Firwood House is not a listed building.

The proposed new garage has a good separation distance from the house and the curtilage boundary.

The Local Planning Authority have stated they do not consider the proposed new access track and garage to be situated within the residential curtilage of Firwood House.

Google aerial images are copied below, and they show that the characteristics of the site have changed little over the last 14 years. The tennis court and open grass areas have been ideal for family recreational use.





Groups or individual TPO trees are commonly retained within residential curtilages.

It is reasonable that a family house as substantial as Firwood House would have a large area of garden/amenity land within its residential curtilage for the enjoyment of family occupiers.

For the reasons set out above it should not be considered that the proposed garage building and associated works will be outside of the residential curtilage of Firwood House.

Copied below is a response from the appellant's architect:

"The planning officer has said that they do not consider the location of the proposed garage to be within the residential curtilage. If the planning officer were to have made a site visit, which they didn't, they would have noted that the location is in the immediate location of other domestic paraphernalia including existing outbuildings and a tennis court which is in constant use.

The local authority tree officer also did not make a site visit so the suggestion that the void within the woodland has grown back and had been cut down is simply incorrect.

I note that the access may not be permitted development however the aim of the appeal is to now gain clarification with regards to the actual garage location for which a new LDC / house application might be submitted in the future."

Installation of hardstanding Class F Part 1 Schedule 2

It is considered that the hardstanding area in front of the proposed garage is compliant with permitted development requirements as follows.

The architect's planning statement confirms that in general porous surfacing is proposed with any excess leading to an overflow soakaway

Arboricultural Impact

The Arboricultural Officer's Report has been set out as if this is a full planning application.

At this stage the application is submitted to solely establish whether the works as proposed are lawful development or not.

Lawful development can be carried out in sites that contain TPO trees and the Local Planning Authority have powers to protect TPO trees during and/or after development.

Conclusion

The application plans and statement and appeal statement of case sets out the reasons as to why this application should be confirmed as permitted development within the classes set out within the Local Planning Authority's decision.

The Inspector is therefore respectfully asked to allow the appeal.