



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0697
Southview, Hayes Lane, Slinfold, West Sussex, RH13 0SQ

DESCRIPTION:

Conversion of detached garage into habitable living space (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

SF/12/03	Erection of a replacement garage	Application Permitted on 22.04.2003
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SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a detached residential property known as Southview, Hayes Lane. The site is not within a conservation area and there are no Article 4 Directions or extant Enforcement notices covering the site.

PLANNING ASSESSMENT

The main consideration is whether the proposed 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.

The detached garage in question was granted planning permission in 2003, under the reference SF/12/03. As part of this permission, the following condition was imposed:

'Condition 2 –

The building shall be used as a private domestic garage in connection with Southview only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties'.

Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that '*(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order*'.

Article 3(4) of the GPDO is clear in that development cannot proceed where it would be contrary to an existing planning condition. In this case, the scheme proposes to convert the garage into habitable living space, being used as a dining and living area. This use would be in non-compliance with condition 2 of SF/12/03, which restricts the use of the building to a private domestic garage, to be used for no other purpose. Therefore, the proposal would conflict with the condition and, by virtue of Article 3(4) of the GPDO 2015 (as amended), cannot benefit from permitted development rights under Class E of Part 1, Schedule 2.

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:

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 proposals include the alterations of an existing building, converting the garage into a detached habitable living space to be used as dining/living room. The submitted plans show that the building will not have facilities installed, such as a bathroom or kitchen, that would allow the building to be used as an independent unit of accommodation. As such, its proposed use is considered incidental to the enjoyment of the dwellinghouse, conforming with the above. However, it will also be necessary to consider whether the proposed outbuilding would meet 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;	☒	☐
<i>The outbuilding is situated forward of the principal elevation and therefore the proposals would not comply with the above condition.</i>			
(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;	☒	☐
<i>The submitted plans confirm the outbuilding is sited within 2 metres of the boundary of the curtilage of the dwellinghouse, with this in mind the building cannot exceed 2.5 metres in height. The plans confirm the building measures 4.1metres in height from ground level, and as such, the proposal does not comply with the above condition.</i>			
(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(s) for Refusal:

- 1 The building is the subject of Condition 2 of planning permission reference SF/12/03, which restricts the use of the building to be used as a private domestic garage. As the proposed development is for the conversion of the garage into habitable living space, the resulting accommodation would be in non-compliance with this condition. The proposed development would not therefore constitute permitted development under Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 2 The proposed development fails to comply with restriction E.1 (c) and (e), as set out under 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/26/0697Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed Elevations	WD1-LDC1 Page 4	29.04.2026
Floor plan	Existing Conditions Plan & Section	WD1-LDC1 Page 1	29.04.2026
Elevation plan	Existing Elevations	WDC-LDC1 Page 2	29.04.2026
Floor plan	Proposed Plans	WD1-LDC1 Page 3	29.04.2026
Location & Block plan	Proposed Site/Block Plans and Locality Plan	WD1-LDC1 Page OS	18.05.2026
Location plan	Site/Locality Plan	NONE V1	18.05.2026

DELEGATEDCase Officer sign/initial Sam Nye Date: 06/07/2026Authorising Officer sign/initial Tamara Dale Date: 13/07/2026