

**Recommendation Report for Lawful Development Certificate for a Proposed Use or Development****REF NO:** FP/47/26/CLP**LOCATION:** Old Watch House  
Old Coastguards  
Felpham  
PO22 7BJ**PROPOSAL:** Lawful development certificate for the replacement of existing garage with new outbuilding**DESCRIPTION OF APPLICATION**

This application seeks a Lawful Development Certificate for a proposed single storey outbuilding to replace existing detached garage.

**RELEVANT SITE HISTORY**

|              |                                                                                                                        |                     |
|--------------|------------------------------------------------------------------------------------------------------------------------|---------------------|
| FP/134/25/HH | Demolition of the existing garage and replacement with new store and residential annex to the main house.              | Refused<br>18-11-25 |
| FP/40/25/HH  | Demolition of the existing garage and replacement with new garage incorporating a residential annex to the main house. | Refused<br>23-05-25 |

**REPRESENTATIONS****Representations Received:**

Felpham Parish Council - Objection:

- The outbuilding's siting and scale would appear unduly prominent within the Old Coastguards street scene.
- The development would be incongruous and harmful to the character of the locality and visual amenity of the area.
- Conflicts with Arun Local Plan policies D DM1 and D DM4, the Arun Design Guide, and Policy ESD1 of the Felpham Neighbourhood Development Plan.
- Overbearing impact on neighbouring properties at Nos. 1 and 2 Old Coastguards and Eaves.

2 No. letters of objection received from nearby occupiers:

- Proposed outbuilding is significantly larger than the existing structure (47.5sqm vs 16.5sqm) and disproportionate to the host dwelling.
- Excessive scale and massing.
- Separation distance is in close proximity to neighbouring properties.
- Unduly prominent, incongruous, and out of character with the surrounding area and established pattern of small outbuildings.
- Harmful to the character, appearance, and visual amenity of the street scene and wider locality.
- Conflicts with relevant local and neighbourhood plan policies and design guidance.
- Design, materials, and form do not respect the architectural or historic character of nearby locally listed buildings.
- Fails to conserve or enhance the setting of heritage assets.
- Adverse impact on neighbouring amenity, including overbearing presence and loss of light.
- Potential structural risks to neighbouring properties due to proximity of excavation and foundations.
- Concerns regarding impact on boundary structures, including fencing.
- Concerns that the building may be used or later converted to habitable accommodation, given previous refusals for an annexe.
- Lack of service details reinforces concerns about future residential use.

**Comments on Representations Received:**

Comments noted. This application seeks a Lawful Development Certificate for the replacement of the existing garage under permitted development. As such, the proposal is assessed against the relevant criteria set out later in this report. Matters relating to design, character, appearance, and impact cannot be considered under this application.

The assessment is confined to whether the proposal complies with the relevant provisions of the General Permitted Development Order, including limitations on size, height, and use, and whether it is situated within the curtilage of the dwellinghouse.

**CONSULTATIONS**

**Consultations Responses Received:**

None.

**LEGISLATIVE BACKGROUND**

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- Class E, which pertains to the buildings etc incidental to the enjoyment of a dwellinghouse.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

## CONCLUSION

The proposed outbuilding falls to be assessed under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

### Permitted development

E. The provision within the curtilage of the dwellinghouse of-

(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.

### Development not permitted

E.1 Development is not permitted by Class E if-

(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).

The principal elevation is identified as facing south, having regard to the position of the main entrance and the orientation of the adjoining dwelling to the east, which also fronts in this direction. Historic mapping (1932-43) indicates that properties to the north were originally served by a shared footpath along their eastern boundaries, suggesting that east-facing elevations functioned as the primary frontage, with west-facing areas forming the rear. It is also likely that the Watch House was historically accessed from the east, with the western side operating as its rear.

In terms of curtilage, the 2007 application at "Eaves" (ref. FP/135/07) confirms that the land to the east was not within its ownership at that time, supporting the conclusion that it was associated with the Watch House. OS Landline data from 2004 further indicates that the garage formed part of a wider land parcel, the majority of which appears to have been subsequently transferred to Eaves. Earlier mapping (1932-43) shows no defined western boundary to the Watch House, with the land extending into a larger holding now occupied by Eaves.

Aerial imagery confirms the presence of the garage since at least 1991. Taken together, the evidence demonstrates that the garage lies in close proximity to the dwelling, was historically part of the same planning unit, and remains in ancillary domestic use. On this basis, the land is considered to fall within the curtilage of the dwelling.

The property known as Old Watch House is an end of terrace property and is not listed or within a Conservation Area.

There are no permitted development restrictions upon this property.

The proposed single storey outbuilding complies with relevant sections of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed development is therefore permitted development and as such does not require the submission of an application for full planning permission.

## RECOMMENDATION

### PP NOT REQUIRED

The Arun District Council hereby certify that on 29 April 2026 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### FIRST SCHEDULE

This application has been assessed for lawfulness against the following information:

Location Plan PL\_001

Existing Block Plan PL\_005 Rev10

Proposed Block Plan PL\_050 Rev10

Proposed Floor Plan, Elevations and Roof Plan PL\_200

**SECOND SCHEDULE**

**Old Watch House, Old Coastguards, Felpham, West Sussex, PO22 7BJ**

**EXTENT OF USE**

**This application seeks a Lawful Development Certificate for a proposed single storey outbuilding measuring 9.5m deep, 5m wide and 2.5m high.**

**FP/47/26/CLP - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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