

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: AB/146/17/CLE

LOCATION: Hardy Cottage
8 Bond Street
Arundel

PROPOSAL: Lawful development certificate for an existing use as a dwelling house (C3 dwelling house) & short let/holiday let for guests.

DESCRIPTION OF APPLICATION

The proposal is for the house/home to be let on a short term tenancy basis for short residential and holiday lets. No other services are provided, no layout changes or provisions made. The house would be let as a whole, not by room. The proposal is not a party house. Maximum occupancy would be 5 people over three double bedrooms.

DESCRIPTION OF SITE AND SURROUNDINGS

The property is a mid terrace and 3 storeys in height.

RELEVANT SITE HISTORY

There is no relevant site history.

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

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) (Amendment) (No. 2) (England) Order 2015 (as amended).

Provided the proposed works fall within Use Class C3 and 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.

CONCLUSIONS

The determination as to whether a material change of use has occurred is a question of scale and degree. There is no hard and fast rule which can be laid down, it is reasonable to assume that this holiday let which comprises relatively limited accommodation, sleeping a maximum of up to 6 people, would fall within Use Class C3. No material change of use has occurred since the property was previously used as a family home and is being let as a single unit..

RECOMMENDATION

APPROVE

The use 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, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that the use of the property as a holiday let was not considered to constitute a material change of use from the established use as a private dwelling house and both uses would fall within the same C3 Use Class.

FIRST SCHEDULE

Use of the property known as Hardy Cottage, Bond Street, Arundel, West Sussex as a short let/holiday let.

SECOND SCHEDULE

Hardy Cottage, Bond Street, Arundel, West Sussex

EXTENT OF USE

Use of the whole property as a single let over 3 double bedrooms, accommodating no more than 5 people at any one time.



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.