

**Recommendation Report for Lawful Development Certificate for a Proposed Use or Development****REF NO:** AB/35/19/CLP**LOCATION:** 14 Wheelwrights Close  
Arundel  
BN18 9TA**PROPOSAL:** Lawful development certificate for a timber built, timber/composite clad garden room with WC facilities ancillary to main dwelling.**DESCRIPTION OF APPLICATION**

The proposed development seeks to erect a timber built, timber/composite clad garden room with WC facilities ancillary to main dwelling.

**RELEVANT SITE HISTORY**

|           |                                                          |                                  |
|-----------|----------------------------------------------------------|----------------------------------|
| AB/23/01/ | Erection of television (heavy duty) aerial               | Refused<br>21-05-01              |
| AB/9/01/  | Conservatory to be attached to south western facing wall | ApproveConditionally<br>09-04-01 |

**REPRESENTATIONS****Representations Received:****CONSULTATIONS****Consultations Responses Received:****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 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**

### **CONDITIONS:**

Officers note the original application that included the dwelling known as 14 Wheelwrights Close, the subject of this CLP, is ref: AB/4/97. There are no conditions which would restrict development under Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **GARDEN ROOM**

The proposed garden room is considered to fall under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which states;

"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 M, N, P or Q of Part 3 of this Schedule (changes of use);

- In this case permission to use the dwellinghouse as a dwellinghouse was not granted under Class M, N, P or Q of Part 3 of this Schedule (changes of use). The dwelling was granted under planning application ref: AB/4/97L

(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);

- The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not 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;

- The proposed outbuilding would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse as it would be to the rear.

(d) the building would have more than a single storey;

- The Outbuilding would be 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 outbuilding has a flat roof.

(ii) The outbuilding would have a max height of 2.5 metres from ground level (as stated on submitted Plan ref: 17181/01)

(iii) See (ii) above.

(f) the height of the eaves of the building would exceed 2.5 metres;

- The eaves would not exceed 2.5 metres in height.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

- Application dwelling is not a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

- The Outbuilding would NOT include the construction or provision of a verandah, balcony or raised platform;

(i) it relates to a dwelling or a microwave antenna; or

- The proposal does not relate to a microwave antenna.

(j) the capacity of the container would exceed 3,500 litres.

- The proposal is for an outbuilding and NOT a container.

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.

- The application site is not situated within (a)-(d) above.

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.

- The application site is article 2(3) land (within Conservation Area). However, no part of the outbuilding, would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. It would be sited to the rear.

#### Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse."

The proposed garden room complies with the limitations of E.1 (a), (b), (c), (d), (e)(ii), (f), (g), (h), (i) and (j); E.2 and E.3 are not considered relevant to this proposal; and the outbuilding is also deemed to be in accordance with the limitations of E.4. Therefore, the proposed garden room is considered to benefit from 'permitted development' rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and as such does not require the submission of an application for planning permission.

|                       |
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| <b>RECOMMENDATION</b> |
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#### **PP NOT REQUIRED**

**The Arun District Council hereby certify that on 9/07/2019 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 for the following reasons:**

**The proposed detached garden room is deemed to benefit from Permitted Development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015. Therefore, it is permitted development not requiring of planning permission.**

#### **FIRST SCHEDULE**

**Construction of a detached garden room to be used ancillary to the main dwelling by a dependant relative of the occupiers of the host dwelling, as shown on the approved drawing:**

**- 17181/01.**

#### **SECOND SCHEDULE**

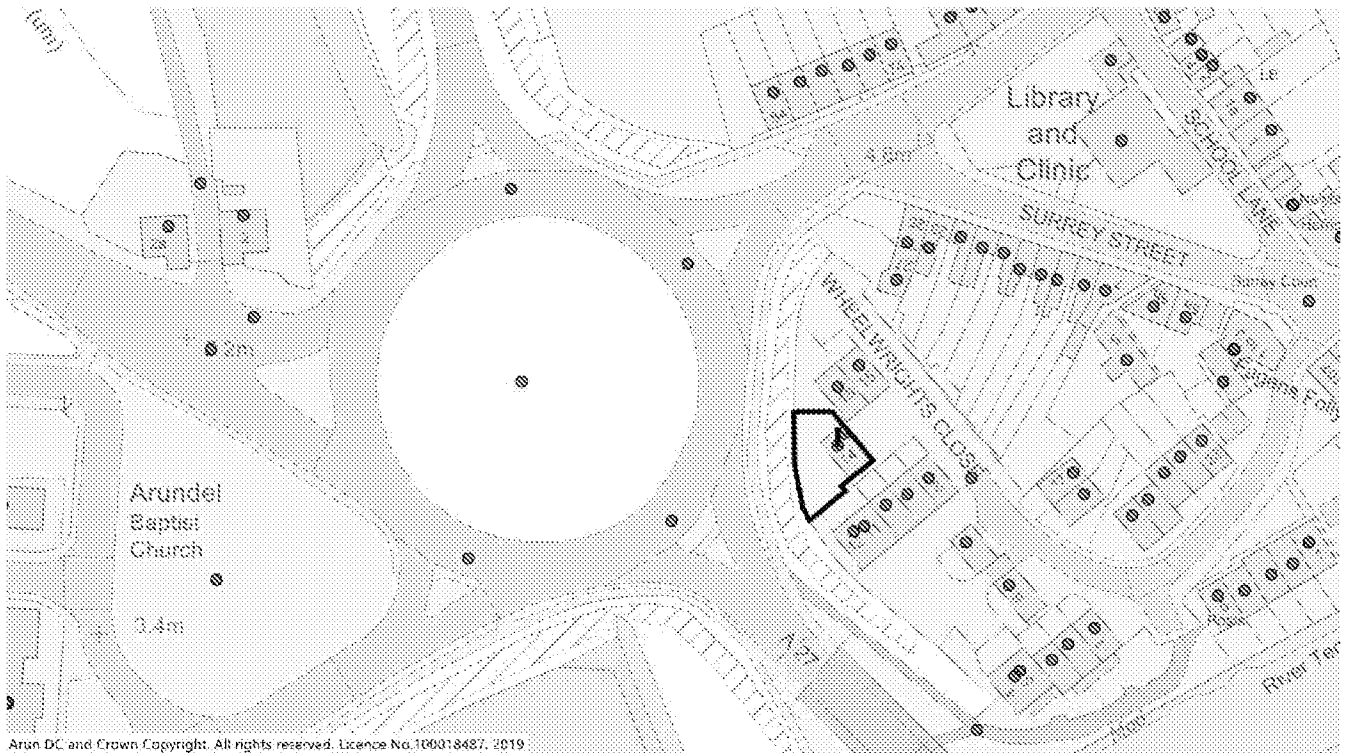
**14 Wheelwrights Close, Arundel, Sussex, BN18 9TA**

#### **EXTENT OF USE**

**A garden room in the rear garden of the host dwelling with WC facilities ancillary to main dwelling which**

**will be used as living accommodation for dependant relative.**

**AB/35/19/CLP - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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