

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** AB/48/22/CLP**LOCATION:** 37 Tarrant Street
Arundel
BN18 9DG**PROPOSAL:** Lawful development certificate for proposed works include the addition of an open plan kitchen area on the ground floor of the property. The kitchen will include two sinks, one domestic-sized extraction unit (which will expel out into the external side passage of the building), one Rational oven, one coffee machine, fridges, a refrigerated counter and work counter space. In the rear of the ground floor will be a pot wash area with a sink, dishwasher and glass washer. In the basement, directly under the ground floor lavatory we propose to install a second lavatory and a rack master oven for bread baking, a sink and more work counter space, some fridges, freezers and a domestic oven. The rest of the basement space will be used as storage. The front door to the property will be re-hung to swing open in the opposite direction (opening the the right).**DESCRIPTION OF APPLICATION**

The application seeks the change of use from a Hairdressers (Class E) to a Cafe (Class E) alongside various internal works.

RELEVANT SITE HISTORY**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).

- The Town and Country Planning Act Part III (Meaning of Development) Section 55.

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

Section 55 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act " building operations " includes

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
- (b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];
- (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the

provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g)the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

(2A)The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B)The development order may make different provision for different purposes.

(3)For the avoidance of doubt it is hereby declared that for the purposes of this section

(a)the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;

(b)the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if

(i)the superficial area of the deposit is extended, or

(ii)the height of the deposit is extended and exceeds the level of the land adjoining the site.

(4)For the purposes of this Act mining operations include

(a)the removal of material of any description

(i)from a mineral-working deposit;

(ii)from a deposit of pulverised fuel ash or other furnace ash or clinker; or

(iii)from a deposit of iron, steel or other metallic slags; and

(b)the extraction of minerals from a disused railway embankment.

(4A)Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection

' fish farming ' means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

' inland waters ' means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

' tank ' includes any cage and any other structure for use in fish farming.

(5)Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

The property known as 37 Tarrant Street is not listed but is within a Conservation Area.

The proposed change of use remains within the same use class and as such, it is not considered development in terms of the GDPO. The internal works are also not considered development in terms of the GDPO. The Town and Country Planning Act Part III (Meaning of Development) Section 55 Part 2(ai) states that alterations solely internal to the building are not considered development. It is not a change in use class nor considered development. As such, it is lawful and does not require the submission of an application for full planning permission.

Examination of the site history has revealed no restrictions on permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 26/05/22 the change of use and internal alterations 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 192 of the Town & Country Planning Act 1990 for the following reasons:

- Compliance with The Town and Country Planning Act Part III (Meaning of Development) Section 55.**

FIRST SCHEDULE

The proposed Change of Use and internal alterations are considered to fall under the Town and Country Planning Act Part III (Meaning of Development) Section 55 of the GDPO.

The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Ground Floor Plan A.101.**
- Proposed Basement A.102.**

SECOND SCHEDULE

37 Tarrant Street, Arundel, West Sussex,

EXTENT OF USE

Change of use within Class E from Hairdressers to a Cafe and various internal alterations including the provision of various appliances that are to serve the Cafe.

AB/48/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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