

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/9/18/CLP

LOCATION: Riverside House
2 Fitzalan Road
Arundel

PROPOSAL: Lawful Development Certificate for a Proposed use or Development - Minor alterations within building (C3 dwelling) to form 11 bedsits with 11 bathrooms (Sui-Generis).

DESCRIPTION OF APPLICATION

The existing property is shown as 5 bed dwelling and the application is to form 11 bed sits. It is proposed to convert the building to create a single communal kitchen, dining area and lounge at ground floor with 11 separate rooms with beds and bathrooms.

DESCRIPTION OF SITE AND SURROUNDINGS

Large detached two storey dwelling located within a residential area of Arundel.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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).

Schedule 2, Part 3, Class L, Small HMOs to dwelling houses and vice versa.

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. This confirms that a change of use to a C4 use is permitted development. A C4 use (as defined by the Town & Country Planning (Use Classes) Order) would allow the use for the accommodation proposed for up to six people who would share basic amenities such as kitchen or bathroom. As the proposed use would be for a minimum of 11 persons, the proposed use is not Class C4.

CONCLUSIONS

There are two tests that need to be considered as part of this application in order to determine whether the Certificate can be granted.

Firstly, would the change of use be allowed under permitted development.

Secondly, if not, would the change of use be material when compared to the existing use.

It is a statement of fact that the existing use class is Class C3(a) and this would mean that a permitted change of use to C4 could take place without requiring planning permission. Class C4 (Houses in Multiple Occupation) is defined as 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom'. The scale of the proposals (11 bedsits) and the fact that not all amenities are shared would mean that the proposed development would not fall within Class C4 or within Class C3 (b) or C3 (c) which restricts a 'single household' to 'up to six people'.

Being a proposal for a minimum of 11 people to be living in the property would mean that the proposed use class is sui-generis and therefore a planning application will be required for a change of use from a dwelling house to a large house in multiple occupation.

As Circular 8/2000 states;

'Although the control limit of six persons defines the scope of the C3 (b) and (c) dwelling houses and C4 houses in multiple occupation classes, this does not imply that any excess of that number must constitute a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character or the residents in relation to C3 no longer constitute a single household.'

Therefore, it is necessary to consider whether a material change of use will occur.

The large 5 bed family home could easily accommodate a typical family with 2, 3 or more children and 2 adults and there would be vehicle movements. However, the proposed use is for 11 bed sits which could accommodate between 11 - 22 persons in the building. This scale and intensity of use would be very different to that of a large single household and a material change of use would occur.

For these reasons, the proposal requires planning permission and a Certificate of Lawful Development cannot be granted.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on the 31st July 2018, the development and operation described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged black on the plan attached to this certificate, would not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:-

The proposals represent a change of use from class C3(a) to a sui generis use. The use classes order confirms that this is not a permitted change of use. Further, this scale and intensity of use would be very different to that of a large single household and a material change of use would occur.

FIRST SCHEDULE

To form 11 bed sits through conversion of the building to create a single communal kitchen, dining area and lounge at ground floor with 11 separate rooms with beds and bathrooms. Sui Generis use class as outlined on the following submitted plans;

1283 100 - Existing Location Plan
1283 102 - Existing Ground Floor Plan
1283 103 - Existing First Floor Plan
1283 106 - Existing SE & NE Elevations
1283 107 - Existing NW & SW Elevations
1283 110 - Proposed Site Plan
1283 111 AB1 - Proposed Ground Floor Plan
1283 112 AB1 - Proposed First Floor plan
1283 113 AB1 - Proposed Attic Floor Plan
1283 115 - Proposed SE & NE Elevations
1283 117 - Proposed NW & SW Elevations

SECOND SCHEDULE

Riverside House, 2 Fitzalan Road, Arundel, BN18 9JS.

EXTENT OF USE

To form 11 bed sit units.



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