

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

REF NO: AL/110/21/CLP

LOCATION: Old Hundred & 2 Lidsey Lodge Cottage
Sack Lane
Lidsey
PO22 9PE

PROPOSAL: Lawful development certificate for the proposed conversion of 2 No. dwellings into 1 No. dwelling.

DESCRIPTION OF APPLICATION

The the application is for the conversion of 2 No. dwellings (Old Hundred and 2 Lidsey Lodge Cottage) into a single dwellinghouse.

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.

CONCLUSION

Section 55(3) of the Act states that 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 but the Act is silent on the reverse situation where two or more units would be converted into one.

The Town and Country Planning Act S55 (2)(a) states:

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.

For the purposes of the application it has to be determined whether the proposed change of No.2 dwellings to a single dwellinghouse would constitute development.

The property is currently set up as two dwellings with separate access.

It is considered the alteration would result in a material change of use of the building and therefore constitutes development and as a result the application is refused. There is case law (Richmond-upon-Thames) where it was concluded that conversion of two flats to a single dwelling can require planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 31st August 2021 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, was considered to be development within the meaning of section 55 of the Town and Country Planning Act 1990 and was not considered lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons.

The proposal conflicts with S55 (2) of the Town and Country Planning Act 1990 in such that it constitutes a material change and as a result is deemed development.

FIRST SCHEDULE

The proposed change from No.2 dwellings to a single dwellinghouse.

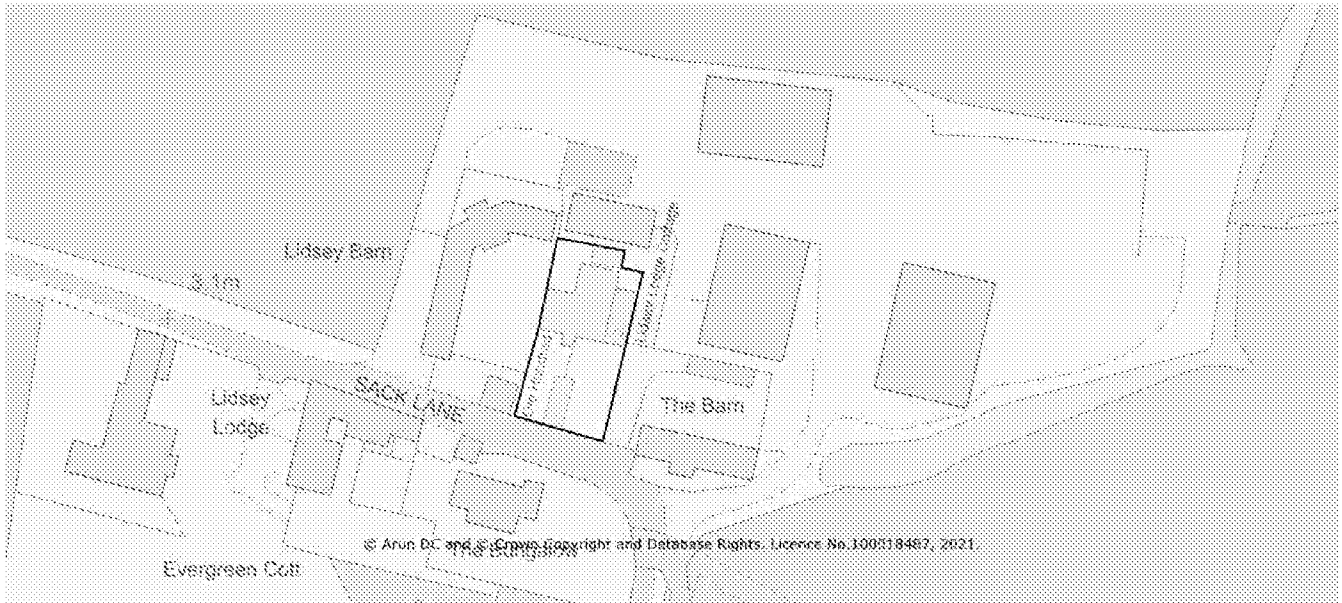
SECOND SCHEDULE

Old Hundred & 2 Lidsey Lodge Cottage, Sack Lane, Lidsey.

EXTENT OF USE

The conversion of 2 No. dwellings to a single dwellinghouse.

AL/110/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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