

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

REF NO: AL/5/19/CLP

LOCATION: Thatched Cottage
Arundel Road
Aldingbourne

PROPOSAL: Lawful development for proposed wooden doors to existing carport.

DESCRIPTION OF APPLICATION

Lawful development certificate for proposed doors to be adjoined to existing car port.

DESCRIPTION OF SITE AND SURROUNDINGS

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.

We have considered this proposal under Section 55 (2) (a) (ii) under Part 3 of the Town and Country Planning Act 1990 which relates to the 'meaning of development' and 'new development'. Under Section 55 (2) (a) (ii) the following works are excluded from the meaning of development "do not materially affect the external appearance of the building."

If the proposal had been considered to be within the curtilage of the dwelling house then the following would have applied:

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (No. 2) (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.

CONCLUSIONS

The proposed wooden doors are to make the existing car port secure. It has been noted that a previous application was submitted on the site, reference AL/59/17/HH which did not include the car port to be shown within the curtilage of the red edge. Therefore the proposal has been considered under Section 55(2) (a) (ii), Part 3 of the Town and Country Planning Act 1990.

(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.

(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; "

If the proposal had been considered to be within the curtilage then the following would have applied:

The proposed wooden doors are to make the existing car port secure. The proposal is considered to fall under Schedule 2 Part 1 Class E of the Town and Country Planning Permission (General Permitted Development Order) (England) Order 2015.

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, PA or Q of Part 3 of this Schedule (changes of use);

(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);

(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;

(d) the building would have more than a 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

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

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

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

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

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

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.

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 property known as Thatched Cottage, Arundel Road, Aldingbourne, is a detached dwelling and is not listed or within a Conservation Area.

The proposed addition of the doors to the existing Carport complies with the relevant sections (a) (b) (c) (d) (e) (i) (j) (ja) (i) (ii) (iii) (k) and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 25.01.2019 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 55 (2) (a) (ii), Part 3 of the Town and Country Planning Act 1990.

FIRST SCHEDULE

Proposed wooden doors to an existing carport. This is shown on the following plans:

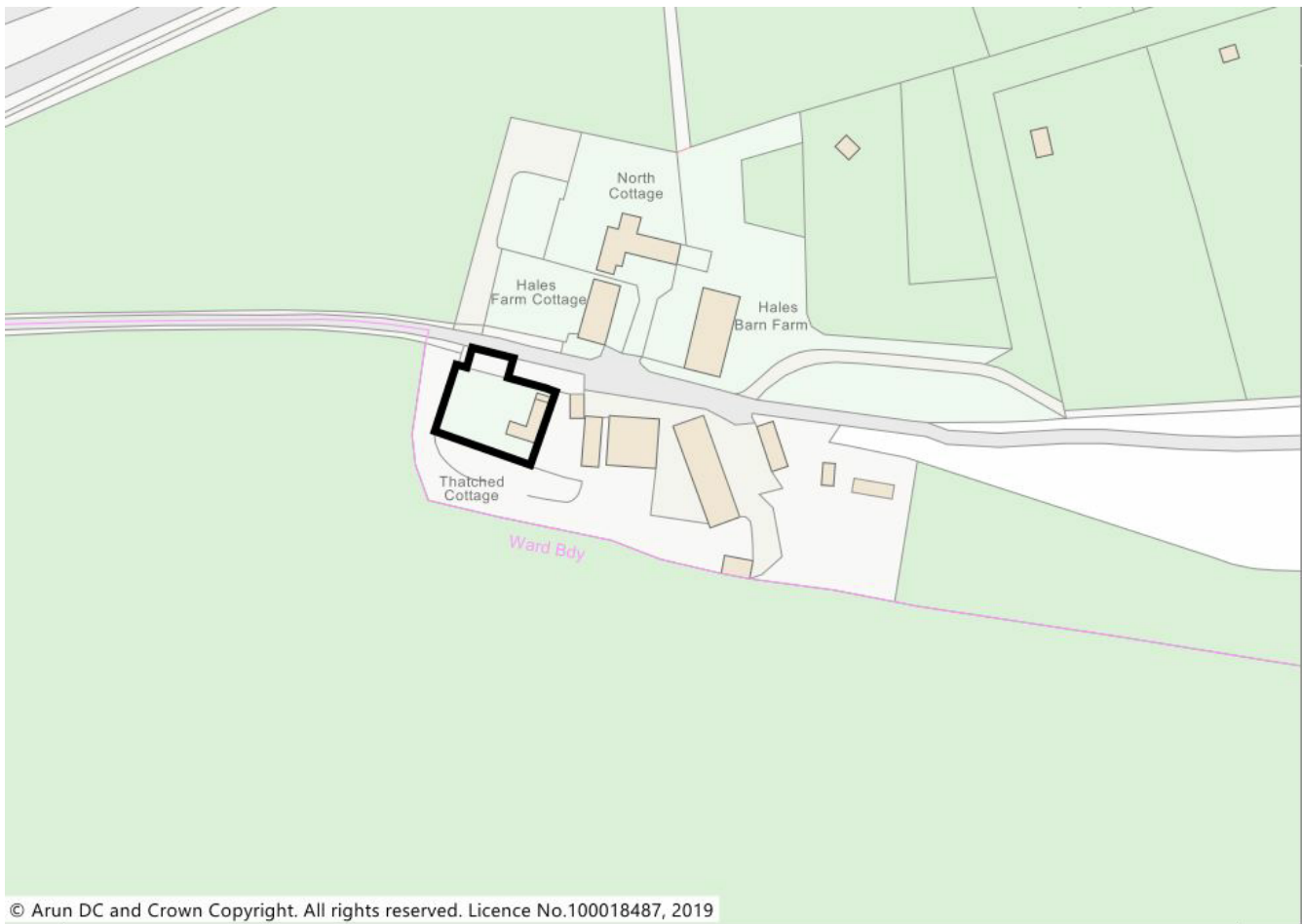
- Location Plan 1711009-02 (Nov 2017)
- Photograph

SECOND SCHEDULE

Thatched Cottage, Arundel Road, Aldingbourne.

EXTENT OF USE

Addition of secure doors to an existing car port.



© Arun DC and Crown Copyright. All rights reserved. Licence No.100018487, 2019

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.