

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

REF NO: AL/90/19/CLP

LOCATION: St Helier
Hook Lane
Aldingbourne
PO20 3TE

PROPOSAL: Lawful development certificate for a proposed conversion of free standing garage in to sleeping accomodation.

DESCRIPTION OF APPLICATION

The application seeks to convert an existing detached garage into a bedroom/bathroom

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) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class E Building 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

The proposed conversion of the garage is considered to fall under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class E -Buildings etc incidental to the enjoyment of a dwellinghouse

E. The provision within the curtilage of the dwellinghouse of

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

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
 - (iii) 3 metres in any other case;
- (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.

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 property known as St Helier is a detached chalet bungalow and is not listed or within a Conservation Area.

Examination of the site history has revealed no restrictions relating to the detached garage.

The proposed conversion is considered to conflict with Class E(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the use would not be 'incidental' and fails to meet the requirements of this class.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 6th November 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, was not considered to be lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed development conflicts with Schedule 2, Part 1, Class E (a) of the Town and Country (General Permitted Development) (England) Order 2015. The conversion is not for a use incidental to that of the dwellinghouse.

FIRST SCHEDULE

Conversion and alteration to detached garage. This shown on the following plans

- Proposed Floor Plan and Elevation**
- Location Plan**

SECOND SCHEDULE

St Helier, Hook Lane, Aldingbourne, West Sussex, PO20 3TE

EXTENT OF USE

Conversion of a detached garage with the replacement of doors with windows.

