

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** A/152/25/CLP**LOCATION:** Land West of Avenals Barn
Water Lane
Angmering
BN16 4QS**PROPOSAL:** Lawful Development Certificate for the proposed installation of 6 No. rooflights.**DESCRIPTION OF APPLICATION**

This application seeks a Lawful Development Certificate for the installation of 6 rooflights.

RELEVANT SITE HISTORY

A/40/24/PL	1 No. detached four-bedroom dwelling with associated off road parking. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as a new dwelling.	ApproveConditionally 05-06-24
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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.

- Class C, which pertains to other alterations to the roof 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.

It is noted that 4 objections have been received. Summary of responses:

- Objection in relation to overlooking of neighbouring properties.
- Submission of CLP before build was complete.
- Dwelling was not constructed in accordance with the previously approved plans.
- Loft space reinforced during construction to make it habitable and installed the joists to the roof for the velux windows.
- The plans for this new application A/152/25/CLP, now show a 5 bedroom over 3 floors rather than the originally approved 4 bedroom house over 2 floors.
- There are no properties on the new build estate with more than 4 bedroom or over more than 2 floors so it is not in keeping with the existing properties or the listed buildings at Avenals Barn & Farm.
- Concerns that the ground levels have been altered and the dwelling as constructed is not in accordance with the approved plans.
- There is no garage and only 3 parking spaces. This further development could increase the occupancy significantly thus deeming 3 parking spaces insufficient.
- There are no properties on Ecclesden Park with more than 2 habitable floors and 4 bedrooms and none with roof lights.

A Certificate of Lawful Development (proposed) does not require formal consultation. Notwithstanding this, the Local Planning Authority sought additional information during the course of this application and undertook site visits to validate the information submitted.

CONCLUSION

The proposed installation of 6 rooflights is considered to fall under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Permitted Development

C. Any other alteration to the roof of a dwellinghouse

C.1 Development is not permitted by Class C if-

(a) permission to use the dwelling/house as a dwelling/house has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

(d) it would consist of or include-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment; or

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwelling/house must be-

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The property, now known as Archway, 2A The Groves (previously known as Land West of Avenals Barn), is a detached property and is not listed or within a conservation area. The dwelling was originally granted planning permission under application reference A/40/24/PL.

It was found in *Gravesham BC v SSE and O'Brien* (1982) 47 P&CR 142 that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day to day private existence. A new or rebuilt dwellinghouse must be substantially complete before any permitted extensions are made to it under the provisions of the GPDO.

In *East Hertfordshire DC v First Secretary of State* (2006) EWHC 370, the court accepted that a structure can be a "dwellinghouse" even if unoccupied, provided it is "ready for occupation and capable of providing residential accommodation".

A site visit was conducted on 21 October 2025, during which it was confirmed that no rooflights had been inserted into the main roof of the dwelling and the roof had been entirely tiled. When viewed externally during this site visit, the dwelling was substantially complete. Photographs dated 22 September 2025, submitted by the applicant, demonstrated that the bathrooms within the dwelling were completed. A second site visit was conducted on 2 December 2025, which established that the bathrooms, as photographed, were in situ, along with a completed kitchen and all other utilities, confirming the dwelling was substantially complete and capable of being habitable.

Additional information provided by the applicant in the form of a construction timeline outlines that the 6 rooflights were installed on 2 November 2025, after this application was submitted. The document also contains the completion dates for each stage of the building works. Given that the dwelling had the appearance of being substantially complete externally on the 21 October 2025, and the dated photographs demonstrate that the bathrooms had been completed by the 22 September 2025, on the balance of probability, the dwelling was substantially complete and/or habitable before the submission of this application.

It is noted that information has been submitted by other parties that indicate that the timber used within the roof construction of the dwelling had been installed so as to future proof for the allowance of rooflights to be inserted. Notwithstanding this, the internal structures, in this case, the roof timbers, did not result in any material difference to the dwelling when viewed externally when compared to the originally approved dwelling under application reference A/40/24/PL, and the entire roof was tiled during a site visit undertaken on the 21 October 2025. As such, the internal fabric, in this case, the roof timbers,

have not constituted any deviation from the originally approved plans. The rooflights were not installed during the construction of the dwelling and were installed once the dwelling was substantially complete.

Furthermore, the site visit on the 2 December 2025 revealed that the dwelling as constructed comprised three bedrooms at first floor level rather than four, which does not strictly accord with the approved plans or the description of the original planning permission (A/40/24/PL). Notwithstanding this, in *Hillside Parks Limited v Snowdonia National Park Authority* (2022), it was ruled that immaterial changes (or non-material variations) remain within the scope of an original planning permission. In this case, the applicant has not installed a wall at first floor level to create four bedrooms, instead opting to create three bedrooms with an ensuite bathroom replacing the originally approved fourth bedroom. The alterations to the original permission are immaterial, and are solely internal alterations, thus ordinarily, these alterations would not comprise development as defined within Section 55 of the Town and Country Planning Act 1990. The minimal internal alterations have not resulted in any changes to the external appearance of the dwelling. The alterations therefore remain within the scope of the original planning permission as they have not materially altered the development.

Given the information outlined above and the information submitted as part of this application, the dwelling as constructed does not materially deviate from the originally granted planning permission (reference A/40/24/PL), and the minor internal changes are immaterial, falling within the scope of the original planning permission. Whilst, during construction, parts of the structure of the dwelling were constructed so as to enable future alterations, in this instance, the roof timbers were constructed to allow for rooflights to be installed, this remained within the scope of the original planning permission and did not result in any external alterations when compared to the original consent. As such, the installation of 6 rooflights can be considered under this application as the dwelling benefitted from the relevant permitted development rights at the time of submission of this application.

The installation of 6 rooflights complies with relevant sections of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is lawful and does not require the submission of an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 3 October 2025 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, would have been lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 for the following reason of compliance with the relevant criteria within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE

The installation of 6 No. rooflights as shown on drawing numbers:

- Existing Location Plan 2023.399a.01.
- Proposed Block Plan 2023.399a.02.
- Proposed Floor Plans, Elevations, Roof Plan 2023.399a.04. Rev A.

SECOND SCHEDULE

Land West of Avenals Barn, Water Lane, Angmering, BN16 4QS (now known as Archway, 2A The Groves).

EXTENT OF USE

Installation of 6 No. rooflights.

A/152/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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