

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** A/186/24/CLP**LOCATION:** 1 Lansdowne Close
Angmering
BN16 4JN**PROPOSAL:** Lawful development certificate for a proposed extension and roof alterations to an existing craft-room / outhouse to create a habitable space.**DESCRIPTION OF APPLICATION**

This application seeks a lawful development certificate for a proposed extension and roof alterations to an existing craft-room / outhouse to create a habitable space.

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) (England) Order 2015 as amended.

- Class E, which pertains to buildings 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 extension and roof alterations to an existing craft-room / outhouse to create a habitable space could fall under Schedule 2, Part 1, Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

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 G, M, MA, 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.; or

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

The property known as 1 Lansdowne Close is a detached property and is not listed or within a conservation area. There are no relevant restrictions of the property's permitted development rights. The proposed development is described as an extension to an existing outbuilding. Proposals to maintain or improve an existing outbuilding must comply with the requirement of Class E.

Section (e) of Part E requires that the height of an outbuilding with a dual pitch roof should not exceed 4m and that the maximum height of an outbuilding should not exceed 2.5m within 2m of any boundary. The proposed extension to the outbuilding exceeds these limits, having a total height of 4.6m. The outbuilding is also located adjacent to the boundary, thus the maximum height exceeds the 2.5m permitted height. The proposed building has accommodation in the roof space, and therefore has more than one storey, in conflict with section (d).

The proposed outbuilding contains a kitchen area, bathroom and bedroom. The outbuilding could therefore be used as a separate unit of accommodation, with no reliance on the main dwellinghouse. The technical guidance states that "a purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen". For this reason, the outbuilding is not considered incidental to the enjoyment of 1 Lansdowne Close. The proposed outbuilding therefore does not benefit from the provisions of this section of the General Permitted Development Order.

The proposal is not lawful and would require the submission of an application for planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 29 October 2024 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 lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 by reason of non-compliance with Class E of the General Permitted Development Order (2015).

FIRST SCHEDULE

The development has been assessed against the following plans:

- Location plan 1
- Location plan 2
- Proposed site plan
- Proposed roof plan
- Existing and proposed elevations - 6
- Proposed joist plan
- Proposed ground floor plan
- Proposed internal elevation
- Existing and proposed side elevations - 8 and 9
- Proposed first floor plan - 5

SECOND SCHEDULE

1 Lansdowne Close, Angmering, BN16 4JN.

EXTENT OF USE

Extension of an existing outbuilding to create a building measuring 3.7m wide by 7m deep and 4.6m high.

A/186/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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