



RODWAY PLANNING
CONSULTANCY LIMITED

SUPPORTING STATEMENT

***‘LAWFUL DEVELOPMENT CERTIFICATE APPLICATION
FOR PROPOSED DEVELOPMENT - RELATING TO THE
PROPOSED USE OF AN EXISTING STRIP OF LAND
FOR RESIDENTIAL GARDEN USE, IN ASSOCIATION
WITH THE ADJOINING RESIDENTIAL PROPERTY
KNOWN AS ‘ROND POINT’***

**‘ROND POINT’, HAM MANOR WAY, ANGMERING,
WEST SUSSEX, BN16 4JQ**

NOVEMBER 2020





RODWAY PLANNING
CONSULTANCY LIMITED

1.0 INTRODUCTION

- 1.1 I am instructed on behalf of my clients, Mr. and Mrs. Jones, to submit an application for a Lawful Development Certificate for a Proposed Use in relation to an existing strip of land adjacent to the dwelling known as 'Rond Point' on Ham Manor Estate, Angmering.
- 1.2 This application seeks to obtain confirmation from the Local Planning Authority that the proposed use of this strip of land for use as residential garden land in relation to the adjacent dwelling known as 'Rond Point', is lawful in planning terms.
- 1.3 It would then follow that approval should be given, and a Lawful Development Certificate issued in respect of this proposed use.





RODWAY PLANNING
CONSULTANCY LIMITED

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a strip of land between 2 No. residential properties, referred to as 'Ashurst' to the south west and 'Rond Point' to the north east.



Fig 1. Aerial map showing the site and its surroundings (*courtesy of Google Maps*)

- 2.2 The application site is situated to the north of Ham Manor Way and forms part of the grassed area of the golf course.
- 2.3 The surrounding area is semi-rural, being characterised by large detached properties of various forms and design. Properties are generally set within spacious plots.



RODWAY PLANNING
CONSULTANCY LIMITED

- 2.4 In terms of the sites planning designations and constraints, it is understood that the application site is located outside of any defined built up area boundary, within designated countryside. Residential development in this area is historic and was granted under **planning ref: A/2/57/**.

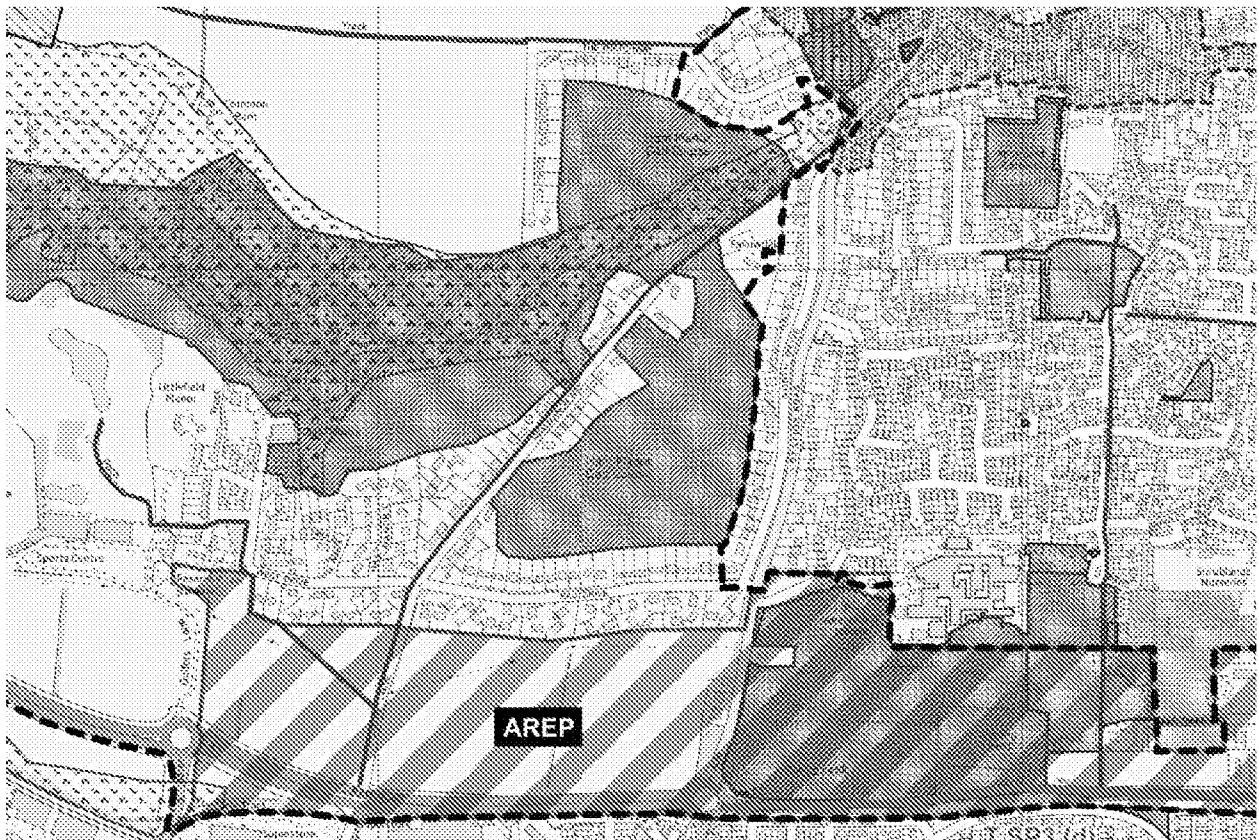


Fig 2. Extract from Adopted Local Plan.
Policy Map 4 - Littlehampton and Surrounding Area



RODWAY PLANNING
CONSULTANCY LIMITED

3.0 PLANNING HISTORY

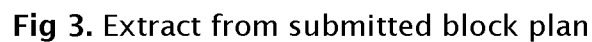
3.1 According to the records held by Arun District Council, the application site (Land between Ashurst and Badgers) has the following planning history:-

- **Planning ref: A/55/19/PL/:** Construction of 1 No. new two storey house (resubmission following A/31/19/PL). This application is a Departure from the Development Plan & affects a Public Right of Way. Approved Conditionally 08-08-19.
- **Planning ref: A/31/19/PL/:** 1 No. two storey house (resubmission following A/87/18/PL). This application is a Departure from the Development Plan & affects a Public Right of Way. Refused 29-04-2019.
- **Planning ref: A/87/19/PL/:** Erection of 1 No. detached 2-storey, 5-bed dwelling with attached double garage (resubmission following A/176/17/PL). This application is a Departure from the Development Plan & affects a Public Right of Way. Refused 22-08-18.
- **Planning ref: A/212/17/CLP/:** Lawful development certificate for the proposed erection of 2 no. dwelling in accordance with planning permission A/2/57/: PP Not Required 29th March 2018.
- **Planning ref: A/76/60/:** Dwelling and garage. Approve 11-10-1960.
- **Planning ref: A/71/59/:** House and integral garage. Approve 13-10-1959.
- **Planning ref: A/2/57/:** Outline application development of bungalows and houses. Approved Conditionally 05-02-1957.
- **Planning ref: A/62/49/:** Layout (part). Approved 5th December 1949.





4.1 This Certificate of Lawful Development application relates to the use of a strip of land as residential garden land (as outlined in red at **fig 3** below), in relation to the property known as 'Rond Point' to the north east of the site.



4.2 The proposed use would be ancillary to the main dwelling (Use Class C3).



RODWAY PLANNING
CONSULTANCY LIMITED

5.0 LEGISLATION

- 5.1 Paragraph 001 of the NPPG sets out the 2 different types of Lawful Development Certificate, as follows:-

"(a) an existing use of land, or some operational development, or some activity being carried out in breach of a planning condition, is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990; or

(b) a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990".

- 5.2 This proposal relates to section (b) outline above – *"a proposed use of other land..."*

- 5.3 Paragraph 003 goes on to note that *"the statutory framework covering "lawfulness" for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required".*



RODWAY PLANNING
CONSULTANCY LIMITED

6.0 PLANNING ASSESSMENT AND SUMMARY

- 6.1 Under Section 57(1) of the Town and Country Planning Act 1990, planning permission is required for the carrying out on land of any development. 'Development' is defined under Section 55(1) of the Act and includes the making of any material change of use of any buildings or other land. Section 55(2)(d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such, **does not involve development of land.**
- 6.2 The Certificate of Lawful Use that is the subject of this application, seeks to demonstrate that on the balance of probability outline planning permission A/2/57/ remains in respect of the development on part of the golf course fronting Ham Manor Way.
- 6.3 It is understood that the plots were originally indicated on outline permissions A/62/49 and A/2/57 but the Council's records for these applications are incomplete and the plans and approvals are missing. As such, we have provided a copy of the plan relating to A/71/59 as part of this submission which clearly numbers plots 5-9.
- 6.4 Further, it is clear that dwellings are provided and development has taken place on the specified plots – for instance, neighbouring 'Ashurst' appears to be encompassed by plot 6 and some of plot 7 on this historic plan, whilst the new dwelling 'Rond Point' forms land identified as plots 8 and 9. The application site, edged in red, appears to form the remainder of plot 7 (which is not already part of existing plot of 'Ashurst').
- 6.5 This attached plan is taken from an original set of documents for A/71/59 for plot 52 referencing A/2/57 as the outline application associated with the application and

enclosing a full plan of the plots on the Ham Manor Estate for which outline permission was granted by A/2/57.

- 6.6 The Council will note from a site visit that Ashurst to the south west has been developed and the dwelling has existed for a number of years (permission was granted under reference A/76/60 following outline and refers to Plot 6). Ham Manor Estate as a whole has been substantially built. 'Rond Point' has also now been constructed following more recent permissions, detailed in Section 3 above.
- 6.7 The application site is clearly located within the area identified for residential development on the historic plans, forming part of a defined plot on the north side of Ham Manor Way. The application site does not project to the rear beyond the boundary of the adjacent plots, and therefore it is confirmed that the application site benefits from an established lawful use as residential land confirmed via planning permission A/2/57, which has been subsequently lawfully implemented. Therefore the proposed change of use is also lawful, and no planning permission is required.
- 6.8 It is our view that the evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.
- 6.9 It is our view that for the reasons outlined above and judged on the balance of probability, the submitted evidence is sufficient, precise and unambiguous and as such outline planning permission A/2/57 relating to the development is extant.
- 6.10 It is our view that planning permission is not required, and that consent should be forthcoming in respect of this Certificate of Lawfulness for Proposed Development.

November 2020