

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: A/58/26/CLE

LOCATION: Fairlawn
Station Road
Angmering
BN16 4HN

PROPOSAL: Lawful development certificate for the existing conversion of the existing garage building to a habitable space.

DESCRIPTION OF APPLICATION

The application relates to a certificate of lawfulness for and existing conversion of a detached garage into habitable space.

SITE AND SURROUNDINGS

The site includes a detached, two storey dwelling and a detached pitched roof garage which has undergone a conversion to habitable accommodation used incidentally to the host dwelling, and the replacement of a window and door.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

Angmering Parish Council
No objection.

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.

The installation of a UPVC replacement window and door and the internal alterations to facilitate the garage conversion are assessed against Section 55 of the Town and Country Planning Act 1990.

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 alterations to fenestration (UPVC replacements) and the internal alterations will be assessed against Section 55 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.

(1A) For the purposes of this Act " building operations " includes:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

(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,

OFFICERS COMMENTS

The property known as Fairlawn, Station Road is a detached property, and is not listed or within a conservation area.

Examination of site history has revealed no relevant restrictive conditions; the property was likely built pre-1948.

The internal works and like-for-like replacement of fenestration do not constitute development in accordance with Section 55 (2(a)(i) of the Town and Country Planning Act (1990), and therefore do not require express planning permission from this authority.

RECOMMENDATION

APPROVE

The use 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 lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by way of compliance with Section 55 of the Town and Country Planning Act 1990.

FIRST SCHEDULE

The existing conversion of detached garage into habitable space, as shown on the following plans:

- Location Plan
- Planning Statement

SECOND SCHEDULE

Fairlawn, Station Road, Angmering, BN16 4HN.

EXTENT OF USE

Conversion of the existing garage building to a habitable space.

A/58/26/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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