

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

REF NO: BE/158/21/CLP

LOCATION: 22 Maple Gardens
Bersted
PO22 9LB

PROPOSAL: Lawful development certificate for the proposed change of use of existing utility room to dog grooming business.

DESCRIPTION OF APPLICATION

The application seeks to convert an existing utility room for use as a dog grooming business.

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.

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

Town and Country Planning Act S55 Para 2 states 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development.'

The partial change of use is considered against S55 Para 2(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

The applicant intends to change the use of a utility room for use as a dog grooming business. The applicant is to be the only employee. The working hours will be 9am-5pm on weekdays and 10-1pm on Saturdays. The rest of the property will remain residential. There will be no changes to the external elevations and access to the business will be through the existing entrance.

It is expected to groom 2-3 dogs a day and the business will operate by appointment only and will by pick up and drop off and therefore it is not considered to result in additional number of vehicles parking at the property for significant periods of time.

Based on the extent of use it is considered the change of use as a dog grooming business is not a material change and therefore does not constitute development.

The Town and Country Planning Act S55 Para 2(a) informs that the carrying out for the maintenance, improvement or other alteration of any works which affect only the interior of the building or do not materially affect the external appearance of the building are also not regarded as development. There are no changes to be made to the external elevation and the proposed change of use would not be regarded as development.

Examination of the site history of the site has revealed no restrictions on permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 2/11/21/ 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 192 of the Town & Country Planning Act 1990 for the following reasons;

- 'The operations or uses of land shall not be taken for the purposes of this Act to involve development'. S55 Para 2.

FIRST SCHEDULE

The use is limited to Mrs Monika Karonska and no other person/employees.

The use as a dog grooming business is limited to Monday- Saturday only.

Working hours will be 9am-5pm on Monday to Friday and 10am-1pm on Saturdays.

Business will be by appointment only.

The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan**
- Floor Plan**

SECOND SCHEDULE

22 Maple Gardens, Bersted, West Sussex, PO22 9LB.

EXTENT OF USE

Change of use of utility room to dog grooming business.

BE/158/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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