

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/121/21/CLP**LOCATION:** 3 Beatty Road
Bognor Regis
PO21 2HD**PROPOSAL:** Lawful development certificate for the proposed change of use of building from dwelling (C3 Dwelling house) to a 6 bed HMO (C4 House in Multiple Occupation).**DESCRIPTION OF APPLICATION**

The application seeks a lawful development certificate for change of use from a class C3 (dwellinghouse) to C4 (small HMO).

RELEVANT SITE HISTORY

BR/81/21/CLE	Lawful development certificate for the existing change of use of building from dwelling (C3 Dwelling house) to a 6 bed HMO (C4 House in Multiple Occupation).	Withdrawn 21-04-21
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BR/837/71	Extension To Lounge	Approve 11-01-72
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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).

- Part 3 Class L, which pertains to changes of use.

Provided the 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

There has been large number of comments received in relation to the application. These object to the application mainly for reasons of;

- Traffic/parking.
- Overdevelopment
- Pressure on local facilities
- Disruption to the local residents

The application seeks to confirm whether the works fall under permitted development or whether a planning application is required. Permitted development is development that does not require a planning application.

Due to the type of application it is, we are not able to consider any objections received as it is not a planning application and is only to be determined against the limitations of the national legislation referred to above (i.e. no more than 6 people).

If a HMO of more than 6 people was proposed in future we would require a planning application and at that time and we would be able to consider issues such as parking, noise, disturbance, character etc.

The change from a dwellinghouse to a small HMO is permitted development providing that there are no more than 6 people present in the property. The application has a floorplan showing 6 double beds however the applicant confirmed in writing (24/05/21) that he is applying on the basis of a maximum of 6 people (i.e. 1 per bed).

Class L - small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building-

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes

Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use-

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

The proposed change of use complies with relevant sections (a), (b) and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 13/5/21 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 by reason of compliance with the relevant criteria within Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed use is considered to fall under Schedule 2 Part 3 of the GDPO.

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

- Proposed Floor Plans - April/12/2021**
- Email received 24th May confirming occupancy number (for up to 6 people).**

SECOND SCHEDULE

3 Beatty Road, Bognor Regis, West Sussex, PO21 2HD.

EXTENT OF USE

Conversion of property from C3 dwellinghouse to form a C4 small HMO for up to 6 people.

BR/121/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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