

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/271/21/CLP**LOCATION:** 1 Parklands Avenue
Bognor Regis
PO21 2BA**PROPOSAL:** Lawful development certificate for proposed use of residential dwelling for lawful working from home.**DESCRIPTION OF APPLICATION**

The application seeks to determine whether permission is required for use of the property to work from home with an office being the main designated working area.

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 use an office to work from home. The activities that would take place would involve administrative/office based work, restricted to phone calls, computer work and paper work.

A recent high court decision Sage v Secretary of State for Housing, Local Government and Communities EWHC 2885 (Admin) made a judgement clarifying the approach to be taken when considering whether working from home requires planning permission.

'The key question as to whether use is incidental is whether there has been a change in the character of the use. For example, the actual disturbance may point to a nature or degree of use which is materially different from that of a dwelling house or its incidental purposes, but is not the touchstone of the materiality of the change of use.'

'The Judge acknowledged that what is normal or reasonably incidental may have shifted with changes in work habits as a result of Covid.'

The planning statement notes the property will remain as a residential property and the applicant will be working both from home and in the practice. The house has a study downstairs, which will be the main office. It is noted colleagues may on occasion visit the premises which is in close proximity to the main GP practice.

Hours of work will consist of 9am-5pm Monday to Friday.

There is off road parking available for approximately 3 vehicles.

Based on the information provided and the extent of use it is considered it 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 the 16/12/21 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 of the ground floor study as an office use is limited to Monday- Friday only.

Working hours will be 9am-5pm on Monday to Friday.

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

- Location Plan
- Floor Plan

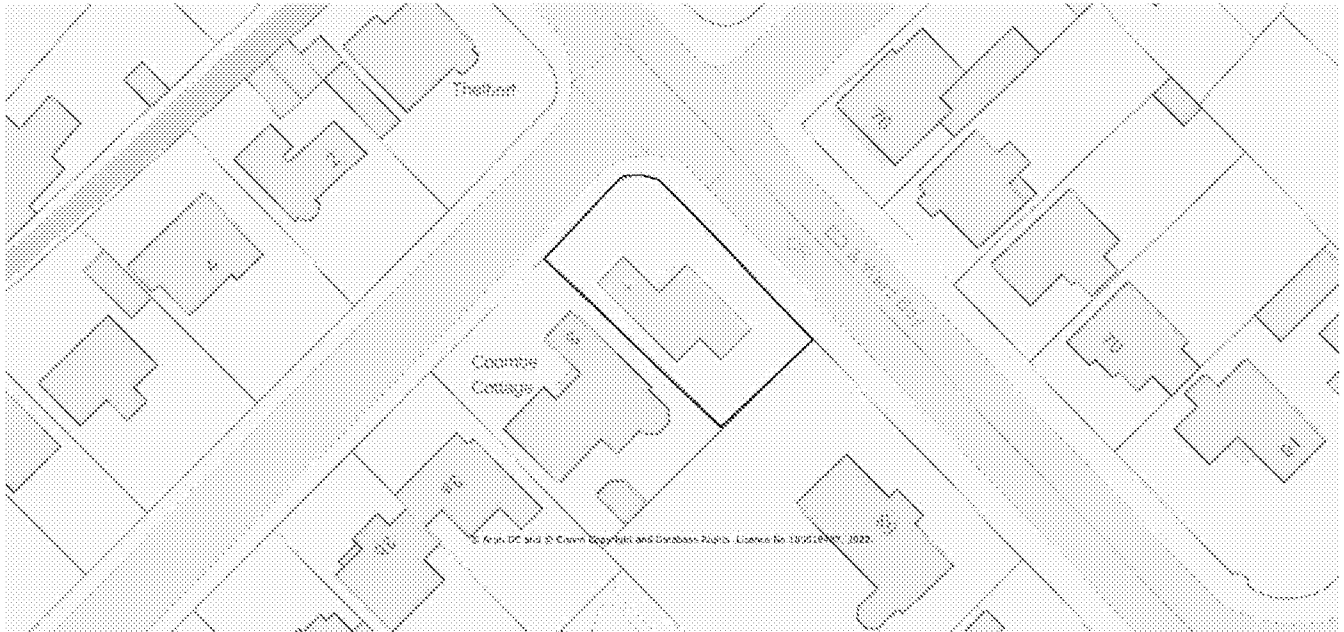
SECOND SCHEDULE

1 Parklands Avenue, Bognor Regis, West Sussex, BN13 2EP

EXTENT OF USE

Use of the property to work from home with a ground floor office being the main designated working area.

BR/271/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015