

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

REF NO: BR/319/17/CLE

LOCATION: 188 Hawthorn Road
Bognor Regis

PROPOSAL: Lawful development certificate for existing use of the annexe of 188 Hawthorn Road granted planning permission by BR/174/15/PL for supportive living separately to the use of the main building and removal of the internal door. Carers of the main care home of 188 Hawthorn Road, Bognor Regis do not have to provide support for the occupants of the building.

DESCRIPTION OF APPLICATION

To establish if the use of the annexe granted planning permission by BR/174/15/PL and removal of internal door is development requiring formal planning consent for supportive living separately to the use of the main building whilst remaining an annexe to 188 Hawthorn Road. Carers in the main care home do not have to provide support for the occupants of the building. The annexe is not used as an entirely separate unit of residential accommodation.

DESCRIPTION OF SITE AND SURROUNDINGS

Two storey residential care home with forward facing gable end roof, white rendered walls and red clay roof tiles. Gardens to front and rear with driveway at front and single storey side outbuilding. The annexe to the side is the subject of this application. Two storey detached and semi-detached buildings set back from the road and Bognor Regis Sports Club opposite.

RELEVANT SITE HISTORY

BR/174/15/PL	Convert & extend existing common room, wc & kitchenette annex to provide a self contained 2 single bedroom annex with internal link to the existing Residential Care Home.	ApproveConditionally 24-09-2015
BR/619/85	Change of use from private residential to shared accommodation for mentally adults and assistants	ApproveConditionally 15-01-1986

BR/174/15/PL granted permission for an annexe to the main care building with internal door for occasional access from main care home.

No condition was imposed on the approval to state the unit must always be used ancillary to the main care home but is still an annexe to the main care home. It was clear in the application that no carers would stay in the annexe.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Planning Solicitor

Consultations responses received:

None made.

Comments on Consultation responses:

N/A.

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 Act 1990 (as amended):

Part II, section 55

Meaning of "development" and "new development".

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(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.

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.

CONCLUSIONS

The removal of the internal door would not be considered development in line with Section 55 of the Town and Country Planning Act 1990 (as amended). Furthermore, the approved development and its use is considered to grant separate use of the annexe with a permanent material 'operational development' link to the use of the main care home. However, this does not preclude the physical separation from the main care home and external carers not from the main care home providing support for the residents in the annexe. There would be no material change of use from the approved development by the annexe being used for separate supported living accommodation with outside carers. The annexe is not a separate unit of residential

accommodation.

RECOMMENDATION

PP NOT REQUIRED

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 reason that at the date specified above, the property had been in use as an annexe with care provided separately from the main care home of 188 Hawthorn Road, with no internal door between the annexe and the main unit of 188 Hawthorn Road, Bognor Regis.

FIRST SCHEDULE

Lawful Development Certificate for the existing use of the annexe granted planning permission by BR/174/15/PL for supportive living separately to the use of the main building and removal of the internal door. Carers of the main care home of 188 Hawthorn Road, Bognor Regis do not have to provide support for the occupants of the building as shown on drawings:-

01
03.*
04.

SECOND SCHEDULE

188 Hawthorn Road, Bognor Regis, West Sussex PO21 2UX

EXTENT OF USE

Use of the annexe for 188 Hawthorn Road, Bognor Regis, granted planning permission by BR/174/15/PL for supportive living separately to the use of the main building and removal of the internal door. Carers of the main care home of 188 Hawthorn Road, Bognor Regis do not have to provide support for the occupants of the building. The annexe is not a separate unit of residential accommodation.



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