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

REF NO: **BR/31/19/CLP**

LOCATION: 30 Nelson Road
Bognor Regis

PROPOSAL: Application for Certificate of Lawfulness for a Proposed Use - Erection of a garage

DESCRIPTION OF APPLICATION

Lawful development certificate for a proposed erection of a detached garage.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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.

CONCLUSIONS

The proposed detached single storey garage is considered to fall under Schedule 2 Part 1 Class E of the Town and Country Planning permission (General Permitted Development Order) (England) Order 2015.

E.1 Development is not permitted by Class E:-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class
M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall
forming the principal elevation of the original dwellinghouse;

(d) the building would have more than a single storey;

(e) the height of the building, enclosure or container would exceed-
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;

(f) the height of the eaves of the building would exceed 2.5 metres;

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

(h) it would include the construction or provision of a verandah, balcony or raised platform;

(i) it relates to a dwelling or a microwave antenna; or

(j) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within-

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures,
pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed
10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container

would
be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of
the curtilage of the dwellinghouse.

The proposed garage complies with relevant sections (a),(b),(c),(d),(e)(ii)(iii),(f),(g),(h),(i)(j) and is considered to be 'Permitted Development' and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

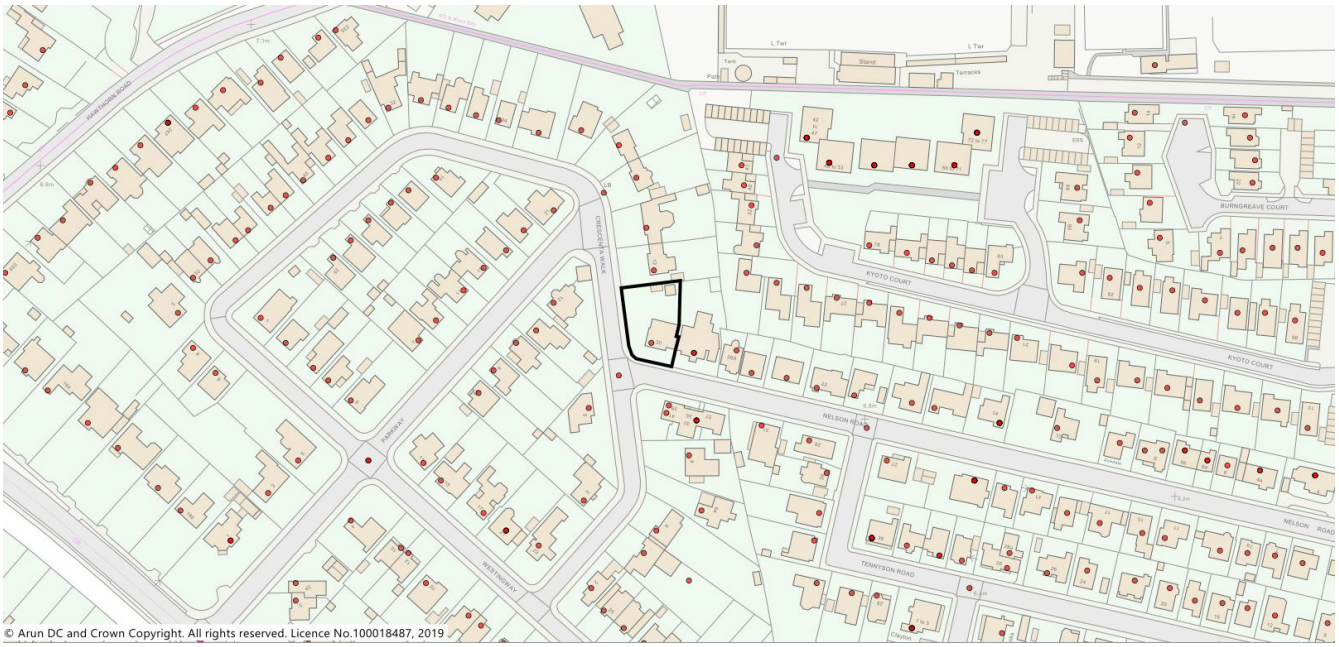
The Arun District Council hereby certify that on 31.01.2019 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons :

- The proposed development complies with limitations of Schedule 2 Part 1 Class E of the General Permitted Development Order 2015.

FIRST SCHEDULE
Erection of a proposed detached garage. This is shown on the following plan:
- Block plan
- Proposed Elevations

SECOND SCHEDULE
30 Nelson, Bognor Regis, PO21 2RZ

EXTENT OF USE
Construction of a proposed single storey detached garage.



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