

APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT

S.192 TOWN AND COUNTRY PLANNING ACT 1990

CHANGE OF USE UNDER CLASS IA PART 3 SCHEDULE 2 GPDO 1995

THE PIGGERIES, THE STREET, CLIMPING, LITTLEHAMPTON, WEST SUSSEX, BN17 5RG

SUPPORTING STATEMENT

01 August 2014

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1. Introduction

This statement has been prepared in support of an application for a lawful development certificate under section 192 of the Town and Country Planning Act 1990 (the Act).

The application seeks to confirm that it will be lawful to implement a change of use of the building known as The Piggeries, The Street, Climping, Littlehampton, West Sussex, BN17 5RG. The change of use proposed is from shop within Class A1 of the Use Classes Order 1987 to a residential dwelling house within Class C3 of the 1987 Order.

It is considered that the change of use is lawful as a result of the permitted development rights granted by Class IA of Part 3 of Schedule 2 of the General Permitted Development Order 1995.

2. The Site

The site comprises the building and associated curtilage shown edged in red on the attached plan.

The building was used as a fishing tackle shop up until 29th February 2008 planning permission having been granted for that use on 15 August 2007 under reference CM/11/07.

Attached are scanned photographs showing the building when it was in use as a shop and documented evidence of the site's planning history upon which it will be noted that in each case, the change of use from either "agriculture" or "redundant agriculture" was accepted by the Local Planning Authority.

Since the use as a fishing tackle shop ended in 2008 no alternative use of the building has been implemented.

3. The Law

Class IA(a)(i) of Part 3 of Schedule 2 of the General Permitted Development Order 1995 grants planning permission for the following change of use of

"A change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from (i) a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule"

As described above, the application site comprises a former shop.

Paragraph IA.1 describes the circumstances where Development is not permitted by Class IA. Taking these in turn:

- Paragraph (a) – whilst the site was not in use as at 20th March 2013 it was used as a shop when it was last in use. As stated above, the site was last in use in February 2008 as a fishing tackle shop.
- Paragraph (b) – The change of use was specifically authorised by planning permission reference CM/11/07.

- Paragraph (c) - The floor area of the proposed change of use is 65sqm which is within the 150sqm permitted by Class IA.
- Paragraph (d) - there has been no previous development under Class IA at this site.
- Paragraph (e) - This application is only for certification that the change of use would be lawful. No application has yet been submitted under Class IA(b) therefore this paragraph does not apply.
- Paragraph (f) - This application is only for certification that the change of use would be lawful. No application has yet been submitted under Class IA(b) therefore this paragraph does not apply.
- Paragraph (g) - the building is not on Article 1(5) land nor forms part of a site of special scientific interest; a safety hazard area nor a military explosives storage area. The building is not listed nor is it a scheduled monument.

Paragraph IA2(1)(b) sets out the requirement for prior approval to be obtained before the development can be carried out.

The Council will be aware that an application for prior approval was submitted on 20th May 2014 and considered by the Council under reference CM/12/14/PD.

This application was submitted in accordance with Paragraph N of Schedule 2 Part 3 of the General Permitted Development Order 1995. By your Council's letter dated 30 May 2014 the application was accepted as having been registered and validated on 20th May 2014. A copy of the application is attached.

You will be aware that by virtue of paragraph N(9) of the 1995 Order the development shall not be begun before the occurrence of one of the following:

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*
- (c) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*

The Council did not send any notice under paragraphs (a) or (b). The 56 days specified in paragraph (c) expired on 15th July 2014. Accordingly the requirements to obtain prior approval in condition MB2(1) has been satisfied and the development may now lawfully commence.

We are aware that Mr Baeza has written a letter states that the applications are each being returned to the applicant as a determination on prior approval was not made. However, we consider that this

letter is of no effect for the reasons set out in a letter from Brachers solicitors to the Council dated 17 July 2014. A copy of that letter is attached.