

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

REF NO: CM/23/20/CLP

LOCATION: Sadlers Cottage
Brookpit Lane
Climping
BN17 5QU

PROPOSAL: Lawful development certificate for the proposed change of use from a dwelling house (C3 Dwelling house) to childrens home (C3(b)). This application is not CIL Liable (zero rated) as other development.

DESCRIPTION OF APPLICATION

Lawful development certificate for the proposed change of use from a dwelling house (C3 Dwelling house) to childrens home (C3(b)). This application is not CIL Liable (zero rated) as other development.

RELEVANT SITE HISTORY

CM/21/20/CLE Certificate of lawful development for the existing use as a supported housing scheme (C3 (b)) for up to six people living together.

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 C, which pertains to changes of use.

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

The existing lawful use of the premises is as a dwellinghouse. The term 'dwellinghouse' is defined by Class C3 of the Town and Country Planning (Use Classes) Order 1987, as use;

(a) by a person or by people living together as a family, or

(b) by not more than six residents living together as a single household (including a household where care is provided for residents).

If the proposed use is deemed to accord with either of the above categories then this would mean that the premises is being occupied as a dwellinghouse.

Guidance in relation to use class C3 can be found in the Department of Environment Circular 13/87 in which paragraph 27 states;

"Local Planning Authorities should include any resident care staff in their calculation of the number of people accommodated. The class includes not only families or people living together under arrangements for providing care and support within the community, but also other groups of people such as students, not necessarily related to each other, who choose to live on a communal basis as a single household."

It is apparent that the occupants of the building would not reside in a manner which could be considered as living as a family. However, use class C3(c) does not require a dwellinghouse to be occupied by a single family unit but rather that the premises is occupied as a 'single household'. It is considered that the proposed use would fall within use class C3(c) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Therefore, the proposal is considered to be lawful in accordance with the definition of use class C3(c) as specified in the Town and Country Planning (Use Classes) Order 1987 (as amended).

An objection from a neighbouring resident is noted. However, this application is to assess the lawfulness of what is proposed and not the planning merits that it gives rise to.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 31/12/2019 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, would have been 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 13 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

Proposed change of use from a dwelling house (Use ClassC3 Dwelling house) to children's home (Use Class C3(b))

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

- Location Plan
- Applicants Statement dated 30 June 2020

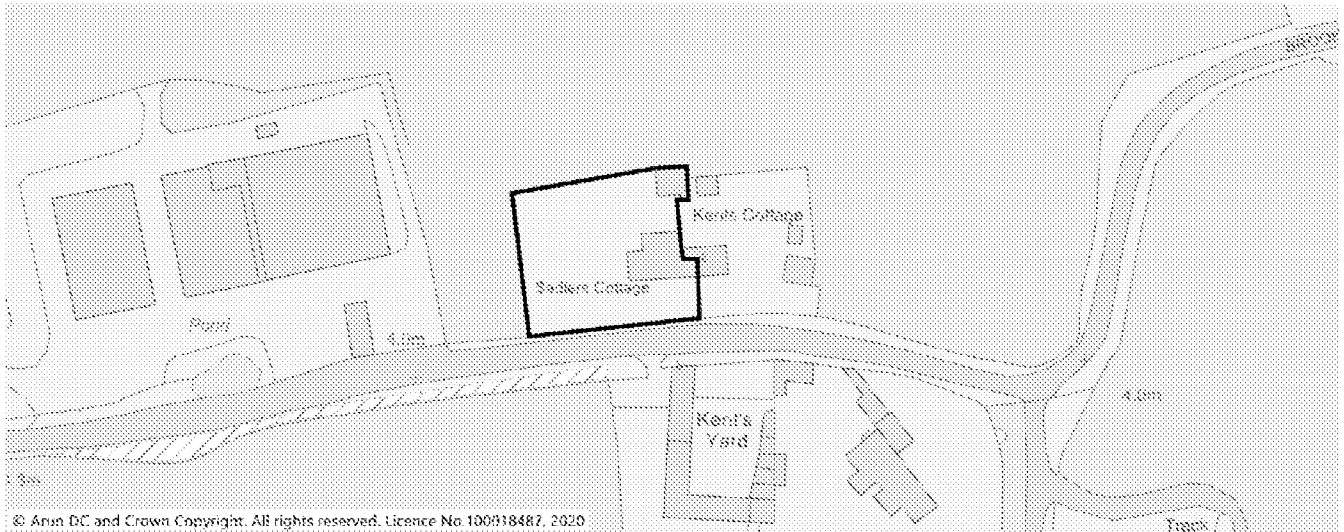
SECOND SCHEDULE

Sadlers Cottage, Brookpit Lane, Clymping

EXTENT OF USE

Lawful development certificate for the proposed change of use from a dwelling house (C3 Dwelling house) to childrens home (C3(b)). This application is not CIL Liable (zero rated) as other development.

CM/23/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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