

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: CM/24/10/CLP

LOCATION: 1 Thatched Cottages
Climping Street
Climping

PROPOSAL: Certificate of lawfulness for a proposed use as holiday let

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 675 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by an end-of-terrace two-storey dwelling which has red brick elevation walls and a pitched, thatched roof. A detached double garage building with an artists studio above has been constructed alongside the western site boundary where it can be accessed from Climping Street.
CHARACTER OF LOCALITY	The site is located outside of the built-up area on a rural road, the western side of which is bordered by fields whilst there is a group of dwellings of various designs, scales and orientations on the eastern side of the road.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

DEVELOPMENT PLAN AND/OR 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 pertinent matter is to determine whether the proposed use of the dwelling as a holiday home would result in a Change of Use that would require planning permission. The Town and Country Planning (Use Classes) Order 1987 (as amended) will be used to make this assessment.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposal is for the occasional use of the existing single dwelling unit as a single holiday let unit.

The Town and Country Planning (Use Classes) Order 1987 states that a dwellinghouse is classified as Use Class C3, which is further defined as the use of a building either by a single person or by people living together as a family, or by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The application states that the holiday lettings will be for a maximum of six people, the unit will not be subdivided and, therefore, it will remain in use as one household. The proposed use therefore fits within the definition of a C3 use. This is supported by The Land Use Gazetteer (3rd Edition) which lists a holiday letting for 6 or fewer people as a class C3 use.

It is therefore considered that the proposal would not constitute a Change of Use based on the evidence of The Town and Country Planning (Use Classes) Order 1987 and, as such, planning permission would not be required for it to be undertaken.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 18th November 2010 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason.

The proposed use for a holiday letting for a maximum of 6 individuals falls within the definition of C3 use in The Town and Country Planning (Use Classes) Order 1987 and, therefore, does not constitute a Change of Use.

- 2 "The development" concerned is for the use of the existing dwelling for holiday letting.

- 3 The proposal is for the use of the dwelling for a single holiday letting for a maximum of 6 individuals.
- 4 1 New Thatched Cottages, Climping Street, Climping, West Sussex, BN17 5RJ