

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

REF NO: CM/36/21/CLP

LOCATION: The Barn
Horsemere Green Lane
Climping
BN17 5QX

PROPOSAL: Lawful development certificate for the proposed change of use of existing outbuilding to habitable use and proposed change to internal staircase to spiral staircase and installation of kitchen and bathroom.

DESCRIPTION OF APPLICATION

The application seeks to use the existing outbuilding for habitable use and to construct internal alterations.

Internal alterations do not require planning permission.

RELEVANT SITE HISTORY

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).

- The Town and Country Planning Act S55
- Class E - buildings etc incidental to the enjoyment of a dwellinghouse.

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 proposed outbuilding conversion is considered to fall under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

E. The provision within the curtilage of the dwellinghouse of

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if

- (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;
- (j) the capacity of the container would exceed 3,500 litres; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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.

Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The proposal is also assessed under the Town and Country Planning Act S55 Para 2 which states 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development.'

The change of use is considered against S55 Para 2(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

It is considered the change of use from storage to habitable space for use of the family and guests is not considered a material change of use and would remain incidental to the existing C3 use of the dwellinghouse and therefore does not constitute development.

The Town and Country Planning Act S55 Para 2(a) informs that the carrying out for the maintenance, improvement or other alteration of any works which affect only the interior of the building or do not materially affect the external appearance of the building are also not regarded as development. No external alterations are proposed and interior changes are not regarded as development.

The property known as The Barn is a detached property with a detached outbuilding and is not listed or within a conservation area.

Examination of the site history has revealed no restrictions on permitted development.

The proposed conversion states it will be used if guests visits and by the family on occasions. This is considered incidental to the use of the main dwelling.

The height of the building has not been considered in this case as it is an existing building. The proposed conversion complies with relevant sections and is considered permitted development 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 12th July 2021 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 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and s55 of the Town and Country Planning Act.

FIRST SCHEDULE

The proposed conversion is considered to fall under Schedule 2 Part 1 of the GDPO and s 55 of the Town and Country planning Act.

The development hereby approved shall be carried out in accordance with the following approved plans
- Proposed Floor Plan

SECOND SCHEDULE

The Barn, Horsemere Green Lane, Climping, BN17 5QX

EXTENT OF USE

Conversion of outbuilding to form a habitable space (not a separate dwelling).

