

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

REF NO: EP/53/17/CLP

LOCATION: East Preston Depot
Station Road
East Preston

PROPOSAL: Lawful development certificate for proposed internal alterations.

DESCRIPTION OF APPLICATION

The application seeks a lawful development certificate for internal alterations.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by parker building supplies and features industrial style units with roller shutter doors and clad upper sections with brickwork below. The application site is situated to the south of the railway line in close proximity to both commercial and residential properties.

RELEVANT SITE HISTORY

EP/51/12/	Change of use of from vehicle servicing depot (B2 General Industry) to form building supplies merchants (A1 Shops) (this application is a dual parish with Angmering)	ApproveConditionally 26-07-2012
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Planning permission was granted under reference EP/51/12/ for the Change of use of from vehicle servicing depot (B2 General Industry) to form building supplies merchants (A1 Shops).

This approval included condition 6 which stated "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf."

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

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 Act 1990 (as amended) Section 55.

Provided the proposed works satisfy the relevant criteria contained within s55 then the proposed works will not constitute development and as such 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 application proposes internal alterations to the layout of the building which would not affect the external appearance of the building. Section 55 Para. 2 (a) of the Town and Country Planning Act 1990 (as amended) informs that the carrying out for the maintenance, improvement or other alteration of any building of 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.

Therefore, the proposed alterations would not constitute development and as such would not require planning permission under Section 55 of the Town and Country Planning Act 1990 (as amended).

Consideration has been given to condition 6 of planning approval EP/51/12/ which removed permitted development rights for the extension or alteration of the premises. However, the proposed alterations are internal and as such do not constitute development under Section 55 and as such cannot be controlled by condition 6 of approval EP/51/12/.

It is also noted that the proposed floor plans (1649.LDC.02) show bi-fold doors on the western elevation of the building. This would constitute a conflict with condition 6 of planning approval EP/51/12/. However, the lawful development certificate relates solely to the alteration of the internal layout of the building.

It must also be noted that the approved use of site is as an A1 retail unit and the proposed internal alterations will not result in any change of use beyond that which is already permitted by planning approval EP/51/12/.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 10th April 2017 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 for the following reasons;

- The proposed internal alterations do not constitute development under Section 55 of the Town and Country Planning Act 1990 (as amended) as they are internal alterations and do not materially affect the external appearance of the building.

FIRST SCHEDULE

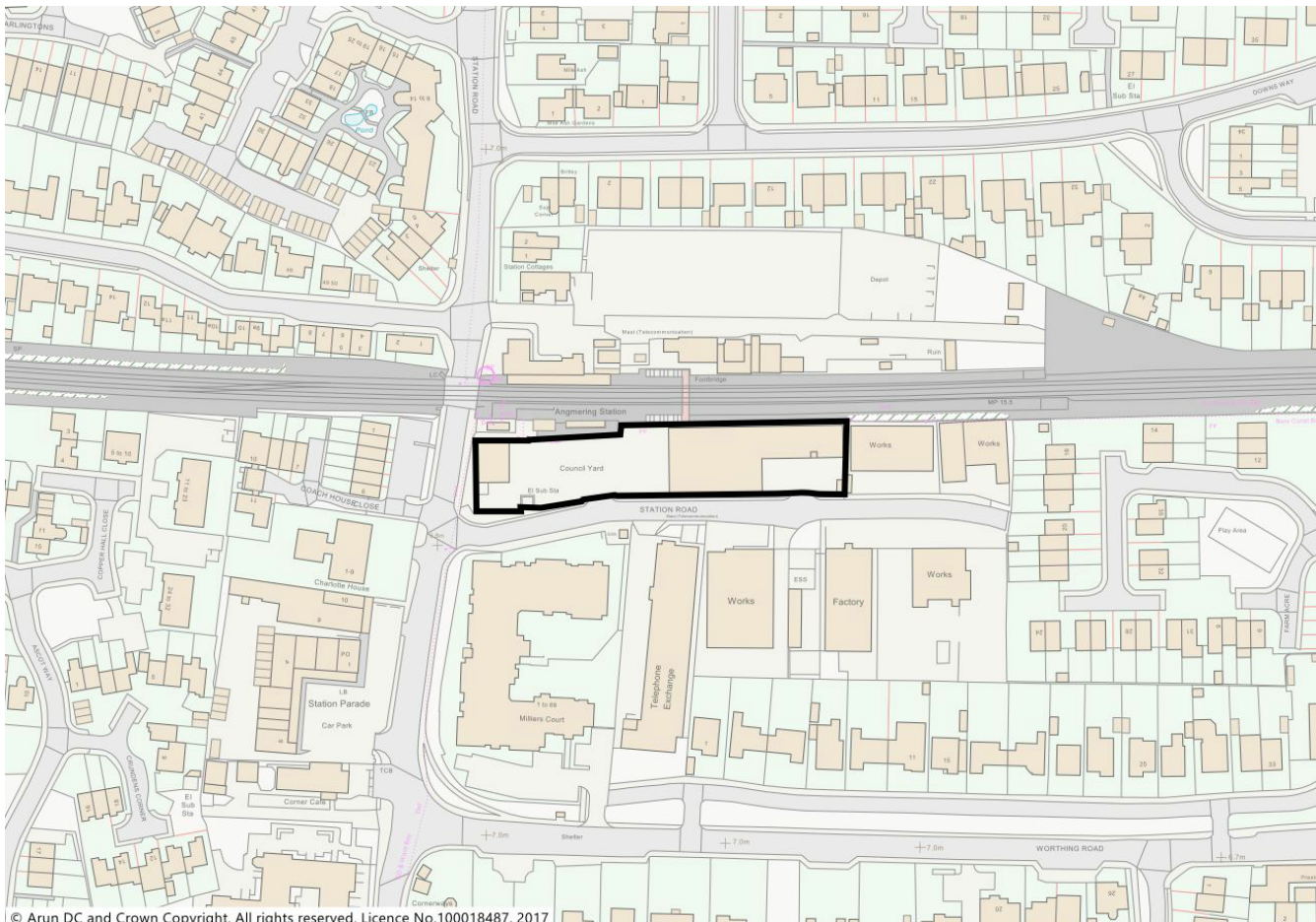
Internal alterations in accordance with the details specified on drawing no. 1649.LDC.02

SECOND SCHEDULE

East Preston Depot, Station Road, East Preston, West Sussex, BN16 3AA

EXTENT OF USE

Internal alterations to the existing building.



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and may lead to prosecution or civil proceedings. Arun District Council 100018487.