

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FG/10/22/CLP**LOCATION:** 3 Brookside Close
Ferring
BN12 6QD**PROPOSAL:** Lawful development certificate for the proposed conversion of garage and enlargement of driveway.**DESCRIPTION OF APPLICATION**

The application seeks the conversion of a detached garage into an office and an extension of the existing driveway.

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).

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

- Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

and

- The Town and Country Planning Act Part III (Meaning of Development) Section 55

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

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.

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; or

(j) the capacity of the container would exceed 3,500 litres.

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.

Class F - hard surfaces

This provides permitted development rights within the curtilage of a house for -

- (a) the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or
- (b) the replacement in whole or in part of such a surface

F.1 Development is not permitted by Class F if 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 (change of use)

Conditions

F.2 Development is permitted by Class F subject to the condition that where - (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Section 55 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act " building operations " includes

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
- (b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse

effects on the environment];

(c)the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(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 as such;

(e)the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f)in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g)the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

(2A)The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B)The development order may make different provision for different purposes.

(3)For the avoidance of doubt it is hereby declared that for the purposes of this section

(a)the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;

(b)the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if

(i)the superficial area of the deposit is extended, or

(ii)the height of the deposit is extended and exceeds the level of the land adjoining the site.

(4)For the purposes of this Act mining operations include

(a)the removal of material of any description

(i)from a mineral-working deposit;

(ii)from a deposit of pulverised fuel ash or other furnace ash or clinker; or

(iii)from a deposit of iron, steel or other metallic slags; and

(b)the extraction of minerals from a disused railway embankment.

(4A)Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection

' fish farming ' means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

' inland waters ' means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and

' tank ' includes any cage and any other structure for use in fish farming.

(5)Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

The property known as 3 Brookside Close is a semi-detached property and is not listed or within a Conservation Area.

The proposed conversion of the garage involves the incidental garage becoming an incidental office. The Town and Country Planning Act Part III (Meaning of Development) Section 55 Part 2(d) states that 'the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse' is not considered development. It is not a change in use class nor considered development. As such, it is lawful and does not require the submission of an application for full planning permission.

The exterior alterations of the proposed garage conversion complies with relevant sections (a),(b),(d),(g),(h),(i), (j) of Class E and is considered permitted development. As such, it does not require the submission of an application for full planning permission.

Whilst the outbuilding conflicts with (c),(e) and (f) of Class E in that it is taller than 2.5m within 2m of the site boundary and to the front of the principle elevation of the main dwelling, as it is an existing building and the proposed conversion accords with all other criteria in the Schedule, it is lawful.

The driveway extension complies with relevant sections (a),(b), F.2(a) and (b) of Class F. As such, it does not require the submission of an application or full planning permission.

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

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 21/03/2022 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- Compliance with The Town and Country Planning Act Part III (Meaning of Development) Section 55.
- Compliance with the relevant criteria within Schedule 2 Part 1 Class E and F of the Town and Country Planning (General Permitted Development (England) Order 2015.

FIRST SCHEDULE

The proposed garage conversion is considered to fall under the Town and Country Planning Act Part III (Meaning of Development) Section 55 and Schedule 2 Part 1 Class E of the GDPO.

The driveway extension is considered to fall under Schedule 2 Part 1 Class F of the GDPO.

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

- Proposed Location Plan and Block Plan Dwg No AP/03/21/103 Rev A
- Proposed Plans and Elevations Dwg No AP/03/21/102 Rev A

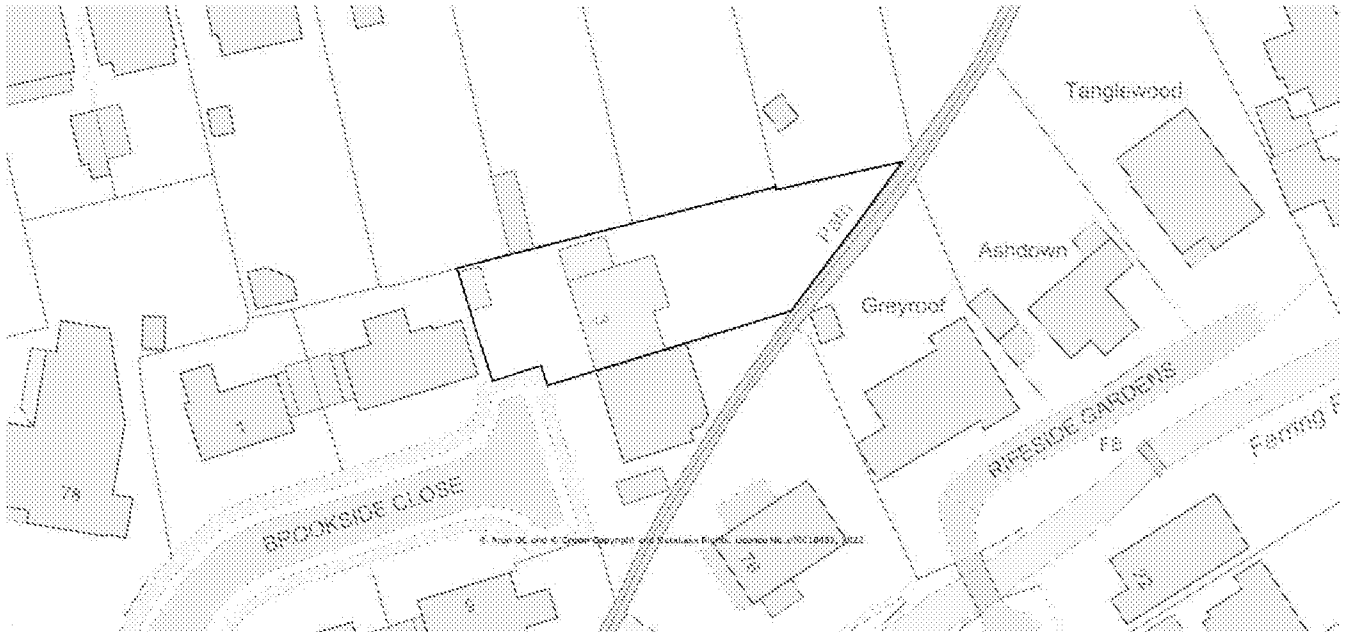
SECOND SCHEDULE

3 Brookside Close, Ferring, West Sussex, BN12 6QD.

EXTENT OF USE

Conversion of garage to incidental office with exterior alterations and driveway extension.

FG/10/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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