ARUN DISTRICT COUNCIL
Working in partnership with South Downs National Park Authority

Town & Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991

Application for Certificate of Lawfulness for an Exisiting use or Operation

DECISION NOTICE

Application Ref: FP/134/11/CLE

To Addressee

AM Design Architects
1 The Grove
Felpham
Bognor Regis
West Sussex
PO22 7EY

Site Address

Sea Breeze
Sea Road

PO22 7AN

Description of Application

Application for a lawful development certificate for an existing use for a rear balcony

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The Arun District Council hereby certify that on the 22nd July 2011 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 191 of the Town and Country Planning Act 1990 (as amended), for the following reason.

The applicant has provided evidence that the balcony has been in position for over 4 years and, as such, the period of time in which enforcement action can be taken, as set out in Section 171B(1) of the Town & Country Planning Act, has expired.

This means that the development has achieved lawful status as per Section 191(2)(a) of the Town & Country Planning Act 1990.

The development referred to is a timber balcony area to the rear of the site, attached to the western elevation of 'Sea Breeze.'

The balcony measures approximately 4.25 metres in width by 3.9 metres in depth. Its floor area is 1.6 metres above ground level, with additional balustrading around the edges and a overhanging roof area projecting approximately 1.6 metres from the rear of the main dwelling and measuring approximately 2.7 metres in width. The balcony is associated with the use of 'Sea Breeze' as a dwelling.

Sea Breeze, Sea Road, Felpham, PO22 7AN

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr J Smith

Date of Decision: **16 May 2012**

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

NOTES RELATING TO CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 191 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, was not liable to enforcement action under section 172 of the 1990 Act on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).