

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

REF NO: FP/259/18/CLP

LOCATION: 19 Rife Way
Felpham

PROPOSAL: Lawful development certificate for the proposed change of 2 No. flats into 1 No. dwelling.

DESCRIPTION OF APPLICATION

The application seeks to change the property from No.2 flats to a single dwellinghouse.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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.

CONCLUSIONS

Section 55(3) of the Act states that 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 but the Act is silent on the reverse situation where two or more units would be converted into one.

The Town and Country Planning Act S55 (2)(a) states:

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.

For the purposes of the application it has to be determined whether the proposed change of No.2 flats to a single dwellinghouse would constitute development.

The property is currently set up as two flats with the ground floor serving as a 4 bedroom flat and a 1 bedroom flat in the roof space above with a separate access.

It is considered the alteration would result in a material change of use of the building and therefore constitutes development and as a result the application is refused. there is case law (Richmond-upon-Thames) where it was concluded that conversion of flats two a single dwelling can require planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 27/11/2018 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 considered to be development within the meaning of section 55 of the Town and Country Planning Act 1990 and was not considered lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons.

The proposal conflicts with S55 (2) of the Town and Country Planning Act 1990 in such that it constitutes a material change and as a result is deemed development.

FIRST SCHEDULE

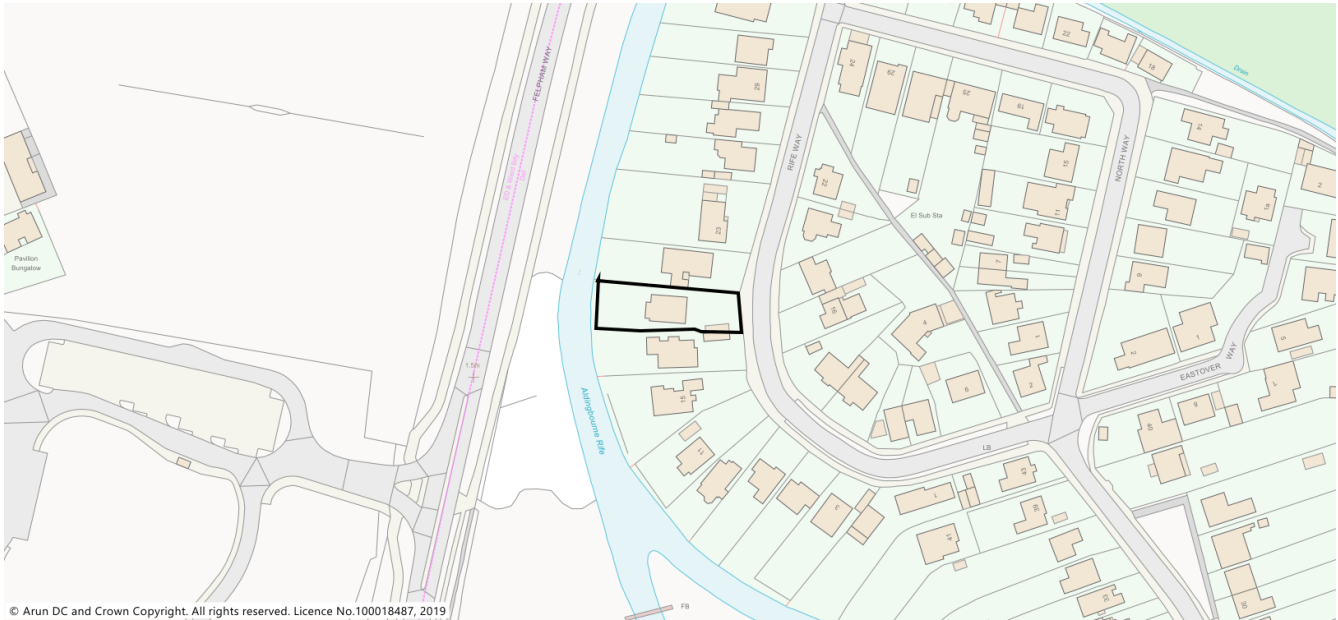
The proposed change from No.2 flats to a single dwellinghouse.

SECOND SCHEDULE

19 Rife Way, Felpham, PO22 7BN.

EXTENT OF USE

Change from No.2 flats to a single dwellinghouse.



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