

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

REF NO: FP/38/25/CLP

LOCATION: 11 Ormesby Crescent
Felpham
PO22 8EN

PROPOSAL: Lawful development certificate for a proposed new access and erection of a detached garage.

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for a proposed new access and erection of a detached garage.

RELEVANT SITE HISTORY

FP/170/24/HH	Side and rear extensions with internal alterations and front porch.	ApproveConditionally 16-01-25
FP/97/24/CLP	Lawful development certificate for proposed store/gym facilities.	PP Required 22-08-24

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, which pertains to buildings incidental to the enjoyment of the dwellinghouse.
- Class F, which pertains to hard surfaces incidental to the enjoyment of the 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 replacement garage falls under Schedule 2, Part 1, Class E and the proposed hardstanding falls under Part F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development

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 G, M, MA, 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.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Permitted development

F. Development consisting of -

(a) the provision within the curtilage of a dwellinghouse 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.

Development is not permitted by Class F if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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 is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The property known as 11 Ormesby Crescent is a detached property, and is not a Listed Building or within a conservation area. There are restrictions on the property's permitted development rights, relating to the construction of walls, fences and other means of enclosure. However, this restriction does not relate to the construction of ancillary buildings.

It is noted that a previous certificate for a proposed outbuilding at the property was refused, as the size of the building was not considered to be ancillary nature, and no evidence was produced to support the view that the building was reasonably necessary for enjoyment of the dwellinghouse. However, the current proposal shows a smaller building, measuring 6m by 7.2m, which is shown as a garage/store. The building in its proposed use a garage/store would be considered ancillary to the dwelling house. The second issue raised in the previous refusal was that the building was situated on land forward of the curtilage line. The current building has been moved back behind the notional curtilage line. The height of the building would exceed 2.5m within 2m of this notional curtilage line. However, given that the area beyond this line has been treated as part of the curtilage of the property in several other locations along

the street, and therefore the development complies with condition (e)(ii).

The proposed access is considered lawful in terms of planning. The road on which the property is situated is a Class D road, and a vehicle crossover would not require express consent from the LPA. A crossover licence from West Sussex County Council would need to be obtained.

The proposed hardstanding complies with Part F of the GPDO and with conditions F.2, as the hardstanding is not situated between the principal elevation and the highway.

The proposed garage complies with sections (a)(b)(c)(d)(e) and (f) of Class E and the proposed hardstanding complies with sections (a) and (b) of Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed new access does not require express consent from the LPA.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19 March 2025 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 by reason of compliance with Classes E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed garage and hardstanding as shown on the following submitted plans:

- Location plan, proposed floor plans and proposed elevations 23/4950/1 A.

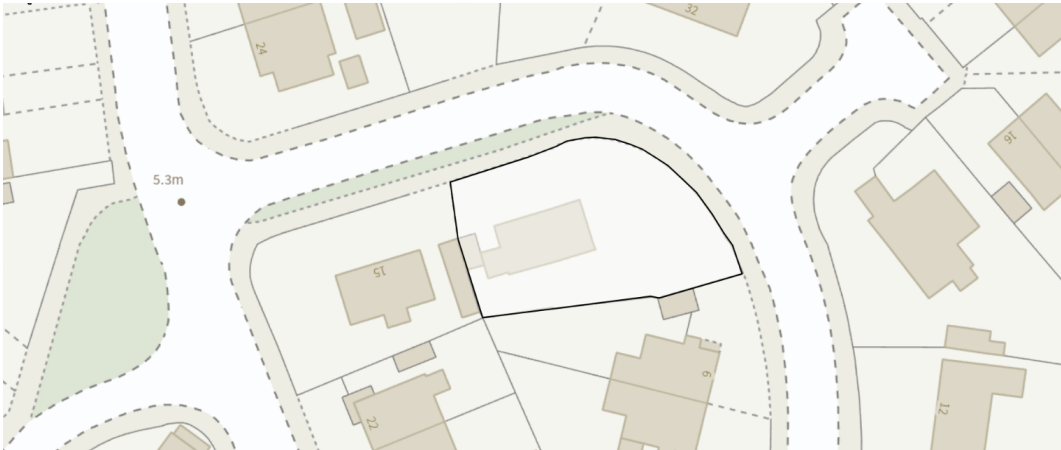
SECOND SCHEDULE

11 Ormesby Crescent, Felpham, PO22 8EN.

EXTENT OF USE

Construction of a garage/store measuring 6m wide by 7.2m deep, with a maximum height of 4m and an eaves height of 2.5m. Construction of an area of hardstanding measuring approx. 4.9m by 8.4m.

FP/38/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



© Arun DC and © Crown Copyright and Database Rights. Licence No. AC0000807434, 2025.

Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015