

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FP/58/20/CLP**LOCATION:** 82 Flansham Lane
Felpham
PO22 6AH**PROPOSAL:** Lawful development certificate for minor internal alterations to the ground floor retail unit and change of use from A1 (shop) to A2 (financial and professional services)**DESCRIPTION OF APPLICATION**

The application seeks lawful development certificate seeks to change the use from A1 (shop) to A2 (financial and professional services). The application also seeks internal changes.

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 Schedule 2, Part 3, Class D of The Town and Country Planning (General Permitted Development) Order 2015 (as amended); which pertains to the change of use of a building and any land within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional

services) of that Schedule.

S55 2 (a) of the Town and Country Planning Act covers what is not development - this includes internal works.

Provided the 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 change of use from A1 (shop) to A2 (for services of digital marketing, sales, social media promotion) is considered to comply with the limitations of Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It should be noted that there are no criteria associated with this Class. Therefore, the proposed change of use from Class A1 to Class A2 is deemed to constitute permitted development.

The application also seeks internal alterations, with the creation of a new office and bathroom. There are no external changes proposed.

The Town and Country Planning Act 1990 Section 55 Para. 2 (a) 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.

As there are no alterations to the external appearance of the building, the minor internal alteration is therefore not classed as development.

There are no restrictions of permitted development at the property which would restrict the change of use.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 20th April the use 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 reason:

- The proposed change of use from A1 to A2 would benefit from permitted development rights under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**
- The Town and Country Planning Act 1990 Section 55 Para. 2 (a) 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

FIRST SCHEDULE

The change of use from Use Class A1 to A2 would benefit from permitted development rights under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SECOND SCHEDULE

82 Flansham Lane, Felpham, West Sussex, PO22 6AH.

EXTENT OF USE

Change of use from a shop (Class A1 - Retail) to a digital marketing office with visiting members of the public (Class A2 - Financial & Professional).

FP/58/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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