

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** K/57/20/CLP**LOCATION:** Flint Barn
Peak Lane
Kingston
BN16 1RN**PROPOSAL:** Certificate of lawful development for the proposed change of use from hobby room to 1 No dwelling.**DESCRIPTION OF APPLICATION**

This application seeks to convert an existing double garage into a new 1 bedroom dwelling, with associated living area and kitchenette, for occasional use.

RELEVANT SITE HISTORY

K/15/71 Double Garage

ApproveConditionally
18-06-71**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 section 55 of the Town and Country Planning 1990 (as amended).

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 not constitute 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 proposed conversion to a dwelling is considered to fall under Section 55 (2) of the Town and Country Planning Act 1990

Planning is not required if;

(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.

The property known as Flint Barn is a detached property and is not listed or within a conservation area. There are no changes to the exterior of the building.

Examination of the site history has revealed no restrictions to the Permitted Development rights on site.

The proposed conversion conflicts with relevant section in that its conversion to a dwelling would not be considered incidental to the enjoyment of the host dwellinghouse and is therefore considered a form of development and as such requires the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 10th December 2020 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 not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Section 55 Town and Country Planning Act 1990.

FIRST SCHEDULE

The proposed garage conversion to a 1 bed dwelling is considered to fall under Section 55 of the Town and Country Planning Act 1990 and therefore requires planning permission for it to be used as an unrestricted dwelling.

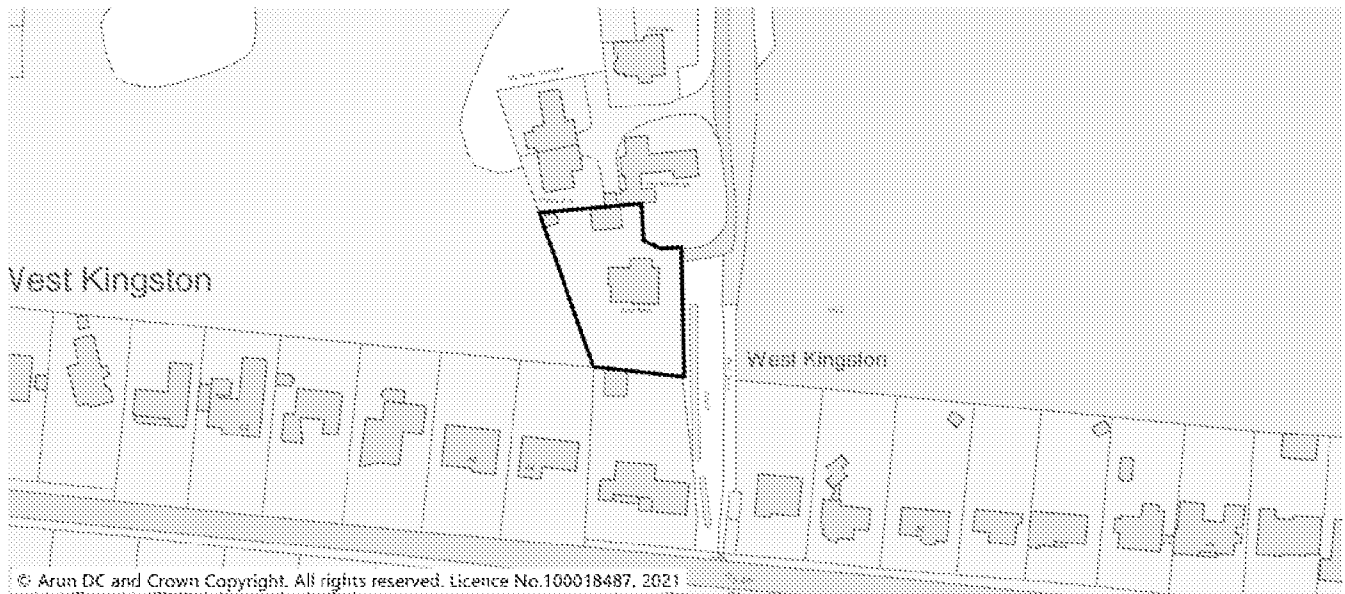
SECOND SCHEDULE

Flint Barn, Peak Lane, Kingston Gorse

EXTENT OF USE

Conversion of existing double garage to new 1 bedroom dwelling.

K/57/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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