

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

REF NO: LU/109/21/CLP

LOCATION: 18a River Road
Littlehampton
BN17 5BN

PROPOSAL: Lawful development certificate for the proposed change of use of annexe to short term let (6 months).

DESCRIPTION OF APPLICATION

This application seeks the proposed change of use of annexe to short term let (6 months).

RELEVANT SITE HISTORY

LU/52/21/HH	Internal changes to a house involving the replacement of bedroom 2 from second floor to first floor and creation of kitchen/dining area at second floor.	ApproveConditionally 26-04-21
LU/312/20/HH	Part conversion of garage to create an self contained annex	ApproveConditionally 10-02-21

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 condition 3 of LU/312/20/HH which states;

The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of 18a River Road, Littlehampton as a dwelling and shall not be used as a separate unit of accommodation.

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 proposed change of use is seen as contrary to condition 3 of LU/312/20/HH.

The term incidental in planning, is indicative of a secondary or a subordinate use.

The use of the the annex as a short term holiday let is considered to be secondary to the primary residential C3 use and is therefore not incidental and contrary to the condition set out in LU/312/20/HH.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 31st March 2021 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 not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of non compliance with the relevant condition attached to LU/312/20/HH.

FIRST SCHEDULE

The proposed use is not incidental to the properties residential use and the application is therefore contrary to Condition 3 of LU/312/20/HH.

SECOND SCHEDULE

18a River Road, Littlehampton.

EXTENT OF USE

Use of ground floor annex as a short term holiday let.

LU/109/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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