

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

REF NO: LU/162/15/CLP

LOCATION: 23 Bell Davies Road
Littlehampton

PROPOSAL: Application for a Certificate of Lawfulness for proposed siting of a mobile home.

DESCRIPTION OF APPLICATION

The proposal involves the siting of a self contained mobile home in the garden of the application site.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a two storey semi-detached property.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

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.

It should first be established whether or not the proposed works constitute 'development' as described in Town and Country Planning Act 1990 Section 55. Any works that are qualified as development will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 which sets out the Permitted

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Development rights extended to dwellinghouses and development within their residential curtilage.

CONCLUSIONS

The proposed siting of the mobile home would not be regarded as 'development'. The Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2 (d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse is not development.

This Lawful Development Certificate is a resubmission following the refusal of LU/18/15/CLP and is accompanied by additional information from the applicant who confirms that the proposed mobile home will be occupied by a dependant relative, living as part of the family with care being provided. It has also been confirmed that no separate means of access or private amenity land for the sole use of the mobile home will be provided. Therefore, it is now considered that the proposed occupation and use will be incidental to the primary occupation of the dwellinghouse.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 28th January 2015 the matter 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The siting of the mobile home (5m x 7.5m) is deemed to constitute development under Section 55 of The Town and Country Planning Act 1990 (as amended).
- The proposed occupation by a dependant relative living as part of a single family unit is deemed to constitute a change of use.

FIRST SCHEDULE

The demolition of the existing detached garage and siting of a mobile home (5m x 7.5m) with no private amenity space or independent access, to be used solely for purposes incidental to the primary dwelling and occupied only by dependant relatives living as part of the single family unit.

SECOND SCHEDULE

23 Bell Davies Road, Littlehampton, West Sussex, BN17 6DU

EXTENT OF USE

The siting of a mobile home (5m x 7.5m) and its incidental use in association with the primary dwelling.

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