

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

REF NO: LU/41/18/CLP

LOCATION: 1 Corallina Cottages
Toddington Lane
Littlehampton

PROPOSAL: Lawful development certificate for a proposed child minding service.

DESCRIPTION OF APPLICATION

It is proposed to carry out a child minding business at this dwelling.

The proposed working hours would be Monday-Friday 8am-6pm, however this would be on an 'as required' basis and could see working less days/slightly different hours, provision of late evening/overnight care.

The use will follow the Early Years Foundation Stage Framework so the time the children are within care will be structured in order to ensure care and development of the children meets those requirements. In order to achieve this, time will be mixed across indoor play/learning, outdoor play and visits away from the application dwelling. The plan includes the purchase of annual passes such as Merlin (Sealife centres, etc.), National Trust and local farms/play areas so that there will be plenty of places to visit with the children. In addition to this there will be regular visits to local attractions (beach, etc.) and playgrounds in order to minimise time spent in the garden and provide more options for outdoor play and learning.

The applicant has advised that research has indicated that Ofsted numbers for childminders are as follows; up to six children up to the age of 8, with a maximum of 3 being under 5 years of age, only one child under 1 is permitted,

Submitted floor plans of the dwelling indicate that the main space for general activities would be the existing lounge. The existing dining room would be used for meals/snacks and arts/crafts. A first floor bedroom would be used as and when required. The garden would also be utilised for outdoor play.

DESCRIPTION OF SITE AND SURROUNDINGS

2 storey dwelling. Buff brick and plain small red tiles. First floor red tile hanging. Corner location at junction within new development. First floor 3 bedrooms and 2 bathrooms. Ground floor lounge, dining room and kitchen. The site has a modest rear garden.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

No representations received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

No consultees.

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.

In this instance the proposed works will be assessed against whether the use proposed results in a material change of use for which planning permission is required.

Provided the proposed works satisfy relevant criteria relating to a material change of use, and that no restrictive conditions to use have been imposed on the site, the proposed use will constitute one which does not give rise to a material change of use and would not require planning permission. If the use fails to accord with the criteria then planning permission will be required for the use to take place.

CONCLUSIONS

WHETHER A MATERIAL CHANGE OF USE WILL TAKE PLACE

The issue in this application is whether there is a material change of use which results from the child minding use proposed. The key issues in whether a material use occurs are:

1. The proportion of the property given over to the proposed use and whether this results in a change of use of all or part of the dwelling.
2. The degree of permanence of the proposed use and whether this results in the formation of a separate planning unit.
3. The intensity of the use and whether this results in a change of the use beyond that of a single dwelling.

1. The proportion of the property given over to the proposed use and whether this results in a change of use of all or part of the dwelling.

As described, the applicant has indicated that the main space for general activities would be the existing lounge. The existing dining room would be used for meals/snacks and arts/crafts. A first floor bedroom would be used as and when required. The garden would also be utilised for outdoor play.

These areas would revert to normal residential use outside of operating hours which would be

Monday to Friday 8am-6pm. The majority of the dwelling would not be used for child minding. It is therefore clearly evident that that no part of the dwelling is given over permanently to the use and that the scale of the use is limited and ancillary to the remaining dwelling during periods of use. Outside of operating hours, the whole of the site reverts to as single dwelling use.

There is therefore not considered to be a permanent and material change of use for which planning permission is required.

2. The degree of permanence of the proposed use and whether this results in the formation of a separate planning unit.

For the reasons given at 1 above, the formation of a separate planning unit is also not considered to occur.

3. The intensity of the use and whether this results in a change of the use beyond that of a single dwelling.

The use proposed would be for six children up to the age of 8, with a maximum of 3 being under 5 years of age, only one child under 1 is permitted.

It is considered that the use as proposed does not result in a material change of the use beyond that of a single dwelling.

GENERAL

Activity in the form of visits to and from the dwelling by those bringing or collection children or trips out with children is likely to vary throughout the day. The nature of the use proposed is not however considered likely to result in high levels activity in this respect. The character of the use as a single dwelling is therefore not considered to change materially.

CONCLUSION

For the reasons given above, the proposed use is not considered to result in a material change of use of the dwelling for which planning permission is required. No restrictive conditions to use have been imposed on the site which prevent the use proposed without first obtaining planning permission.

Planning permission is not therefore required for the use proposed.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 15 February 2018 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 would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:

The proposed use is not considered to result in a material change of use of the dwelling for which planning permission is required. No restrictive conditions to use have been

imposed on the site which prevent the use proposed without first obtaining planning permission.

FIRST SCHEDULE

Use of part of dwelling between 8am to 6pm Monday to Friday for child minding for a maximum of 6 children under the age of 8 years old at any one time. There would be no employees other than the applicant.

As specified in and shown on the following material submitted with this application:

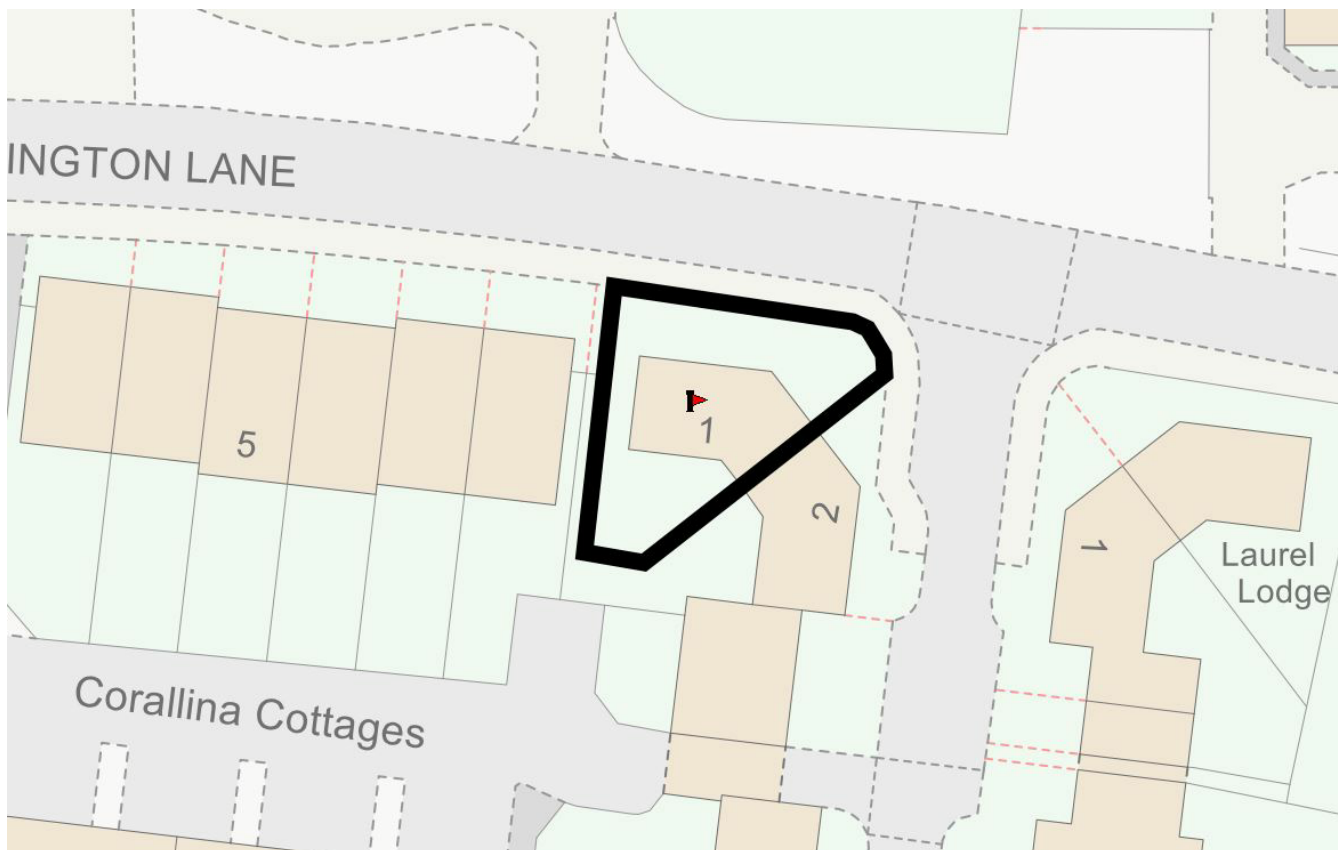
Planning Statement, Specifying Use Proposed - Received with Application

Ground & First Floor Plans Indicating Rooms to be Used - Received with Application

Site Location Plan - Received with Application

SECOND SCHEDULE

1 Corallina Cottages, Toddington Lane, Littlehampton, West Sussex BN17 7FU



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