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

REF NO: LU/55/25/CLP

LOCATION: 10 Field Place
Littlehampton
BN17 6ET

PROPOSAL: Lawful development certificate for a proposed garden room which will have mains electricity but no water or sewage.

DESCRIPTION OF APPLICATION

The application seeks to erect a single storey outbuilding/garden room 5m wide by 3m deep and 2.3m in height.

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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Class E, which pertains to buildings etc within the curtilage of a house.

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 outbuilding/garden room falls under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Permitted development
E. The provision within the curtilage of the dwellinghouse of-
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted
E.1 Development is not permitted by Class E if-
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
(d) the building would have more than a single storey;
(e) the height of the building, enclosure or container would exceed-
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;
(f) the height of the eaves of the building would exceed 2.5 metres;
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
(h) it would include the construction or provision of a verandah, balcony or raised platform;
(i) it relates to a dwelling or a microwave antenna;
(j) the capacity of the container would exceed 3,500 litres
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Interpretation of Class E
E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The property known as 10 Field Place is a two-storey terraced property and is not listed or within a conservation area. The proposed garden room would measure 5m in width by 3m in depth and 2.3m in total height and complies with relevant section E.1.

Curtilage is fined defined an area of land in relation to a building and is not a use of land. In this instance, the main dwelling and curtilage of the property are separated by an access road, however the curtilage of the property appears to be visually maintained to a garden standard featuring grass, small trees and shrubs and appears to function as a garden currently. It is also stated in the planning statement submitted as a part of this application that the area functions as a garden. Despite physical separation, the curtilage serves no other purpose that for a purpose incidental to the enjoyment of the dwelling house as a garden. It is also noted that the neighbouring dwellings feature similar gardens with sheds/garden rooms and other small outbuildings within their curtilages.

There are no Permitted Development restrictions relevant to this proposal.

The proposed outbuilding complies with relevant sections E(a) & E.1(b)(c)(d)(e)(f) and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 26 March 2025 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE
The proposed garden room as shown on the following submitted plans:
- Block Plan.
- Proposed Plans and Elevations.
- The Location Plan.

SECOND SCHEDULE
10 Field Place, Littlehampton, BN17 6ET.

EXTENT OF USE
The application seeks to erect a single storey outbuilding/garden room 5m wide by 3m deep and 2.3m in height.

LU/55/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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