

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

REF NO: LU/5/18/CLP

LOCATION: 9 Kelen Gardens
Littlehampton

PROPOSAL: Lawful development for the proposed construction of permeable base for additional parking.

DESCRIPTION OF APPLICATION

The proposal seeks to create a permeable base to use as a driveway.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located in a new development, with similar looking dwellings.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:

No representations received.

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.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class F, which pertains of hard surfaces incidental to the enjoyment of the dwellinghouse.

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.

CONCLUSIONS

Development consisting of:

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use).

Conditions

F.2 Development is permitted by Class F subject to the condition that where:

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed permeable base would be meet the above requirements and is considered to be permitted development.

The property known as 9 Kelen Gardens, Littlehampton is a terraced property and is not a listed building or within a Conservation Area.

The proposed porch complies with section F.1, (a) and (b). Therefore, is considered to be "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 the 2nd of March 2018 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 deemed to be lawful within the meaning of section 192 of the Town &

Country Planning Act 1990 for the following reasons:

The proposed development is deemed to be in accordance with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Construction of permeable base for use as additional parking.

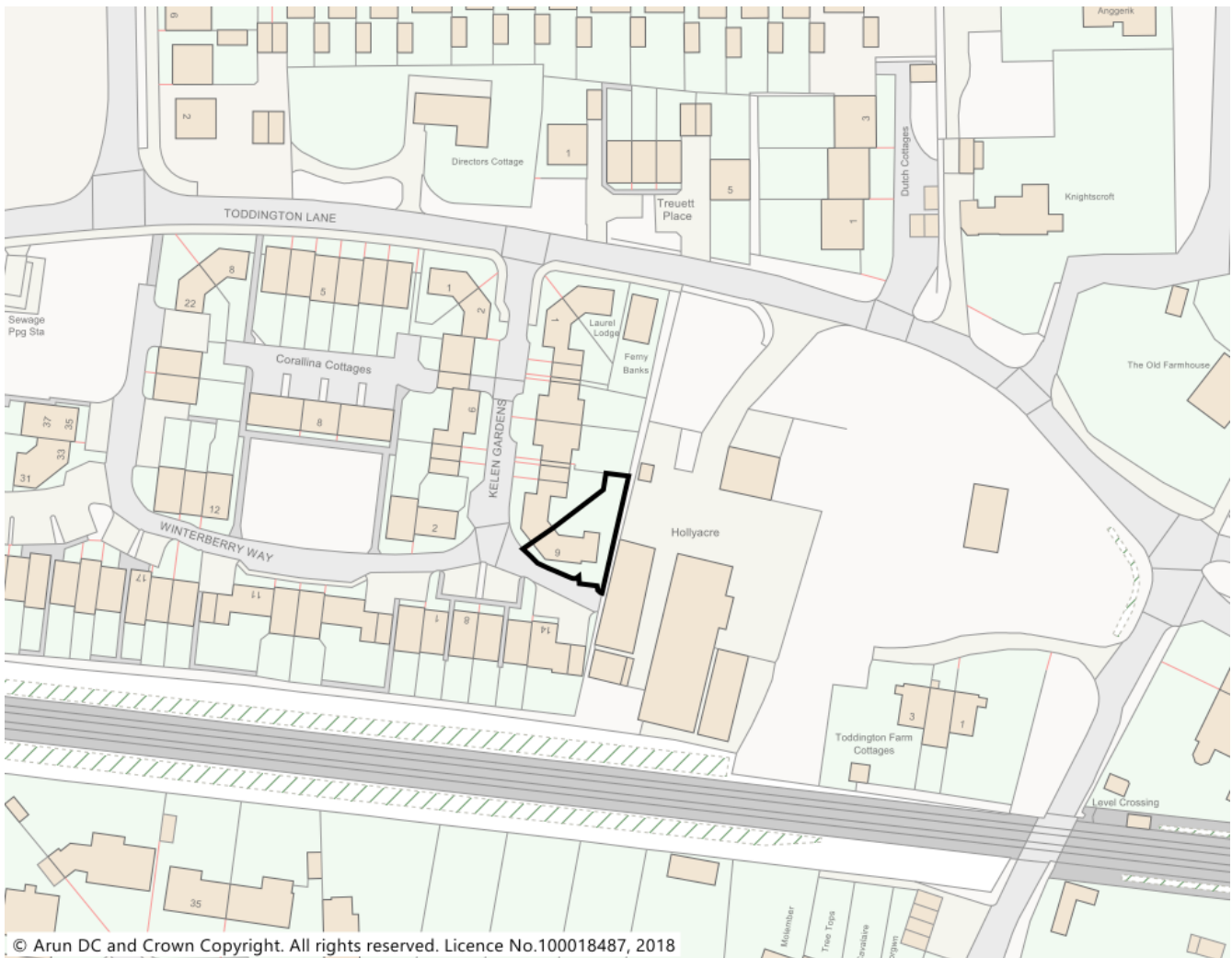
SECOND SCHEDULE

9 Kelen Gardens, Littlehampton.

EXTENT OF USE

The proposed development shall be used as space for parking vehicles for the property at 9 Kelen Gardens, Littlehampton in accordance with the following statement and plan:

- Planning Statement - 0246 - January 2018**
- Location Plan - 0246/100**



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