



SOUTHDOWN NURSERY  
OLD MEAD ROAD  
LYMINSTER  
WEST SUSSEX

SUPPORTING STATEMENT  
TO ACCOMPANY APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT  
FOR PROPOSED OUTBUILDING

OCTOBER 2021

Sloane and Brown Ltd  
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## INTRODUCTION

The scheme comprises a proposed single storey detached outbuilding within the grounds of an existing dwellinghouse. We are seeking a certificate of lawful development for the proposed outbuilding.

Two specific reasons were previously stated within the Officer's Report for the refusal of a certificate of lawfulness for a proposed new detached outbuilding under application ref LU/339/21/CLP, which briefly were:

- ¿ The proposed building was not considered to be incidental to the enjoyment of the main dwelling house.
- ¿ The proposed building was to be situated on land which was not believed to be within the residential curtilage of the dwellinghouse.

This application is for an identical proposal on the same site for the same applicant but now includes additional information specifically relating to the reasons previously stated for refusal.

The current owner, Mrs Madron, bought the property with her husband in August 1971 and has lived continually in the property since that time. She is now suffering from ill health and the intention is that her family will move into The Bungalow, and she will move into the proposed mobile home. This will enable the family to easily care for her without the need for her to move into alternative accommodation elsewhere. Therefore, the proposed mobile home can clearly be seen to form ancillary accommodation associated with the existing residential dwelling. This is further expanded upon in the letter from Margaret Madron dated 05.01.22 which forms part of this application, and it can clearly be seen that the proposed mobile home will be used as additional accommodation for a family member as part of one household.

Part of the site was originally used as a commercial nursery but this use ceased in 1980 and a certificate of lawfulness was granted on 22<sup>nd</sup> July 2003 for the existing property and the surrounding land covering the entire plot for use as a dwellinghouse within Class C3 (Arun District Council ref LU/162/03/CLE). The paperwork associated with this approval has also been attached to this application. It is accepted that the land around the bungalow is extensive, but this is purely used as private garden land associated with the dwelling on the site. Due to the size of the lawn the grass is usually cut with a tractor.

We trust this provides adequate information to address the two reasons which were previously cited for refusal.

## REASONS FOR COMPLIANCE

We believe this work can be carried out within householder permitted development rights based on the following criteria:

Class A - This category is not relevant to the proposals as it relates to the enlargement, improvement or alteration of a house.

Class B - This category is not relevant to the proposals as it relates to the addition or alteration of a roof to a house.

Class C - This is not relevant as it relates to any other alterations to the roof of a house.

Class D - This is not relevant as it relates to the construction of a porch.

Class E - The proposal can comply with the various criteria relating to the provision of buildings and other development on land surrounding the house for the following reasons;

- (a) The proposed outbuilding comprises a building used for a purpose incidental to the enjoyment of the dwellinghouse. Specifically, the outbuilding will comprise accommodation to be used for ancillary residential purposes.

Under class E, the following limits and conditions can be seen to be fully complied with;

- E1 (a) 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 (change of use)

The dwellinghouse has been used as a dwellinghouse since it was first constructed more than 50 years ago and it was not granted by virtue of Class M, N, P, PA or Q.

- E1 (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)

The total area of ground covered by buildings, enclosures and containers within the curtilage would not exceed 50% of the total area of the curtilage.

- E1 (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.

The outbuilding is located within the rear garden and no part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

- E1 (d) The building would have more than a single storey

The outbuilding is single storey only.

- E1 (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

The outbuilding will have a dual-pitched roof and the ridge height would be no more than 4m high. The outbuilding would not be located within 2 metres of the boundary.

- E1 (f) The height of the eaves of the building would exceed 2.5 metres

The eaves height would be no more than 2.5 metres.

- E1 (g) The building, enclosure, pool or container would be situated within the curtilage of a listed building.

The outbuilding is not located within the curtilage of a listed building.

- E1 (h) It would include the construction or provision of a verandah, balcony or raised platform

The outbuilding does not include a verandah, balcony or raised platform.

- E1 (i) It relates to a dwelling or a microwave antenna

The application relates to an outbuilding, and not a dwelling or microwave antenna.

- E1 (j) The capacity of the container would exceed 3,500 litres.

The application relates to an outbuilding, and not a container.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within

- (a) a World Heritage Site,
- (b) a National Park,
- (c) an area of outstanding natural beauty or
- (d) the Broads, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The site is not located within a World Heritage Site, a National Park, an AONB or the Broads.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The site is not located on article 2(3) land.

Class F - This class is not relevant as it relates to hard surfacing within the curtilage of the house.

Class G - This class is not relevant as the proposals do not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

Class H - This class is not relevant as the proposals do not include the installation, alteration or replacement of a microwave antenna.

## SUMMARY

We believe we have adequately demonstrated that the proposed detached outbuilding within the curtilage of the existing dwellinghouse comprises a lawful form of development under Class E of householder permitted development rights for the reasons outlined above.

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