



TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR A CERTIFICATE OF LAWFUL USE
OR DEVELOPMENT (AS AMENDED)

DECISION NOTICE

Application Ref: P/4/09/CLP

1 To Addressee

Mr C Moore
Sussex Building Consultancy Li
1 Courdelys
Bersted Street
Bognor Regis
PO22 9QE

2 Site Address

43 Sea Lane
Pagham

3 Description of Development

Application for a lawful development certificate for a proposed use - rear detached swimming pool building

4 In pursuance of their powers under this Act and related Orders and Regulations the Council notify you that they **REFUSE** your application for a Certificate of Lawful Use or Development for the use, uses or development as described in the application for the reasons stated.

REASON 1

Reason 1 The proposed development for a swimming pool to the rear of the existing dwelling, approximately 25 metres from the dwelling would not constitute permitted development under Schedule 2, Part 1, Class E (a) of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 as judged on the balance of probabilities insufficient justification has been submitted to the size and siting of the swimming pool on a site previously refused planning permission for a single dwelling house, on the basis that the local planning authority is not convinced that a building of this size and in this location could reasonably be argued to be incidental to the enjoyment of the dwelling house.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs S Leeson

Date of Decision: 4th March 2009

Date Decision Issued: 4th March 2009



Zachary Ellwood
Interim Head of Development Control

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority for a Certificate of Lawfulness of Existing/Proposed Use and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Office of the Deputy Prime Minister and on any such appeal the Office of the Deputy Prime Minister:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Office of the Deputy Prime Minister you should write in the first instance to The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).