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

REF NO: **R/156/24/CLP**

LOCATION: 37 Cove Road
Rustington
BN16 2QN

PROPOSAL: Lawful development certificate for a proposed outbuilding.

DESCRIPTION OF APPLICATION

This application seeks a Lawful Development Certificate to confirm whether or not the proposed outbuilding requires planning permission.

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.

- Part 1, Class E - Which pertains to buildings etc incidental to the enjoyment of a 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.

CONCLUSION

The proposed single storey outbuilding falls under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The provisions are as follows:

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).

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

(a)an area of outstanding natural beauty;
(b)the Broads;
(c)a National Park; or
(d)a World Heritage Site,
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.

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.

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 37 Cove Road is a large residential property with a two-storey detached dwelling and significant rear and front amenity space. It is neither a Listed Building, nor within a Conservation Area, The Broads, a National Park, or a World Heritage Site.

There are no PD restrictions of relevance.

The proposed outbuilding complies with relevant sections E(a), E.1(a),(b),(c),(d),(eiii),(f),(g),(h),and (i). Criteria E(j) and (k) are not of relevance to this proposal. Nor is section E.2 or E.3.

With respects to section E.4, the outbuilding proposed includes the provision of a garage, workshop, storage area, and office. Whilst cumulatively, the resultant scale of the outbuilding is large, the rooms when considered individually are of a size and function that could be expected to be reasonably required for purposes incidental to the personal enjoyment of the of the dwellinghouse by the occupiers. The garage/workshop area measures, internally, approx. 5m by 11.5m which would provide ample space for the storage of a car alongside the ability to open doors and manoeuvre around the room to conduct work or maintenance on a vehicle in connection with the workshop. The office room measures approx. 5.7m by 5.3m which is ample space for movement, provision of one to two desks alongside equipment and furniture etc, and is not so large that it warrants dispute of its function. The storage area provided is also not of a size that would warrant dispute of its proposed function.

As such, the proposal is permitted development and does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19/09/24 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 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 outbuilding falls under Schedule 2, Part 1, Class E of the GPDO.

The development hereby approved shall be carried out in accordance with the following approved plans:
- Proposed Outbuilding Floor Plan (Accepted: 19/09/24).
- Proposed Outbuilding Elevations (Accepted: 19/09/24).
- Notwithstanding the access shown on the east side of the Proposed Block Plan, Proposed Location & Block Plans (Dated: July 24, Accepted 19/09/24).

SECOND SCHEDULE
37 Cove Road, Rustington, West Sussex, BN16 2QN.

EXTENT OF USE
Construction of a single storey outbuilding serving as a garage/workshop, office, and storage room. The building is 2.5m in height, flat roofed, and clad with vertical boarding.

R/156/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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