

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** R/61/21/CLP**LOCATION:** 33 Knightscroft Avenue
Rustington
BN16 2HW**PROPOSAL:** Lawful development certificate for a proposed outbuilding incidental to main dwelling.**DESCRIPTION OF APPLICATION**

The application seeks to construct an outbuilding to the rear of the property.

There have been a number of representations received objecting to the proposal, with concerns it will be used as a separate unit of accommodation. However due to the type of application, these cannot be taken into consideration. The application checks for lawful use and if the proposal compiles with the criteria then planning permission is not required.

It is noted in order to comply with the criteria, the outbuilding should be used as a purpose incidental to the main dwellinghouse. This would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen. There is no evidence within the application that suggests it would conflict with this.

RELEVANT SITE HISTORY

R/253/20/HH	Single storey annex building ancillary to main dwelling.	Withdrawn 01-02-21
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R/213/17/HH	Single storey front extension, replacement roof to existing front extension, loft conversion including dormers to front & rear roof slopes, single storey rear extension.	ApproveConditionally 10-11-17
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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 - buildings etc incidental to the enjoyment of a dwellinghouse

Provided the 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 is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

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 M, 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; or
- (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 33 Knightscroft Avenue is a detached property and is not listed or within a conservation area.

Examination of the site history has revealed no restrictions on permitted development.

The proposed outbuilding complies with relevant sections 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 22/3/2021 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed outbuilding is considered to fall under Schedule 2 Part 1 of the GDPO

The development hereby approved shall be carried out in accordance with the following approved plans

- Location and Block Plan - 416/01**
- Proposed Plans - 416/03 A**

SECOND SCHEDULE

33 Knightscroft Avenue, Rustington, West Sussex, BN16 2HW as indicated on the attached plan.

EXTENT OF USE

Construction of an outbuilding to the rear garden.

R/61/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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