

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

REF NO: R/96/22/CLP

LOCATION: 50 Woodlands Avenue
Rustington
BN16 3EY

PROPOSAL: Lawful development certificate for a proposed rear outbuilding for uses incidental to the enjoyment of the dwelling.

DESCRIPTION OF APPLICATION

This application seeks to erect a single storey outbuilding that is approx. 7m in width, 4.8m in depth and 2.5m in height.

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) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class E, which pertains to outbuildings etc.

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 outbuilding falls under Schedule 2-part 1 class E of the town and country planning (General Permitted Development) (England) Order 2015.

Class E - Buildings etc incidental to the enjoyment of a dwelling/house

E. The provision within the curtilage of the dwelling/house of

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling/house 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 dwelling/house as a dwelling/house 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 dwelling/house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling/house);
- (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 dwelling/house;
- (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 dwelling/house, 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 veranda, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwelling/house 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 dwelling/house would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwelling/house 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 dwelling/house and the boundary of the curtilage of the dwelling/house.

Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwelling/house 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 dwelling/house.

The property known as 50 Woodlands Avenue houses a 2 storey dwelling and is not listed or within a conservation area.

There are no PD restrictions.

The proposed outbuilding complies with relevant sections E.1(eii)(f) and is considered permitted development. As such, it 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 14th of June 2022 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 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:

- Proposed Floor Plan 100 B.**
- Proposed Front Elevation 101 B.**
- Proposed Side Elevation (Left) 102 B.**
- Proposed Rear Elevation 103 B.**
- Proposed Side Elevation (Right) 104 B.**
- Proposed Site Plan (Sheet No.01) (Issue Date 26/04/22).**

SECOND SCHEDULE

50 Woodlands Avenue, Rustington, West Sussex, BN16 3EY.

EXTENT OF USE

A single storey outbuilding that is approx. 7m in width, 4.8m in depth and 2.5m in height to the rear of the property.

R/96/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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