

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** WA/25/17/CLP**LOCATION:** Little Box Cottage
Walberton Green
Arundel**PROPOSAL:** Lawful development certificate for the proposed use of first floor of existing garage/outbuilding as a holiday let.**DESCRIPTION OF APPLICATION**

The proposal is to use the storage area above the garage for use as a holiday let for a maximum of 2 weeks, 6 times a year. An external staircase would be provided , 3 additional roof lights and internal alterations to create 1 or 2 bedrooms, a bathroom and kitchen/dining area.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached garage building with feather edged panelled elevations on brick plinth within the grounds of the host dwelling which is a thatched with white painted elevations.

RELEVANT SITE HISTORY

WA/14/07/L	Application for Listed building consent for painting exterior of building, Walls - Dulux 'Gardenia', Frames, etc - Dulux 'Country Cream'.	ApproveConditionally 23-03-2007
WA/38/07/L	Application for Listed Building Consent for removal of existing dividing wall between kitchen & dining room, to be replaced with oak beam. Replacing existing modern joists with oak joists & turning those in dining room 90degrees. Move the existing kitchen into flat roofed extension at rear	ApproveConditionally 23-05-2007
WA/50/07/	Erection of new oak framed & weatherboarded garage/barn to replace existing dilapidated timber structure. New building will be smaller footprint & 1.5 storeys with storage on the first floor	ApproveConditionally 25-07-2007
WA/51/07/CA	Application for Conservation Area Consent for demolition of existing timber outbuilding (Within the Walberton Village & Walberton Green Conservation Area)	ApproveConditionally 25-07-2007

WA/61/07/L	Application for Listed Building Consent for installation of wood burning stove in main living room including replacement of chimney cowls (x4) and remodelling of current fireplace.	ApproveConditionally 17-08-2007
WA/72/15/HH	Replacement rear extension and construction of new rear dormer window . This application affects the character & appearance of the Walberton Green Conservation Area	ApproveConditionally 19-04-2016
WA/73/15/L	Listed building consent for replacement rear extension and construction of rear dormer window	Approve 19-04-2016

WA/50/07 is relevant. This permission was dated 25-07-2017 and granted permission for the building which is the subject of this application. The permission granted a 3 bay garage at ground floor with storage above and was subject to restrictive conditions.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

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 buildings etc incidental to the enjoyment of the dwellinghouse

Little Box Cottage is a listed building. The proposed external staircase and raised platform works would not satisfy part E.1.(h) which excludes the provision of a raised platform and the external access extension would take place to a building which is located within the curtilage of a listed building and therefore is excluded under part E.1.(g) of the relevant criteria.

In addition with regard to the proposed use there is a restrictive condition, no.4 of WA/50/07 which states :

' The building shall be used as a private domestic garage and storage over in connection with

Little Box Cottage Walberton Green Arundel only and for no other purpose.

Reason: To safeguard the amenities of the neighbouring properties and to ensure the provision of adequate off street parking space in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.'

Given the imposition of this condition the proposed use would not constitute Permitted Development and would require the submission of an application for planning permission.

CONCLUSIONS

The proposed staircase is not considered to fall under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 because it is within the curtilage of a listed building and raised platforms are also specifically excluded from this Class.

Little Box Cottage is a Listed Building.

The proposed use is restricted by a condition and cannot therefore be considered to be "Permitted Development", and as such does require the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 08-05-2017 the use and extension 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, would not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons ...

The proposed structure does not comply with the limitations of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and use of the building for any purpose other than garaging and storage is precluded by condition 4 of planning permission WA/50/07.

FIRST SCHEDULE

Use of an existing garage to holiday accommodation and the addition of an external staircase contrary to condition 4 of planning permission WA/50/07 and the limitations of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as detailed on submitted drawings:

Location and Block Plans, Existing and Proposed Floor Plans and Existing and Proposed Elevations.

SECOND SCHEDULE

Little Box Cottage, Walberton Green, Arundel, BN18 0AT

EXTENT OF USE

Use of the first floor of a detached garage for occasional holiday accommodation and the addition of an external staircase alteration to provide external access



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