

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

REF NO: WA/88/18/CLP

LOCATION: 5 London Road
Fontwell
Arundel West Sussex

PROPOSAL: Lawful development certificate for a proposed partial change of use of outbuilding from home office & additional family space to home office & additional family space & therapy clinic/teaching space.

DESCRIPTION OF APPLICATION

The application seeks to gain consent for the a partial change of use of an existing garden outbuilding to D1 - clinic and teaching space. No physical alterations are required to implement the use.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a two storey dwellinghouse. The area has a mix of housing styles.

RELEVANT SITE HISTORY

Noted

REPRESENTATIONS

Representations received:

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

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.

CONCLUSIONS

Town and Country Planning Act S55 Para 2 states 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development.'

The partial change of use is considered against S55 Para 2(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

The applicant intends to provide therapy to clients on an appointment basis. This is aimed at being mainly Tuesdays and Thursdays, however, inclusive of Monday to Friday for flexibility. Client levels at a maximum 15 per week. Between the hours of 9am and 9pm. The teaching space is required for students at a maximum of 8 on Sat-Sun only.

It is considered the change of use as a therapy & teaching room, by virtue of the rates of occupation is not considered a material change of use and would remain incidental to the existing C3 use of the dwellinghouse and therefore does not constitute development.

The Town and Country Planning Act S55 Para 2(a) informs that the carrying out for the maintenance, improvement or other alteration of any works which affect only the interior of the building or do not materially affect the external appearance of the building are also not regarded as development. The proposed partial change of use would not be regarded as development.

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

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 20th of September 2018 the proposal 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 not considered to be development within the meaning of section 55 of the Town & Country Planning Act 1990 for the following reasons:

- 'The operations or uses of land shall not be taken for the purposes of this Act to involve development'. S55 Para 2.

FIRST SCHEDULE:

The use is limited to Mrs Suzanne Ruddle and no other person/employees.

The Clinic and teaching use shall be by appointment only.

The Clinic use:

Working hours will be 9am-9pm Mon-Fri only.

Max of 15 clients per week.

The Teaching use:

Working hours will be 9am-9pm Sat/Sun only, 2 weekends out of 4

Max of 6 student per week.

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

- Floor Plan - dated 6/12/18.

SECOND SCHEDULE

5 London Road, Fontwell, Arundel, West Sussex.

EXTENT OF USE

Partial change of use of outbuilding from home office & additional family space to home office & additional family space & therapy clinic/teaching space.



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.