

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: Y/80/19/CLE

LOCATION: 5 Hobbs Court, The Potting Barn
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Application for Certificate of Lawfulness for an Existing Use - Installation of flue & associated pipework for new gas boiler.

DESCRIPTION OF APPLICATION

Lawful development certificate for installation of flue & associated pipework for new gas boiler.

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).

- Class G, which pertains to the installation, alteration or replacement of a chimney, flue or soil and vent pipe on 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

Class G - chimneys, flues etc on a dwellinghouse

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted G.1 Development is not permitted by Class G 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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which:

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

SUMMARY

The property is known as The Potting Barn, 5 Hobbs Court, Bilsham Road, Yapton, BN18 0JY is a detached dwelling and is not a Listed Building or within a Conservation Area.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 02/10/2019 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed development complies with the limitations of Schedule 2 Part 1 Class G of the General Permitted Development Order 2015.

FIRST SCHEDULE

The proposed installation of flue & associated pipework for new gas boiler. This is shown on the following plans:

- Site Location and Block Plan**
- House Plan Proposed Drawing number 025**
- House Elevations Proposed Drawing number 026**

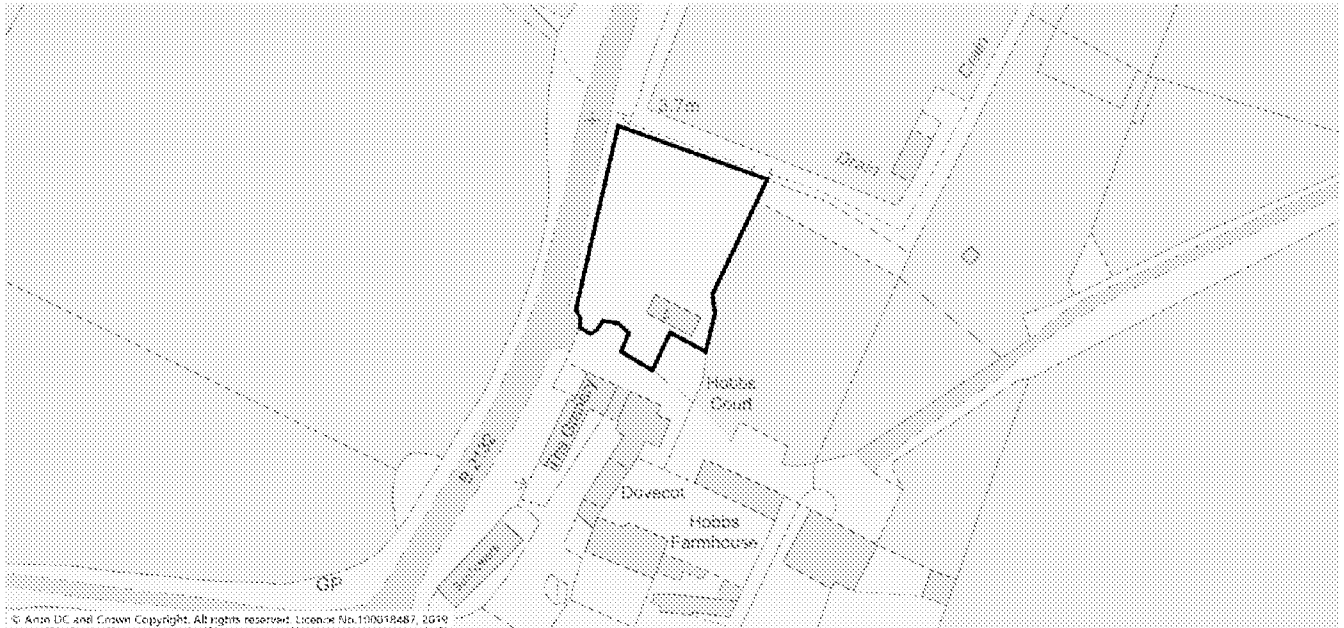
SECOND SCHEDULE

The Potting Barn, 5 Hobbs Court, Bilsham Road, Yapton, BN18 0JY

EXTENT OF USE

Lawful development certificate for installation of flue & associated pipework for new gas boiler.

Y/80/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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