Development Management – Delegated Officer Report

Application Number: AWDM/0882/22 **Recommendation – APPROVE**

Site: **Community Of The Sacred Passion, 22 Buckingham Road, Shoreham-by-sea**

Proposal: **Application for Certificate of Lawfulness for proposed use as a dwelling house (Use Class C3)**

Proposal, Site and Surroundings:

The application relates to a three storey building (2nd floor accommodation within the roof) on the east side of Buckingham Road.

The property was originally a single residential dwellinghouse. In 1988 planning permission was granted at appeal for a change of use from dwellinghouse to care home (SU/249/87/TP/1676).

This use continued until 2004 when the site was granted planning permission for a change of use from care home to a convent or care home (SU/232/04/TP). The site was then occupied by the Community of the Sacred Passion as a convent until the present day.

Condition 2 of the 2004 permission states:

"*The premises shall be used only for purposes within Class C3 (dwellinghouses) and/or Use Class C2 (residential Institutions) but, insofar as they are used for purposes within Use Class C2, such use shall be confined to the provision of residential accommodation and care to not more than 13 persons in need of care*."

This application seeks a Certificate of Lawfulness for the proposed use the premises as a single dwelling house (Use Class C3).

Planning History:

There have been numerous applications for extensions and alterations. The most relevant history relates to the use of the building as follows:

SU/178/85 - Conversion Of Dwellinghouse To Rest Home With Single-Storey Rear Extension (To Provide 5 Bedrooms Lounge & Bathroom) – refused and dismissed at appeal

SU/200/86 - Change Of Use From Dwellinghouse To Rest Home – refused

SU/249/87 - Change Of Use From Dwellinghouse To Rest Home – refused but appeal allowed

SU/232/04 - Change Of Use From Care Home To Convent And/Or Care Home – approved

Planning Assessment

The property was originally in use as a dwelling and the 2004 permission explicitly specifies that it must be occupied only as a dwelling (Use Class C3) and/or a residential institution (Use Class C2).

The building has been occupied as a convent, with a small community of nuns (not more than 6) living together as a single household, which is considered to fall within Use Class C3. Notwithstanding the likely use of the premises within Use Class C3 the condition of the relevant permission also explicitly states that the building can be used as a dwelling house (Use Class C3).

On this basis its use as a single dwellinghouse in compliance with the wording of the condition attached to SU/232/04, does not constitute a change of use and is permitted.

Recommendation

Issue a Certificate of Lawfulness for Proposed Use

Reasons for Recommendation

The proposed use of 22 Buckingham Road as a dwelling house falls within Use Class C3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and does not involve a material change of use constituting ‘development’ as defined by Section 55(1) of the Town and Country Planning Act 1990 and is lawful for planning purposes.

Case Officer: Peter Barnett Date: 8 June 2022

Authorised by: Gary Peck Date: 8 June 2022