ADUR
DISTRICT COUNCIL

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Development Control

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990: S192 (AS AMENDED BY S10 OF THE PLANNING AND COMPENSATION ACT 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Mr David Chetwin
David Chetwin Architects
2 Titian Road
Hove
East Sussex
BN3 5QS

The Adur District Council hereby certify that on 18/11/2010 (reference ADC/0409/10), the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted with this application, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

01. The proposals fall within the definition of 'development' as defined by section 55 of the Act but the side gable and rear dormer constitute 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' under Class B of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008). The rooflights constitute 'Any other alteration to the roof of a dwellinghouse' under Class C provided they do not exceed 150mm above the roof plane. Consequently, an application for planning permission is not required.

James Appleton
Executive Head of Planning, Regeneration and Wellbeing Date: 13.01.2011

First Schedule

Application for certificate of lawfulness for proposed loft conversion (with part-hipped side gable, rear dormer and front rooflights)

Second Schedule

228 Upper Shoreham Road Shoreham-by-Sea West Sussex BN43 6BG

Notes

a) This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

b) It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date, and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

c) This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on plan submitted with the application. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

d) The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.