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 Geoffrey Lawrance
32 Parkside
Shoreham By Sea
West Sussex
BN43 6HA

The Adur District Council hereby certify that on 10/08/2009 (reference ADC/0312/09), 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 attached to this certificate, 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 proposed building works fall within the definition of 'development' as defined by section 55 of the Act. As the proposed garage is detached, it constitutes the provision within the curtilage of the dwellinghouse of a building required for a purpose incidental to the enjoyment of the dwellinghouse as such. It complies with the provisions of the relevant Class E of Part 1 of Schedule 2 to Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in 2008) provided its height does not exceed 2.5 metres as required by condition E.1 (d) (ii).

    (NB. under Article 1 of the Order, any reference to the height of a building shall be construed as meaning its height measured from ground level (determined by the Courts to mean 'natural ground level') being the highest part of the natural surface immediately adjacent to the proposed building).

James Appleton
Executive Head of Planning, Regeneration and Wellbeing Date: 01.09.2009

First Schedule

Application for certificate of lawfulness for proposed detached garage on north side of bungalow using existing access

Second Schedule

53 Park Avenue Shoreham-by-Sea West Sussex BN43 6PG

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 the attached plan. 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.