Development Management - Delegated Officer Report

Application Number: AWDM/1403/15 Recommendation – Grant Certificate

Site: **143 Middle Road, Shoreham-By-Sea**

Proposal: **Application for a Lawful Development Certificate for an Existing Use of garage as self-contained habitable accommodation for occupation being used by a family member**

Date of site visit: 23 October 2015

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached outbuilding in the rear garden of 143 Middle Road which was previously in use as a garage. The garage door has been removed and the opening infilled with brickwork, a door and window. The building has been converted into living accommodation which, at the time of the site inspection, contained a kitchen (but no oven), a sofa bed within a living room, shower room and storage room.

This application seeks a Certificate of Lawfulness for the use of the building as self-contained habitable accommodation for occupation by a family member. The supporting information states that it is used by the son of the family occupying the main house and is used as a study and personal space for playing video games. The garage was converted in June 2014. The application is supported by receipts for the work.

Relevant site history

AWDM/0582/14 - Close-boarded fencing to eastern boundary on top of existing wall with maximum height of 1.8m with pedestrian gate and vehicular gates to driveway (retrospective) – approved July 2014

AWDM/1081/15 - Part single/part two storey extension to north elevation - approved

Consultations

None

Representations

No neighbour consultation was carried out

Relevant Planning Policies

Not applicable

Planning Assessment

This is an application to determine whether the works that have been carried out were lawful.

Free-standing buildings within the 'curtilage' are permitted by Class E in Part 1 of the Second Schedule to the General Permitted Development Order (the 'GPDO').

Such a building is permitted if it is "required for a purpose incidental to the enjoyment of the dwellinghouse as such". The term 'incidental' as used here has been held to exclude purposes which are part of the primary residential use of the property, so a free-standing building to provide extra sleeping accommodation, extra living space, and/or a kitchen, etc. are not permitted by this part of the GPDO.

However, provided the original purpose of the outbuilding was purely incidental to the enjoyment of the dwellinghouse (as was the case with the garage), its later use as primary (but not separate) residential accommodation is not prevented.

The use of the garage as primary accommodation, ancillary to the main residential accommodation, does not therefore require permission. In this case, the building is being used by an immediate family member (son) and is clearly in use for purposes ancillary to the main house. While there is potential for the building to be occupied independently of the house, at the time of the site inspection there was no conventional oven (only a microwave) or bedroom.

From the evidence submitted and, on the balance of probability, the use of the garage as primary living accommodation in connection with the main use of 143 Middle Road as a dwelling, is lawful.

Recommendation

The Adur District Council hereby certify that on (date of decision) the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The use of the garage as primary living accommodation by a family member in connection with the main use of 143 Middle Road as a dwelling, as shown on the submitted floor plan and location plan received as valid on 29 September 2015 is lawful and does not require planning permission

Is recommendation contrary to letter(s) of representation? N/A

Case Officer: Peter Barnett Date: 9 November 2015

Authorised by: Gary Peck Date: 9 November 2015