Development Management – Delegated Officer Report

Application Number: AWDM/0155/23 **Recommendation – APPROVE**

Site: **15 South Street, Lancing**

Proposal: **Application for a Lawful Development Certificate for an existing use as a single dwelling**

Proposal, Site and Surroundings:

The application relates to a detached two storey dwelling on the east side of South Street. Permission was granted in 2020 for it to change to its current use from a previous mixed B1/D1 use (AWDM/2052/20). A subsequent application (AWDM/0399/22) was approved for a single storey rear extension. The floor plans for that later application also showed changes to the internal layout from that approved in the initial permission.

This application seeks a Certificate of Lawfulness for the existing use of the premises as a single dwelling house (Use Class C3). The applicant wishes it to be confirmed that the residential use has been implemented and commenced.

Planning History:

As above, plus AWDM/1463/22 (Application for a Lawful Development Certificate for an existing use as a single dwelling). This application has been withdrawn as it was not proven, on the balance of probability, that the use had been implemented at the time the application was made.

Planning Assessment

Planning permission has been granted, and subsequently amended, for the use of the former offices to a single dwelling house. A site inspection carried out on 23rd January revealed that the internal layout has changed from that shown on the approved plans submitted with AWDM/0399/22. The two reception rooms on the ground floor are now bedrooms and a shower room has been added on the ground floor. On the first floor there are 4 bedrooms and another shower room. The property has the potential to be used as a HMO.

Legal Officers have advised that, while there are internal changes, these do not require planning permission and there were no conditions on the original permission to prevent internal changes, only future external alterations and extensions. The change to the layout has not resulted in any new openings beyond those approved under previous planning permissions. Consequently, the changes to the layout are lawful, as is the future use of the property as a small HMO.

At the time of the January site visit, there was evidence of two bedrooms being in use. The ground floor shower room also had evidence of use and the kitchen was also in use for cooking purposes.

On this basis, its use as a single dwellinghouse has been implemented and commenced and a Certificate of Existing Use can therefore be issued.

Recommendation

Issue a Certificate of Lawfulness for Existing Use

Reasons for Recommendation

The existing use of 15 South Street as a dwelling house falls within Use Class C3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and is lawful for planning purposes having been implemented following the grant of planning permission AWDM/2052/20, as amended by AWDM/0399/22.

Case Officer: Peter Barnett Date: 10 February 2023

Authorised by: Gary Peck Date: 10 February 2023