

provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse.

7.3 The proposal has been considered against the restrictions for development provided by E.1, the response to which are detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has **not** been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) The proposed outbuilding will **not** result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse).

(c) The outbuilding would **not** be sited on land forward of a wall forming the principal elevation of the original dwellinghouse.

(d) The outbuilding would **not** have more than one storey.

(e) The height of the outbuilding would **not** exceed 2.5 metres in height and within 2 metres from any boundary.

(f) The height of the eaves would **not** exceed 2.5 metres.

(g) The outbuilding would **not** be sited on land within the curtilage of a Listed Building.

(h) The proposal does **not** include the construction or provision of a verandah, balcony or raised platform and does not relate to a dwelling or microwave antenna.

(i) N/A

(j) N/A

(k) N/A

7.4 E.2- The property is **not** located within an area of outstanding natural beauty, the broads, a national park or a world heritage site.

7.5 E.3- The property is **not** located within Article (3) Land

7.6 E.4 The details submitted demonstrate that the outbuilding shall be used for a purpose incidental to the enjoyment of the dwellinghouse and shall not be used as a self contained unit of accommodation. The agent has confirmed that there will be no staff, clients/customers visiting the office; the art studio will be for the use of the residents of the property only. The case officer has advised the agent should this element change in the future planning permission may be required and pre-application advice should be sought prior to any changes.

7.7 A search of the planning history has not revealed conditions that restrict "Permitted Development" rights nor is the dwelling part of an Article 4 direction.

8 Conclusion

8.1 The proposed development falls within Permitted Development allowances as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The Lawful Development Certificate should therefore be granted

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE**

for application APP/23/01048

Information for decision notice

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for proposed erection of home office and art studio in rear garden, as described in the written particulars, plans and other documents submitted with your application received on 08 December 2023 and 15 January 2024.

SECOND SCHEDULE:

This certificate relates to land at 29 Havant Road, Hayling Island, PO11 0PT as shown edged red on the submitted Location Plan received 08 December 2023.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision 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 matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.

