

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Whether the development would require planning permission

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The development has been assessed against Schedule 2, Part 1, Class A.

7.4 Under Class A the proposed single storey rear workshop does not meet the following tests:

(J) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would - (iii) have a width greater than half the width of the original dwellinghouse- This property is located within a Conservation Area (Article 2(3) land). Planning history of this property shows the study and two storey element to the North East not to be part of the original dwellinghouse. Therefore the rear workshop would extend beyond the side wall of the original dwellinghouse.

7.5 The materials to be used include metal clad walls and do not match those used on the original dwellinghouse, and this has been confirmed on drawing no 04 'proposed elevations' received on the 04.03.2020.

8 Conclusion

8.1 Under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) it is considered that the proposed workshop falls outside of the Permitted Development criteria and therefore planning permission is required and the certificate of lawfulness will be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/20/00199

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 3rd March 2020 the development described in the First Schedule to this certificate in

respect of land described in the Second Schedule and edged red on the Location Plan Drawing No. 05 received 04 March 2020 would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

The proposed single storey rear workshop is not considered to represent permitted development under the Town and Country Planning (General Permitted Development Order) 2015 (as amended). The development does not meet with the following criteria and is therefore not able to be carried out under permitted development and would require formal planning permission.

Under Schedule 2, Part 1, Class A the workshop to the rear of the property does not meet the following test:

(J) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would - (iii) have a width greater than half the width of the original dwellinghouse- This property is located within a Conservation Area (Article 2(3) land). Planning history of this property shows the study and two storey element to the North East not to be part of the original dwellinghouse. Therefore the rear workshop would extend beyond the side wall of the original dwellinghouse.

The materials to be used include metal clad walls and do not match those used on the original dwellinghouse, and this has been confirmed on drawing no 04 'proposed elevations' received on the 04.03.2020.

It is therefore considered that the workshop would not meet the requirements of Class A as the proposed workshop would have a width larger than that of the original dwellinghouse, would extend beyond a wall forming a side elevation of the original dwellinghouse and would be constructed of materials not matching those present on the existing dwellinghouse, therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal planning permission.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate relating to proposed single storey workshop to the rear of dwelling. as described in the written particulars, plans and other documents submitted with your application received on 03 March 2020.

SECOND SCHEDULE:

This certificate relates to land at Keepers House, Kingscroft Lane, Havant, PO9 3JE as shown edged red on the submitted Location Plan received 03 March 2020.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See www.planningportal.gov.uk/pcs
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.