

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

6 Statutory and Non Statutory Consultations

Not required in relation to this application.

7 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary: No objections/representations received.

8 Planning Considerations

- 8.1 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 be development allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- 8.2 The proposed development is for a detached timber log cabin to be sited immediately adjacent to the rear boundary of the site, as such it falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1- Development within the curtilage of a dwellinghouse, Class E- the 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.

- 8.3 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 M,N,P,A,PA, or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 would be sited 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

- 8.4 E.2- The property is not located within an area of outstanding natural beauty, the broads, a national park or a world heritage site.
- 8.5 E.3- 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.
- 8.6 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.

9 Conclusion

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

10 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/17/00533.

Havant Borough Council, as Local Planning Authority, certifies that on 28th June 2017 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowance as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development:

Detached timber log cabin within the rear garden, as shown on submitted drawings:

- Site location plan (scale 1:1250)- received 15th May 2017
- Block plan (scale: 1:200)- received 15th May 2017
- Amended site plan- received 28th June 2017
- Specification for proposed log cabin- received 15th May 2017
- Photograph showing view from upper floor of rear garden- received 15th May 2017
- Photograph showing view from ground floor of rear garden- received 15th May 2017
- Proposed roof plan- received 28th June 2017
- Proposed elevations plan- received 28th June 2017

SECOND SCHEDULE:

This certificate relates to land at 31 Itchenor Road, Hayling Island, PO11 9SN, as shown edged red on the submitted Location Plan (scale 1:1250) received 15th May 2017.