
Site Address: 6 Coastguard Cottages, Langstone Road, Havant, PO9
1RG
Proposal: Certificate of lawful development for the proposed replacement of existing
welsh slate roof with spanish slate
Application Type: Certificate of Lawfulness
Application No: APP/22/00725 Expiry Date: 02/11/2022
Applicant: Mr Robert Hoy
Agent: Case Officer: Joseph Toole
Ward: St Faiths

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

1 Site Description

6 Coastguard Cottages, Langstone Road, Havant, is a middle terrace property located to the south of Coastguard cottages. The property comprises brickwork and welsh slate roof tiles.

It is located within Langstone Conservation Area.

2 Planning History

No relevant planning history.

3 Proposal

Certificate of lawful development for the proposed replacement of existing welsh slate roof with spanish slate

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Langstone

5 Statutory and Non Statutory Consultations

Conservation Officer

'Whilst a Welsh slate tile is considered to be a superior quality in terms of durability, the two materials are visually similar. Therefore, when viewed on the roof of the property, the Spanish slate would not appear materially different. As such, it is my view that planning permission is not required for the replacement roof tiles'.

Councillor Imogen Payter

No Comment.

Councillor Philip Munday - St Faiths

No Comment.

Councillor T Pike - St Faith's

No Comment.

6 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:

7 Planning Considerations

- 7.1 Section 55 of the Town and Country Planning Act 1990 (as amended) sets out the meaning of "development" and "new development". It states:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act "building operations" includes -

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It continues:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land -

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which -

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

7.2 Whilst considered to be a superior quality in terms of durability, the proposed replacement of existing roof comprising Welsh slate with Spanish slate is not considered to be a material alteration due to the very similar visual appearance of the two roof materials. As a result it is considered that in this particular instance, having regard to the submitted information, the proposed works are not deemed to be development as prescribed by Section 55 of the Town and Country Planning Act 1990 (as amended) and as such planning permission would not be required.

7.3 The Council's Conservation Officer commented on the application raising no objection.

8 Conclusion

8.1 The proposed works are not considered to be development therefore this proposal would not require planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/22/00725

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of lawful development for the proposed replacement of existing Welsh slate roof with Spanish slate as described in the written particulars, plans and other documents submitted with your application received on 25 July 2022.

SECOND SCHEDULE:

This certificate relates to land at 6 Coastguard Cottages, Langstone Road, Havant, PO9 1RG as shown edged red on the submitted Location Plan received 25 July 2022.

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.