
Site Address: 7 Meadowlands, Havant, PO9 2RP
Proposal: Application for certificate of lawfulness relating to construction of 2No. single storey outbuildings consisting of a Snooker Room and Gym.
Application No: APP/21/00322 Expiry Date: 10/05/2021
Applicant: Mr Smith
Agent: Mr Bennett Case Officer: Graham Speller
 Kalotec Limited
Ward: St Faiths
Site Visit Date: 01/07/2021

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

1 Site Description

- 1.1 The site is located at the end of Meadowlands and is occupied by a large detached house in spacious grounds. There is an open air swimming pool to the north east of the dwellinghouse and other outbuildings.

2 Planning History

03/66576/001 - Single storey rear extension to utility room and single storey rear extension to form garden room., PERM,06/03/2003
02/66576/000 - Application to remove two branches from a Horse Chestnut tree (T1) and to remove one branch from a Monterey Cypress (within Group G1) subject to TPO 1780., PERM,22/01/2003
05/66576/002 - Retention of new dormer window on rear elevation., PERM,25/11/2005
APP/11/00134 - 3m wide cycle/pedestrian path from Southleigh Road to Hayling Billy Trail, through school grounds/playing field and over a section of Network Rail land, car park extension and fencing to the cycle/pedestrian path., PERM,10/06/2011
APP/11/01274 - Remove large limb to western aspect, crown clean to include removal of dead and crossing branches of 1No. Pine tree (T3) subject to TPO 1780., PERM,21/12/2011
APP/21/00170 - Construction of new rear extension and enlargement / remodelling of existing building to create additional habitable accommodation including associated car parking., PERM 23/09/2021

3 Proposal

- 3.1 Application for certificate of lawfulness relating to construction of 2No. single storey outbuildings consisting of a Snooker Room and Gym.
- 3.2 The proposal has been amended during the course of its consideration in that the proposed gym outbuilding has been relocated so that none of the building is within 2m of the boundary with a change in floor plan and the eaves/soffit overhang reduced.
- 3.3 The proposed gym would have an external area of approximately 50 sq m (internal area approximately 40 sq m) and the proposed snooker room would have an external area of approximately 53 sq m (internal area of approximately 44 sq m).

4 Policy Considerations

N/A

5 Statutory and Non Statutory Consultations

N/A

6 Community Involvement

N/A

7 Legal Considerations

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

7.2 The development has been assessed against Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 The proposal falls under Schedule 2, Part 1, Class E:

The provision within the curtilage of the dwellinghouse of:

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure

The proposal is for a gym and separate snooker room building incidental to the enjoyment of the dwellinghouse.

Whilst the proposed gym building would also contain a WC and shower, in addition to a changing room, it is considered that these facilities would be ancillary to the leisure use of both the proposed gym and the adjacent existing swimming pool.

In terms of the proposed snooker room, there is a requirement to have sufficient circulation space around a snooker table. The drawings depict a snooker table of similar size to a standard full size snooker table. The internal dimensions of the proposed building are also not dissimilar to the recommended sizes for such a use and allowing for a small seating area.

E.1 Development is not permitted by Class E if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this schedule (changes of use);

Not applicable.

(b) the total area of the ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The development does not exceed this.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The outbuildings would not be located on land forward of a wall forming the principal

elevation of the original dwellinghouse.

(d) The building would have more than a single storey

The outbuildings are single storey.

(e) the height of the building, enclosure or container would exceed -

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse; or

(iii) 3 metres in any other case;

The proposed snooker room outbuilding and gym outbuilding would not be within 2 metres of the boundary of the curtilage of the dwellinghouse and would not exceed 4 metres in height.

(f) the height of the eaves of the building do not exceed 2.5 metres

The eaves do not exceed 2.5 metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building.

The site is not situated within the curtilage of a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

It does not.

8 Conclusion

- 8.1 On the balance of probabilities, the proposed outbuildings would be for a purpose incidental to the enjoyment of the dwellinghouse and as such, is development which is permitted by Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/21/00322

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to construction of 2No. single storey

outbuildings consisting of a Snooker Room and Gym. as described in the written particulars, plans and other documents submitted with your application received on 15 March 2021 as amended on 11 November 2021.

SECOND SCHEDULE:

This certificate relates to land at 7 Meadowlands, Havant, PO9 2RP as shown edged red on the submitted Location Plan received 15 March 2021.

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.