

DELEGATED OFFICER REPORT

APPLICATION REFERENCE: APP/25/00690

APPLICATION TYPE: Certificate of Proposed Lawful Use

PROPOSAL: Certificate of Lawful proposed development for the conversion of garage to ancillary residential accommodation.

SITE ADDRESS: 9 Pook Lane, Havant, PO9 2TH

AGENT DETAILS: Mr. Peter Lutterer

APPLICANT DETAILS: Mrs. Zarah Rudd

CASE OFFICER: Denise Sheath

TARGET DATE FOR DECISION: 27 October 2025

RECOMMENDATION: GRANT A CERTIFICATE OF LAWFUL USE

1 Site Description

9 Pook Lane, Havant, PO9 2TH

2 Planning History

None relevant

3 Proposal

Certificate of Lawful proposed development for the conversion of garage to ancillary residential accommodation.

4 Policy Considerations

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

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 Part 1 Class A.

Under Class A the proposed conversion of the integral garage to provide additional living accommodation meets the following tests:

(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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The conversion of the garage will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)

(c) This application will not result in an alteration to the roof height.

(d) This application will not result in an alteration to the eaves height

(e) (i) The submitted plans show that the garage door is to be replaced by a window, however no part of the window will extend past the principle elevation of the original dwellinghouse.

(ii) The garage fronts a highway however it does not form a side elevation.

(f) (i) This application will not result in any alterations to the rear wall of the existing dwellinghouse.

(ii) This application will not result in an increase in height

(g) This application will not result in any alterations to the rear wall of the existing dwellinghouse.

(h) This application will not result in any alterations to the rear wall of the existing dwellinghouse

(i) This application will not result in an alteration to eaves height.

(j) The application does not affect the side elevation.

(k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse.

(l) the dwellinghouse has not been built under Part 20 of this Schedule (construction of new dwellinghouses)

7.4 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. Because no conditions have restricted the use of the integral garage, its conversion to additional habitable accommodation does not require planning permission.

7.5 The materials to be used are to match those used on the original dwellinghouse

7.6 A3 - The plans submitted demonstrate that the conditions in A3 would be met.

7.7 A search of the planning history has not revealed any 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 regulations as set out in Part 1, Class A 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 Development Manager be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/25/00690

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to the proposed development for the conversion of garage to ancillary residential accommodation. As described in the written particulars, plans and other documents submitted with your application received on 01 September 2025.

SECOND SCHEDULE: This certificate relates to land at 9 Pook Lane, Havant, PO9 2TH as shown edged red on the submitted Location Plan received 01 September 2025.

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.