

DELEGATED OFFICER REPORT

Site Address:	8 Fourth Avenue, Havant, PO9 2QX		
Proposal:	Certificate of Lawfulness Proposed Erection of two outbuildings		
Application Type:	Certificate of Proposed Lawful Development		
Application No:	APP/25/01017	Expiry Date:	05 February 2026
Applicant:	Mr Morrison		
Agent:	Mr Walker	Case Officer:	Denise Sheath
Ward:	St Faiths		

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

1 Site Description

1.1 8 Fourth Avenue, Havant, PO9 2QX

2 Planning History

90/55552/000 – Conservatory to the rear – Permit – 21 November 1990

APP/20/00218 - Removal of the rear conservatory, erection of 2 storey extension. – Permit 16 July 2020

APP/20/01114 - Variation of condition 2 of Planning Permission APP/20/00218 (Removal of the rear conservatory, erection of 2 storey extension) relating to provision of hip ends on roof as opposed to gable ends as approved. – Permit 20 January 2021

APP/24/00372 - Detached 3 bed annex across two floors, one below ground level and one above ground level. – Withdrawn 09 July 2024

APP/24/00849 - Proposed annex with internal garage, pitched roof and dormer windows. – Refuse 27 January 2025

3 Proposal

Certificate of Lawfulness Proposed Erection of two outbuildings.

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, Schedule 2, Class E – buildings etc incidental to the enjoyment of a dwellinghouse.

Permitted development

- 7.4 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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **(N/A)**
 - (b) the total area of 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); **(would not)**
 - (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 **(would not)**;
 - (d) the proposed outbuildings would not have more than a 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 two outbuildings would be within 2m of a boundary, the plans provided show that the maximum height of both the outbuildings would be 2.5 metres therefore according with (e) (ii) above

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building **(not a listed building so therefore accords)**;
- (h) it would include the construction or provision of a verandah, balcony or raised platform **(N/A these are not included)**.
- (i) it relates to a dwelling or a microwave antenna **(N/A)**.
- (j) the capacity of the container would exceed 3,500 litres **(would not be a container so therefore accords)**.; or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new

dwellinghouses) **(the property is not built under Part 20).**

- E.2 In the case of any land within the curtilage of the dwellinghouse which is within—
(a) an area of outstanding natural beauty;
(b) the Broads;
(c) a National Park; or
(d) a World Heritage Site,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres **(Not relevant as not in an area of outstanding natural beauty; the Broads; a National Park; or a World Heritage Site).**

- E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse **(The application site is not situated within Article 2(3) land).**

Other matters

- 7.5 The plans and supporting statement show that the proposed outbuildings are not to be used as an annex, and the proposed room usages are incidental to the main dwelling and subsequently meets the requirements for the building to be incidental to the enjoyment of the a dwellinghouse.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class E 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/25/01017

Havant Borough Council, as Local Planning Authority, certifies that on 11 December 2025 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 within the Location and Block Plan, would have been lawful within the meaning of section 192 of the 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:

Application for Certificate of Lawfulness relating to the proposed erection of two outbuildings.

As described in the written particulars, plans and other documents submitted with your application received on 11 December 2025.

SECOND SCHEDULE:

This certificate relates to land at 8 Fourth Avenue, Havant, PO9 2QX as shown edged red on the submitted Location Plan received 11 December 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.