



Appeal Decision

Site visit made on 9 September 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/L3815/X/19/3225035

62 Street End Lane, Sidlesham PO20 7RG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr John Ayling against the decision of Chichester District Council.
 - The application Ref SI/18//02692/PLD, dated 16 October 2018, was refused by notice dated 19 February 2019.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is described as: All or any development as permitted by Schedule 2 Part 1 Development within the curtilage of a dwelling house of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended now or in the future).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Ayling against Chichester District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed operations are defined with sufficient or precise information to enable a certificate of lawfulness to be granted.

Reasons

4. A certificate of lawfulness was granted¹ by the Council on 16 January 2019 for the use of the site as a single C3 dwellinghouse with ancillary garden land, outbuildings, pedestrian/vehicle access and hardstanding.
5. The appeal application relates to the same parcel of land as the granted certificate. However, the proposal in effect posed a general enquiry as to what might be lawful at the site. Thus, no actual proposals or details were provided to describe the building operations in question.
6. The Government's National Planning Policy Guidance sets out² that an application for a certificate of lawfulness '*needs to describe precisely what is*

¹ Council Ref SI/18/03262/ELD

² Paragraph: 005 Reference ID: 17c-005-20140306 Revision date: 06 03 2014

being applied for...’ and that without ‘sufficient or precise information, a local planning authority may be justified in refusing a certificate.’

7. It continues³ that in *‘the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.’*
8. The appeal application does not contain sufficient or precise information to enable the decision maker to establish the lawfulness of any proposed building operations. The onus is on the appellant to provide any such information, but he has failed to discharge those responsibilities.

Other Matters

9. It would appear the appellant was also attempting to define the extent of the curtilage of the dwellinghouse through the appeal application. However, curtilage is not a use of land; it therefore cannot be specifically defined as such by means of a certificate of lawfulness. The appellant has provided little evidence or any such decisions to persuade me otherwise.

Conclusion

10. For the reasons given above I conclude that the Council’s refusal to grant a certificate of lawful development was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.
11. The appeal is dismissed.

Paul T Hocking

INSPECTOR

³ Paragraph: 006 Reference ID: 17c-006-20140306 Revision date: 06 03 2014