

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 191

PLANNING STATEMENT – Certificate of Lawfulness of an Existing Use for Use

Little Spinney, Blackmill Lane, Norton, West Sussex

Application for a Certificate of Lawfulness of an Existing Use for one dwelling at:
Little Spinney, Blackmill Lane, Norton, West Sussex.

On behalf of:

Prepared by:

Susan Leeson, BSc(hons), M.Phil. (TP)

Associate

June 2020

PLANNING, DESIGN AND ACCESS STATEMENT

*On behalf of: Mr & Mrs Vine
Little Spinney, Blackmill Lane, Norton, West Sussex*

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1.0 Introduction and Background

- 1.1 Neame Sutton Limited, Chartered Town Planners, are instructed by Mr & Mrs Vine "The Applicant" to prepare and submit an application for a Lawful Development Certificate for an Existing use for one residential unit at Little Spinney, Blackmill Lane, Norton, West Sussex which has been used as separate unit of residential accommodation for 4 years or more continuously. The site was previously the poolhouse for the swimming pool of Blackmill Spinney, Blackmill Lane, Norton, West Sussex.
- 1.2 Little Spinney is totally separated from Blackmill Spinney, and the pool is enclosed within Little Spinney. Blackmill Spinney has no access to the pool.
- 1.3 There is a joint access from Blackmill Lane which serves both Blackmill Spinney and Little Spinney, from which, Little Spinney has its own vehicular and pedestrian access.

2.0 Town and Country Planning Act 1990 section 191

- 2.1 This application for a Certificate of Lawful Existing Use or Development (CLEUD) is made under section 191 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- 2.2 Sections 191 of the 1990 Act provides for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying the lawfulness, for planning purposes, of an existing operation on, or use of land, or some activity being carried out in breach of a planning condition.
- 2.3 In this case an application under section 191, the lawfulness, for planning purposes, of existing use of the land.
- 2.4 The application is made on the grounds that the use of these premises began more than 4 years prior to the date of this application and that the use of the premises falls under use class C3 of The Town & Country Planning (Use Classes Order) 1987 (including amendments 2005, 2006 and 2010).
- 2.5 The development should be deemed lawful by virtue of the passage of time and therefore immune from enforcement action.
- 2.6 The onus of proof is on the applicant and will be determined upon the test of "the balance of probability."
- 2.7 The evidence shall be precise and unambiguous to grant a certificate "on the balance of probability."

3.0 The Evidence

- 3.1 Mr & Mrs Vine bought Blackmill Spinney in 1998. When their children left home, the house became too large for their needs and in September 2012 they vacated the house and moved into the converted former swimming pool house to use as their permanent residence.
- 3.2 Blackmill Spinney was rented out and the former swimming pool house became known as Little Spinney.
- 3.3 The Pool house consisted of a shower room and drying and changing area, with kitchen and wood store.
- 3.4 Work began to convert this in March 2012 to a separate residential accommodation for the applicants. The invoices concerning the conversion work is part of the evidence for this Certificate. Little Spinney accommodation consists of 2 bedrooms, a shower and bathroom, kitchen and utility area, lounge/diner, and a dressing area.
- 3.5 Little Spinney is enclosed with a fenced area with mature hedging within which is a swimming pool, garage, boiler house and car port.
- 3.6 Blackmill Spinney was used as Bed and Breakfast until this closed 10th November 2019.
- 3.7 Little Spinney is enclosed within a fenced enclosure, with a separate vehicular entrance off Blackmill Spinney. There is a separate pedestrian entrance with a bell and mailbox.
- 3.8 Within the site is a boiler house, swimming pool, storage shed. There are two oil tanks, one for Blackmill Spinney and one for Little Spinney.
- 3.9 All utilities are separate for Little Spinney, oil, septic tank, phone line, and electricity.
- 3.10 Statutory Declaration of Mr & Mrs Vine.

(i) Little Spinney

The List of Evidence from Invoices during the conversion and utilities

Description	Name	Date
Fuel Invoices	A.R. Vick	25/6/12,& 22/2/13, & 26/6/15
Rayburn	M. A. Paine	23/7/13 & 11/9/15 & 30/12/19
Bathroom equipment	HPS	21/5/2012
Electrical equipment	Kew Electrical	16/04/12
Plumbing equipment	GMS Plumbing	28/3/12
Materials	Covers	1/5/12

Dehumidifier	Beaver Tool hire	18/4/12, & 24/4/12, & 8/5/12
Tool hire	Beaver Tool hire	3/4/12, & 4/4/12, & 18/4/12
Materials	Jewson	29/5/12
Window boarding and architrave	Covers	3/4/12, & 25/5/12
Joist and timber	Jewson	29/5/12
Ironmongery	Dyson King	23/5/12
Telecommunications	B.T.	25/2/13, & 26/1/14, & 25/2/14, & 25/3/14, & 14/10/14, & 15/11/14, & 16/4/15, & 14/8/15, & 14/9/16 & June 2015/66
Paint	Dulux Decorating	8/5/12, & 11/5/12, & 23/5/12
Home Insurance	J. R. Wiseman	13/7/12

(ii) **Other evidence**

1/ **Saunders Foster Home Statutory Declaration of Mr Keith Saunders and Mrs Jane Saunders**

From 2012 to 14th April 2014 Blackmill Spinney was used as a children's foster home.

2/ **Blackmill Spinney Bed & Breakfast 2014-2019**

AA	Hotel and Hospitality Services	8/3/18
Word Pay	Terminal Hire	5/6/14 & 8/10/15
High Speed Training	Catering	15/8/14
Arun District Council	Food Hygiene Intervention	10/9/14
R. T. Spencer	Fire Fighting Appliances	21/6/16
First Data	Merchant Services	27/2/17
Chichester Web	Renewal Directory Listing	28/3/17
Kinex	Landline and Broadband	10/11/17

Statutory Declaration

(iii) The evidence below is a statutory declaration of Mr & Mrs Vine signed and witnessed on 12th June 2020.

Statutory Declaration	Signed and witnessed by Kenny Solicitors	12 th June 2020
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4.0 Summary and Conclusions

The evidence provided by way of documents and plans, including statutory declarations, provides sufficient evidence that on the balance of probability the former swimming pool house has have been used as a separate unit of residential accommodation for in excess of 4 years continuously in accordance with section 191 of the Town and Country Planning Act 1990 as amended, to enable the development to be immune from enforcement action and allow the grant of a Certificate of Lawfulness of an Existing Use.