cunnane
town planning

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Our ref: IM/JCC/CJ/5472/CLU/LPA L18122013

Chief Planning Officer
Arun District Council
Arun Civic Centre
Maltravers Centre
Littlehampton
West Sussex
BN17 5LF

18 December 2013
Planning Portal Ref: PP-03075649

Dear Sir/Madam

2 WYNDHAM ACRES, NORTHFIELDS LANE, ALDINGBOURNE, WEST SUSSEX PO20 3UH

On behalf of our client, Ms K Steer, I enclose an application for a Lawful Development Certificate for an existing use, namely the use of the above property exclusively used by Ms K Steer, who is a non-gypsy person, and her children. The application has been submitted using Planning Portal services online which has been given a reference number PP-03075649.

The application is accompanied by the following documents:

- A completed and signed planning application form;
- A Copy of the Case Officer's report, ref: AL/24/09/CLE; and
- A Statutory Declaration by Ms Steer, dated 12th December 2014

I also enclosed a cheque for £385, made payable to Arun District Council, a receipt for which will be appreciated along with formal acknowledgement of the application.

On 28 January 2003, a Planning Inspector quashed the enforcement notice and granted planning permission for the mobile home and hardstanding. The Inspector imposed the conditions on the permission restricting the number of mobile homes on the site to one and restricting the occupation of the mobile home to Mr Smith, his wife (Ms K Steer) and dependants for so long as he remains a Gypsy. In August 2004, Mr Smith split with his wife, and the agreement was reached that both live on the same site due to existence of three children. Since 2004, Ms Steer lives at 2 Wyndham Acres with two children whilst Mr Smith lived in a converted stable know as "The Old Barn" with his eldest son until 2013 when his son moved to his own pitch in Church Lane.

In 2009, as requested by the Council's Officer, an application for a certificate of lawful use for an existing use – conversion of stables to a dwelling - was granted, under ref: AL/24/09/CLE. From the evidence submitted as part of the application, the Case Officer's accepted in his report that,

Cunnane Town Planning is the trading name of
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ARUN DISTRICT COUNCIL AL/98/13/CLE

"The applicant/former partner and agents statements indicate that the applicant was in a long term relationship which broke up in 2004. It further indicates that agreement was reached that they live on the same site due to existence of three children. The former partner lived at 2 Wyndham Acres with two children whilst one child could live with the applicant at the Old Barn."

Since 2004, Ms Steer lived at the above property with two children whilst Mr Smith lives in a converted stable know as "The Old Barn". Ms K Steer is a non-Gypsy by birth. She was born and grew up in a brick and mortar house in West Sussex. Although she was married to a Gypsy person, Mr Edward Smith, she never had a Gypsy status or never called herself as a Gypsy. Please see the attached a copy of statutory declaration by Ms Steer confirming her non-gypsy status, dated 12th December 2013.

In summary, there has been a breach of planning condition for over 10 years which was imposed by a Planning Inspector. Since 2004, the existing approved mobile home has been used as a dwelling house by a non-gypsy person, Ms Steer with 2 of her children. In planning terms, the lawfulness of an existing use as a single dwelling house would be justified if the use began more than 4 years before the date of the application. In this case, the use as a dwelling house has now become immune from the enforcement action as the use has begun well over 4 years; thus a certificate of lawfulness is justified.

I trust you will agree that there is sufficient evidence in support of this application but if you have a query regarding any of the enclosures, or if you require any additional information, then please do not hesitate to contact me. Also, please let me know when you wish to visit the site and we will arrange access to suit your convenience. I enclose a cheque for what I understand is the application fee of £385.00 in this case and will be pleased to receive your receipt along with formal acknowledgement of the application.

Yours faithfully

[redacted]

Iftikhar Maniar
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cc: Ms K Steer

Encs.