CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: A/106/08/CLP

LOCATION: Meadowbank
Arundel Road
Angmering

PROPOSAL: Application for a Lawful Development Certificate for a Proposed Use or Development, for the use of a single dwelling as a childrens home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal has been submitted to determine whether the use of the single dwelling as a childrens' home constitutes permitted development under the relevant legislation.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat. Slightly lower than level of road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front 1m high timber fencing. Rear 1.8m closeboarded fence. 2m high fencing to south.
SITE CHARACTERISTICS	Detached 2-storey property. Brick walls, plain clay tile roof.
CHARACTER OF LOCALITY	Predominantly rural. Some dwellings of varying design. Garage on corner of road fronting A27.

RELEVANT SITE HISTORY

A/219/86	Change of use to residential home for the elderly (rest home)	Withdrawn 11-02-1987
A/54/98/	First floor extension to provide new bedroom (over existing ground floor extension)	Approve Cond 09-07-1998
A/140/77	Extension	Approve Cond 07-09-1977
A/37/73	Addition of kitchen and study	Approve Cond 13-03-1973

REPRESENTATIONS

Representations received:

Angmering Parish Council

None

Comments on Representations received:

None

CONSULTATIONS

Planning Solicitor- Delwyn Jones

Consultations responses received:

Planning Solicitor -
Recommend CLP is granted. Evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.

Comments on Consultation responses:

Comments noted

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-
If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

1. Assessment

S191 TCPA 1990 and Circular 10/97 Annex 8

(1) Sufficiency of evidence para 8.12 - 8.22.

The evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous.

Para. 8.15 and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity. S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

I have read only the letter dated 21 August in detail. The case law seems useful guidance but with a CLP we are looking at future events and judging as best we can.

The principles and key facts are:-

1. C3 UCO 1987 states that a C3 dwelling accommodates one family or a group of up to 6 people living as one family.

2. In this case we are told that a maximum of 6 people will be accommodated i.e. 3 children and 3 adult carers.

3. The word is "maximum" so it could be less.

4. The general picture presented in the letter is of a C3 use.

5. The cases help to support this though the letter must be the key to what they intend to do.

6. If the facts of actual use do not correspond then we can deal with it then and only then.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

It is considered that the proposed use of the premises as a childrens' home for 3 permanent residents and 3 rotation care assistants would fall within Class C3 of the Use Classes Order 1987.

It is recommended that the Certificate of Lawfulness for a proposed use or development be approved.

RECOMMENDATION

PLANNING PERMISION NOT REQUIRED

1 The Arun District Council hereby certify that on the 20-10-2006 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and described as single dwelling house as childrens home for 3 permanent residents and rotation of carers and shown in submitted plans and supporting evidence dated 21-08-2008 and forming part of the application, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason : the proposed use would fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987.

2 The development concerned is for use of the property as a childrens home for 3 residents and their carers as detailed in the information submitted with the application.

3 6 bedroom house and garden with accomodation described and used by no more than 3 resident children with 3 carers at any one time.

4 Meadowbank, Arundel Road, Angmering