

FROM:

Delwyn Jones
Planning Solicitor
Resources Department

TO:

J Singh
Planning Officer
Dated 8 October 2010

REF:A/116/10CLE CONSULTATION

ADDRESS : OLD STABLES BROOK LANE RUSTINGTON

NATURE OF USE : CHANGE OF USE STABLES TO C3 DWELLING

1.ACKNOWLEDGEMENT AND TERMS OF ADVICE

Thanks for your recent consultation memo now returned together with your file on which alone plus the authorities cited this is based.

2.GENERAL RECOMMENDATION

I recommend you grant for reasons that follow subject to your finding any contradictory evidence.

I rely on you to tell me of any evidence indicating otherwise.

3.DETAILS AND TESTS UNDER SS 191 TCPA 1990 AND CIRCULAR 10/97 ANNEX 8

(1) Time: SS171 (1)-(3) and S191 TCPA 1990

The application is for material change of use to a single dwelling so the time limit is 4 years under the above .

The time period is ie 19 August 2006 - 19 August 2010 4 years to date of the application.

The evidence does satisfy this test.

I have at this date seen no contradictory evidence of this position. I explain why below.

(2) 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.

The uncontradicted evidence consists of statements by the occupier J Reid ,J Light his son in law supported by letters from J Reids ex wife Nora builders who built the conversion friends and neighbours and letters photos and plans

I have seen no Electoral Roll Postal or Council tax details but suggest you check these

The Inspectors Decision letter dated 2 July 2008 by Inspector Ammoun in relation to Forschinis Nursery is influential [attached] ie a family can live in separate dwellings when circumstances so arise ie family breakdown

Your site visit should give you an impression of the age of the building and the conversion

Nothing in the planning history attached on face of it contradicts the claim of the applicant

No	Item	Comments
1	J Reid moved in to converted stables 6 years ago 2004 on marriage breakdown	Clear and precise Plan shows edged red
2	Colin Nickelson conversion of existing building to 2 bedrooms bathroom hall living room dining area in 2004	Precise if brief consistent
3	J Light corroborates claims	Precise as to date and use since 2004
4	Krall Johnstone Pettett P&K Services Bath Reid Camoccio Hart Kirk Southern Horseboxes Interior and exterior photos	These are short but detailed statements letters or invoices from neighbours friends business acquaintances and other visitors They generally help to confirm the claim

4.FURTHER EVIDENCE

I rely on you to show me any fresh evidence which may alter the tenor of this advice .

5.TERMS

1. grant
2. identify precise land boundaries on plan for extent of use.
3. describe accommodation ie number of rooms etc and a plan ref exhibit 2 of statement by J Reid
4. describe any car parks or other curtilage uses/space

ref/lgdr/lprec/pl/cleudetcmmodelmem

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