

FROM:

Delwyn Jones Planning Solicitor
Resources Department
Tel Ext 377737
Dated Friday 28/2/14

TO:

Anita Gardner Planning Officer

REF:A/15/14 CLE CONSULTATION

ADDRESS : ALLEYCATS NURSERY DAPPERS LANE ANGMERING

NATURE OF USE : MOBILE HOME SITED ON NURSERY LAND

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 so the time limit is 10 years under the above .

The time period is 28/1/04 and 28/1/14 ie 10 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 evidence consists of the following which I analyse below :-

No	Items of Evidence	Comments
1	Application form 1 bedroom mobile home sited 30/11/101 under temporary planning permission ref A/52/98 which expired on 30/11/01 without caravan being removed	Probative
2	Planning Permission ref A/52/98 condition 1	Probative
3	Tenancy Perella and Hill Smith 23/3/01 One year assured shorthold	Probative –shows tenanted occupation of caravan
4	Housing Benefit letter to Hill Smith 2009 addressed to The mobile Home	Probative Suggests he stayed on from 2001
5	Undated electoral roll letter to Hill Smith	Probative refers to mobile home
6	School employers letters dated 21 May 2004 27 May 2004 , and Employment Contract 11 October 2004	Probative refers to address
7	Wage slip P60 2003/2004	Probative refers to address
8	Council Tax Demand 07/08	Probative-refers to Perella and addressed to caravan at The Acre
9	Benefit Decision Notice September 2013	Probative address of caravan stated

I have seen no contradictory evidence. The above ,on balance of probability ,proves the caravan/mobile home has been on site since 2001 as the applicant claims.

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
4. limit persons in occupation
5. define any curtilage
6. describe any car parks or other curtilage uses/space

ref/lgdr/lprec/pl/cleudetcmodelmem

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