

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: A/178/19/CLE

LOCATION: Green Chapeau
1 Mayflower Way
Angmering
BN16 4AY

PROPOSAL: Application for Certificate of Lawfulness for an Existing Use - Garden building for storage, office and recreation.

DESCRIPTION OF APPLICATION

The application seeks a Certificate of Lawfulness for an existing outbuilding. Evidence has been submitted to suggest it was substantially completed on site on the 2nd of December 2015. The application seeks to clarify the lawful position of the outbuilding.

SITE AND SURROUNDINGS

The site is host to a residential dwelling, although the area is of a mixed character.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations Received:

Angmering Parish Council
None.

Comments on Representations Received:

None.

CONSULTATIONS

Consultations Responses Received:

N/A.

Comments on Consultation Responses:

None.

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 or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

PRINCIPLE

Section 191 to 195 Town & Country Planning Act 1990 and NPPG guidance on LDC's have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

- (i) What is judged on a balance of probability;
- (ii) The onus of proof is on the applicant (and not the LPA) to adduce the evidence; and
- (iii) The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.

Section S171(1)-(3) and S191 TCPA 1990. The applications relates to operations to a single dwelling and as such the time limit is 4 years or that the works benefitted from planning consent or comply with the limitations of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

CONCLUSION

The submitted builders letter/invoice detailing the delivery of the of the outbuilding on the 10th of November 2015 is sufficient to demonstrate that in all probability the development was completed on the 2nd of December 2015.

This application was made on the 22nd of December 2019. Section 191(4) of the Town and Country Planning Act 1990 is clear that evidence provided must show that the works were lawful at the time of application, or else the application must be refused. Therefore, the proposal is considered to be in accordance with the relevant criteria within the Town and Country Planning Act 1990.

RECOMMENDATION**APPROVE**

The use described in the First Schedule to this certificate in respect of the land specified in the Second

Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the date specified above, the outbuilding has been in place for a continuous period of 4 years.

FIRST SCHEDULE

Outbuilding, for storage, use as a home office and recreation

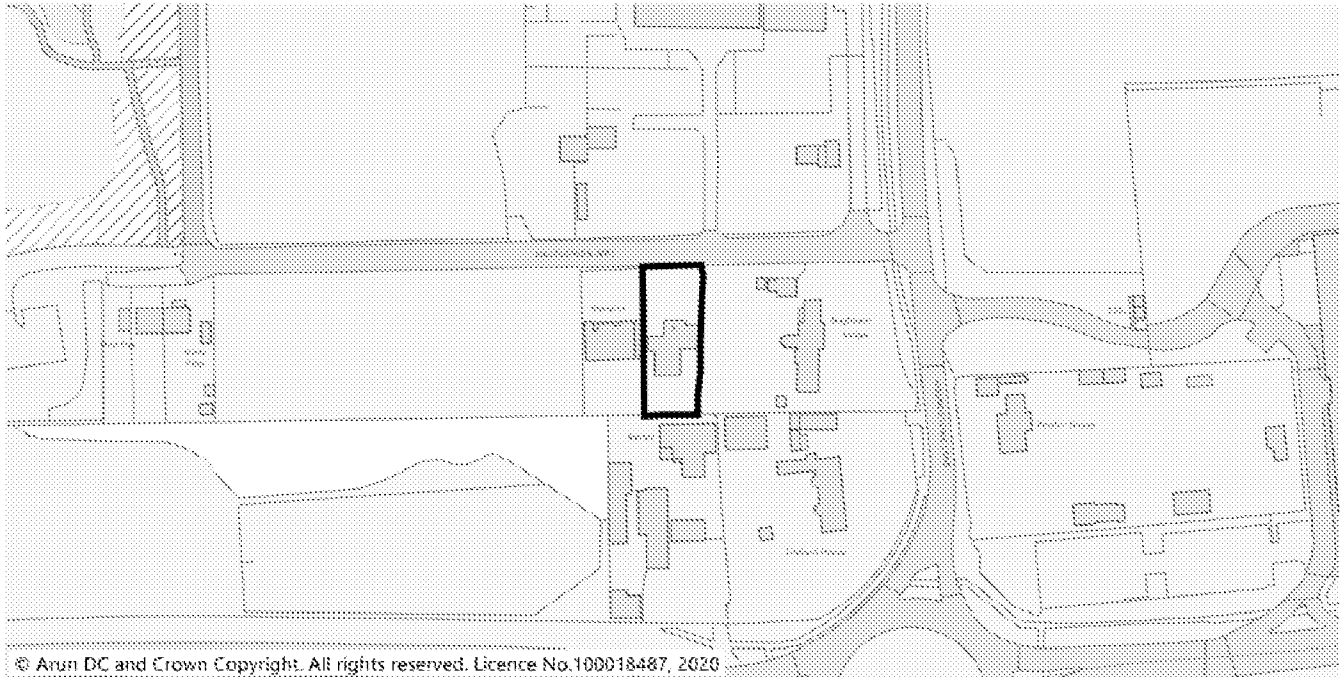
SECOND SCHEDULE

Green Chapeau, 1 Mayflower Way, Angmering, West Sussex, BN16 4AY.

EXTENT OF USE

Outbuilding, for storage, use as a home office and recreation

A/178/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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